Staff Report
Site Plan Review, Willamette River Greenway Review, and Floodplain Development Review

Files: SP-19-20, WG-02-20, and FP-04-20

January 25, 2021

Summary
The proposal is an application for Site Plan Review to develop “The Banks,” a 120-unit multi-family residential complex with clubhouse and associated site improvements, such as utilities, stormwater drainage, parking, landscaping, and other amenities. Concurrent with Site Plan Review, are applications for Floodplain Development Review and Willamette River Greenway Review.

The project is planned to include the following improvements:

- 36 one-bedroom walk-up living units
- 84 two- and three-bedroom walk-up living units
- A ±3,356-square-foot clubhouse
- 218 parking spaces
- ±47,427 square feet of common space
- Multiuse path improvements along the Willamette River

The site is ±6.32 acres in size, and it is located at 595 Geary Street NE in Albany. The site is zoned Residential Medium Density (RM), and the Comprehensive Plan land use map designation for the site is Medium Density Residential. A location and zoning map are included as Attachments A.1 and A.2. The northern boundary of the property is the Willamette River. As shown on Attachment A.3, the site is within the Willamette River Greenway Overlay District. Portions of the site are in the Floodplain Development Overlay district, which is the Special Flood Hazard Area (a.k.a. 100-year floodplain). The floodplain and floodway boundaries are shown on the floodplain map and the applicant’s civil plan set (Attachments A.4, G.65 and G.70).

Background: The applicant received approval for a similar site configuration in 2019 but discovered that certain elements of that plan were not viable. In 2020, the applicant submitted a modification of the 2019 plan; however, the Planning Commission found that the extent of the changes were not eligible for review under the modification criteria. Consequently, the applicant is submitting the modified plan with a new application for Site Plan Review, concurrent with Floodplain Development Review and Willamette River Greenway Review. The applicant has provided a summary table of the improvements included in this application compared to those approved under file SP-01-19.
Site Plan Improvement Comparison

<table>
<thead>
<tr>
<th>Site Characteristic</th>
<th>Approved Site Plan SP-01-19</th>
<th>Current Site Plan</th>
<th>Net Change</th>
<th>Code Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units</td>
<td>105</td>
<td>120</td>
<td>+15</td>
<td>158 (max.)</td>
</tr>
<tr>
<td>Density</td>
<td>17 Units/Acre</td>
<td>19 Units/Acre</td>
<td>+2 Units/Acre</td>
<td>25 Units/Acre (max.)</td>
</tr>
<tr>
<td>Building Height</td>
<td>39’</td>
<td>36’ 2’&quot;</td>
<td>-2’ 8’&quot;</td>
<td>45’ (max.)</td>
</tr>
<tr>
<td>Parking</td>
<td>217 spaces</td>
<td>218 spaces</td>
<td>+1 space</td>
<td>209 spaces (minimum)</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>44,772 SF</td>
<td>47,427 SF</td>
<td>+2,655 SF</td>
<td>30,548 SF (min.)</td>
</tr>
<tr>
<td>Lot Coverage of Building Pads</td>
<td>16.2%</td>
<td>16.5%</td>
<td>+0.3%</td>
<td>70% maximum (buildings and pavement)</td>
</tr>
<tr>
<td>Lot Coverage of Parking &amp; Driveways</td>
<td>28.4%</td>
<td>27%</td>
<td>-1.4%</td>
<td>70% maximum (buildings and pavement)</td>
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<tr>
<td>Total Lot Coverage</td>
<td>44.6%</td>
<td>43.5%</td>
<td>-1.1%</td>
<td>70% (maximum)</td>
</tr>
</tbody>
</table>

The following criteria are addressed in this report: Site Plan Review criteria contained in Albany Development Code (ADC) 2.450, the Multi-Family Residential Design Standards under ADC 8.200-8.305, Willamette River Greenway criteria (ADC 6.540), and the Floodplain Development Review criteria (ADC 6.100, 6.110 and 6.111). These criteria must be satisfied to grant approval for this application. The Tree Felling criteria (ADC 9.208) are also addressed in this report; however, these criteria are not applicable because they do not meet the “clear and objective” criteria for needed housing per State law.

Application Information


Review Body: Staff (Type II review)

Report Prepared By: Melissa Anderson, senior planner

Property Owner/Applicant: Willamette River View Holdings, LLC
3545 Deerfield Drive South, Salem, OR 97302

Applicant’s Representative: Zach Pelz, AKS Engineering & Forestry, LLC
3700 River Road N, Suite 1, Keizer, OR 97303

Address/Location: 595 Geary Street NE; 1905, 1925, 1935, and 2275 Linn Avenue NE; and 533 Alco Street NE

Map/Tax Lot: Linn County Assessor’s Map No. 11S-03W-05BD; Tax Lot 300

Zoning District(s): Residential Medium Density (RM), Willamette River Greenway Overlay and Floodplain Overlay

Comprehensive Plan Designation: Residential - Medium Density

Total Land Area: ±6.32 acres

Existing Land Use: Vacant

Neighborhood: Willamette
Surrounding Zoning:  
North: N/A  
South: Residential Single Family (RS-5)  
East: Open Space (OS) and RM  
West: OS

Surrounding Uses:  
North: Willamette River  
South: Single-family homes  
East: OS/public park  
West: Public park

Prior History:  
CU-09-78: Conditional use permit to allow construction of a warehouse and office within the Greenway.  
SP-01-79: Site Plan Review to construct warehouse and office.  
CU-06-83: Willamette Greenway use permit for Permawood to operate a roof tile manufacturing plant with concurrent variance to the Willamette Greenway height and setback requirements.  
SP-33-87: Fill permit for an estimated 6,000 cubic yards of fill resulting in an average depth of fill of three feet. The purpose is to bring that portion of the site, which was approved for a future building expansion by conditional use permit, file CU-06-83 up to floodplain level.  
SP-51-87: American Cemwood Corp. application for Site Plan Review to construct a 60 ft x 175 ft (10,500 sq. ft.) industrial building in compliance with a prior Willamette Greenway Use Permit approval (CU-06-83).  
CP-01-02 & ZC-01-02: Package of Text and Map Amendments relating to Goal 9 & 10, Periodic Review Task, Legislative Amendment. Adopted under Ordinance 5555 (file ZC-01-02) for the rezone and Ordinance 5543 (file CP-01-02).  
RL-07-13: Replat is to consolidate existing lots into one parcel.  
FP-07-13: Floodplain Development Permit for site grading, fill, and excavation.  
RL-11-18: Replat is to consolidate multiple lots into one parcel.  
SP-10-20 and FP-01-20: Modification to a previously approved Site Plan Review with Floodplain Review.

Notice of Filing
Notices were mailed to surrounding property owners within 1,000 feet of the subject property on November 19, 2020. At the time the comment period ended on December 3, 2020, the Albany Planning Division had received five written comments. Those comment letters are included as Attachments H through L. In response to these written comments, the applicant provided statements addressing the issues raised in those letters (Attachments M and N). Public comments are addressed under the corresponding review criteria in this report.

Tentative Notice of Decision
The application referenced above was Approved with Conditions by staff as described in this staff report. On January 11, 2021, the Tentative Notice of Decision was mailed to the applicant and any party who provided
written comments on the proposal. Within 10 days of mailing the notification, the Community Development Department received a written request for a public hearing, in accordance with ADC 1.350(3). The letter of request for a public hearing is included as Attachment O.

**Notice of Public Hearing**

A notice of public hearing for this application was mailed on January 11, 2021, to owners of property located within 1,000 feet of the subject property. On January 21, 2021, the property was also posted with a public hearing notice sign, no less than seven days before the hearing, in accordance with ADC 1.410. As of January 25, 2021, seven written comments were received by the Community Development Department. These are included as Attachments P - V.

**Analysis of Development Code Criteria**

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

**Site Plan Review Criteria (ADC 2.450)**

**Criterion 1**

Public utilities can accommodate the proposed development.

**Findings of Fact**

**Sanitary Sewer**

1.1 City utility maps show a 105-year-old, 14-inch vitrified clay pipe sanitary sewer main in Geary Street and a 42-inch public interceptor main running through the northern half of the site. The interceptor main is covered by a 30-foot-wide easement centered on the main. No structures (including retaining walls) are allowed within 15 feet on either side of this public sewer main.

1.2 Albany Development Code (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.

1.3 Albany Municipal Code (AMC) 10.01.010(1) states the objective of the AMC requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

1.4 AMC 10.01.120 (1) states no unauthorized person is allowed to make connection to any public sewer or appurtenance without first obtaining an encroachment permit. Before making a connection to or working on public sanitary sewers the applicant must obtain an encroachment permit from the City’s Public Works Department. Connection details must adhere to City standards and be approved by the City Engineer.

**Water**

1.5 City utility maps show an 8-inch public water main in Linn Avenue, a 6-inch main in Chicago Street, and a 2-inch line in Alco Street adjacent to the southeast corner of the subject property. There is a 6-inch main in Geary Street approximately 220 feet south of the subject property.

1.6 The section of 8-inch water main that lies within Linn Avenue and Alco Street (south of Linn Avenue) is fed through no less than 650 feet of 70-year-old 6-inch cast iron pipe. This 6-inch piping is connected to 10-inch piping in Water Avenue. The 6-inch main in Geary Street is connected to an 8-inch main in Front Avenue, approximately 500 feet south of the subject property.
1.7 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.

1.8 AMC 11.01.100(1) states that in order to be eligible to receive public water service, public mains of sufficient size to provide adequate service (domestic, commercial, industrial, and/or fire) to the applicant without detriment to existing customers, must be in place adjacent to all property frontages or as specified by the City Engineer.

1.9 AMC 11.01.120(2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria and in accordance with the City’s water facility plan. All public water system improvements to be built under a private contract require the developer obtain a permit for private construction of public improvements.

1.10 AMC 11.01.120(2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.

1.11 AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.

1.12 The City has the sole authority to make discretionary determinations required by this code. Such discretionary determinations are required where the code calls for approvals, determinations, reasonableness, authorization, standards (or reductions thereof), judgments, estimates, requirements, sufficiency, options, impacts upon the water system and/or customers thereof, and similar words or phrases. In each case where such words or phrases are stated or implied, they will be understood to mean “subject to the approval or determination of the City” (AMC 11.01.300).

1.13 The applicant is proposing to construct an 8-inch public water main in Geary Street from Willamette Avenue to the Geary Street entrance to the project. This public main will be connected to the existing main in Geary Street. This has been deemed adequate for domestic service to the project. If it is determined by the Building Department and/or Fire Department that the proposed public water main extension will not provide adequate fire flows to the site, then the applicant must propose an alternative plan that provides the required fire flows.

1.14 The internal water system on the site will be private and separated from the public system by a meter(s) and backflow prevention device(s).

**Storm Drainage**

1.15 City utility maps show an 18-inch public storm drainage main in Geary Street along the subject property’s frontage. The main discharges stormwater runoff to the Willamette River near the subject property’s northwest corner.

1.16 It is the property owner’s responsibility to ensure any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the building division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany’s engineering division.

1.17 ADC 12.530 states 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.
1.18 AMC 12.45.030 and 12.45.040 require a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development, where more than 8,100 square feet of impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).

1.19 AMC 12.45.080 states applicants for a post-construction stormwater quality permit shall submit, as a part of their permit application, a post-construction stormwater quality plan. Each plan shall comply with the minimum standards outlined in the engineering standards, construction standards, and the provisions of this chapter. Each post-construction stormwater quality plan shall be reviewed, approved, and stamped by a professional licensed in Oregon as a civil or environmental engineer or landscape architect. (Ord. 5841 § 3, 2014).

1.20 The applicant is proposing to treat stormwater runoff by routing all runoff through a stormwater quality vault. The proposal to use a mechanical system to treat stormwater runoff is acceptable, but the specific type of treatment device will be reviewed in conjunction with the required post-construction stormwater quality permit.

1.21 AMC 12.45.130 states private stormwater facilities operation and maintenance agreements are required for all private post-construction stormwater quality facilities that require a permit under this chapter. Also, these private stormwater facilities operations and maintenance agreements shall be recorded at the applicable County Recorder’s Office and shall run with the land.

Fire Safety
1.22 New development must meet fire safety standards for access and water supply, in accordance with the 2014 Oregon Fire Code (OFC), to ensure public safety standards are met. The Fire Department has reviewed the plans and found the proposal can feasibly meet fire safety standards (Attachment B). At the time of site improvement and building permits, the Fire Department reviews the plans again to ensure specific fire safety standards are met.

Conclusions
1.1 Public sanitary sewer is available and adequate to serve the proposed development. A 30-foot-wide easement exists over the 42-inch interceptor main that runs through the site. No structures (including retaining walls) are allowed within 15 feet on either side of the sewer main.

1.2 In order to provide domestic service to the proposed development, the applicant must extend a minimum 8-inch public water main in Geary Street from the existing main in Willamette Avenue to the project’s entrance on Geary Street.

1.3 Public storm drainage facilities are available and adequate to serve the proposed development. On-site stormwater runoff must be collected within the property and directed through approved stormwater quality facilities according to the City’s engineering standards. A post-construction stormwater quality permit is required, and a private stormwater facilities operation and maintenance agreement must be signed and recorded with the County. Details pertaining to specific types of stormwater quality treatment methods are reviewed in conjunction with the required post-construction stormwater quality permit.

1.4 The Fire Department has reviewed the plans and found the proposal can feasibly meet fire safety standards. At the time of site improvement and building permits, the final plans will be reviewed again to ensure the standards of the Oregon Fire Code are met.

1.5 This criterion is met with the following conditions of approval.

Conditions of Approval
Condition 1 Before the City will provide an occupancy permit for the proposed development, the applicant must construct a minimum 8-inch public water main in Geary Street from the main in
Condition 2  Before the City will provide an occupancy permit for the proposed development, the applicant must obtain a post-construction stormwater quality permit, construct the necessary stormwater quality facilities, and record a private stormwater facilities operation and maintenance agreement with the County.

Condition 3  The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will sign the final plat or approve occupancy of the project when the improvements are made, or when the improvement assurance is provided, and all other conditions of approval are met.

Condition 4  Prior to issuance of building permits, the applicant shall submit final plans for review and approval by the Albany Fire Department to ensure standards of the Oregon Fire Code are met.

Criterion 2  
The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Findings of Fact
2.1  Section 12.45.030 of the Albany Municipal Code states a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development.

2.2  The applicant submitted a storm drainage plan that includes stormwater quality facilities for this development proposal. The Public Works Department reviewed the plans, determined they are feasible, and details can be addressed at the time of post-construction stormwater quality permit.

Conclusions
2.1  The new development must provide stormwater quality facilities consistent with Title 12 of the Albany Municipal Code and the City’s Engineering Standards.

2.2  This criterion is satisfied with Condition 2, which is listed under Site Plan Review Criterion 1, above.

Criterion 3  
The transportation system can safely and adequately accommodate the proposed development.

Findings of Fact
3.1  The project is located on the east side of Geary Street on the south bank of the Willamette River. The project will construct a 120-unit apartment complex. In addition to Geary Street, the site also has frontage on Chicago Street, Linn Avenue, and Alco Street.

3.2  ADC 12.060 requires all streets within and adjacent to new development be improved to City standards.

3.3  ADC 12.290 requires new development to install public sidewalk improvements on all public streets within and adjacent to the development.

3.4  Geary Street is classified as a minor collector and is improved to City standards along the frontage of
the development site. Improvements include a curb, gutter, and sidewalk; a vehicle travel lane in each direction; and on street bike lanes. The street improvements are offset to the east in the existing 60-foot public right-of-way, and a portion of the sidewalk about 90 feet in length along the east side of the street at the southwest corner of this site is outside of the right-of-way on private property.

3.5 Chicago Street is classified as a local street and is not improved to City standards. The road lacks curb, gutter, and sidewalk. The right-of-way width is 60 feet, and the pavement width is approximately 20 feet.

3.6 Linn Avenue is classified as a local street and is not improved to City standards. The road lacks sidewalk. The right-of-way width is 66 feet, and the curb-to-curb width is 42 feet.

3.7 Alco Street right-of-way exists along a portion of the site’s east boundary. The right-of-way width is 30 feet and extends from Linn Avenue north about 275 feet. The first 100 feet north of Linn Avenue is improved as a 5-space parking lot for the adjoining Eads Park. The remaining right-of-way to the north is unimproved. Albany’s Transportation System Plan (TSP) does not identify a need to extend Alco Street north of Linn Avenue as a public street.

3.8 Albany’s TSP includes a project located on this site. TSP project M4 calls for the construction of a concrete multiuse path along the south side of the Willamette River that connects to Bowman Park. The improvements are included in the City’s system development charge methodology and construction costs are eligible for TSDDCi credit. The path is also included in the Park Master Plan and eligible for Parks SDC credit.

3.9 The TSP also includes a long-term project (I38) at the off-site intersection of Salem Avenue and Geary Street that calls for construction of a traffic signal at the intersection in the event a crash-based safety warrant was ever met. The TSP did not project that the intersection would meet any of the volume-based traffic signal warrants within the TSP’s horizon year. The TSP assumed a signal cost significantly higher that other planned signals because of the proximity of active rail lines to the intersection and the need for coordination and approvals from ODOT Rail and the railroads.

3.10 The applicant submitted a Traffic Impact Analysis (TIA). The study was performed by DKS Associates and is dated October 2018. DKS also submitted a trip generation comparison dated October 4, 2018, and a TIA amendment dated February 2019 that added a traffic signal warrant analysis for the intersection of Salem Avenue and Geary Street. The development was estimated to generate 33 trips during the AM peak traffic hour, and 43 trips during the PM peak traffic hour.

3.11 The application also includes a trip generation analysis from DKS dated January 21, 2020. In that analysis, DKS notes the October TIA assumed a 100-unit development consisting of low-rise apartments. The type of units actually proposed with the current application have lower per-unit trip rates than the low-rise apartment use assumed in the TIA. The currently proposed project will generate seven fewer AM peak hour trips, and six fewer PM peak hour trips that was assumed by the TIA. For that reason, the analysis and recommendations of the TIA remain valid for the current application.

3.12 The DKS TIA analyzed the operation of the street system at year 2019, and at year 2024 (build-out + 5 years). Albany’s intersection performance standards are: LOS D for traffic signals, roundabouts, and all way stops; a volume to capacity (v/c) ratio of 0.85 for the worst-case movement at two-way stop-controlled intersections and driveway approaches to a public street. The operational analysis in the TIA was based on an earlier version of the site plan and assumes higher site trip generation for both the AM and PM peak traffic hours that will occur with the current proposal. For that reason, the results of the analysis are conservative and paint a worst-case scenario of project impacts.

3.13 The DKS TIA analyzed the operation of the street system at year 2019 and at year 2024 (build-out + 5 years). Albany’s intersection performance standards are: LOS D for traffic signals, roundabouts, and all way stops; a volume to capacity (v/c) ratio of 0.85 for the worst-case movement at two-way stop-controlled intersections and driveway approaches to a public street. The operational analysis in the TIA was based on an earlier version of the site plan and assumes higher site trip generation for
3.14 The TIA evaluated the performance of the following intersections:

- **Salem Avenue at Geary Street:** This intersection is a two-way stop-controlled intersection with stop control on the Geary Street approaches. At year 2019 the worst-case movement (a southbound left turn) was projected to have a v/c ratio of 0.62 during the AM peak hour, and 0.6 during the PM peak hour. In year 2024 the v/c for the worst-case movement would be 0.80 in the AM peak hour and 0.87 in the PM peak hour. The intersection will meet City operational standards at project completion during both the AM and PM peak hour. At year 2024 increases in background traffic will result in the v/c for the worst-case movement slightly exceeding the city’s performance standard during the PM peak hour.

- **Geary Street at west site driveway:** This is a two-way stop-controlled intersection. At year 2019 and 2024 the worst-case movement was projected to have a v/c ratio of 0.04 during the AM peak hour, and 0.02 during the PM peak hour. The intersection will meet City operational standards and can accommodate the development with no mitigation.

- **Alco Street at east site driveway:** The currently proposed site plan does not propose making a connection to Alco Street.

3.15 The TIA also included a traffic signal warrant and safety analysis for the Salem Avenue/Geary Street intersection. That analysis found:

> “As shown in Table 4, there were 23 crashes over the 5-year period at the intersection of SE Salem Avenue/SE Geary Street. The majority of the crashes are angle crashes, and more than half of all crashes resulted in injury. There were no fatalities at this intersection.

> Previous studies have indicated that this intersection has historically been close to meeting warrants for installation of a traffic signal based on crash history. There are three criteria that must be met as part of Warrant 7 per the Manual on Uniform Traffic Control Devices, Section 4C.08.02.

A. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash history; and

B. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period, each crash involving personal injury or property damage apparently exceeding the applicable requirements for a reportable crash; and

C. For each of any 8 hours of an average day, the vehicles per hour (vph) given in both of the 80 percent columns of Condition A in Table 4C-1 (see Section 4C.02), or the vph in both of the 80 percent columns of Condition B in Table 4C-1 exists on the major-street and the higher-volume minor-street approach, respectively, to the intersection, or the volume of pedestrian traffic is not less than 80 percent of the requirements specified in the Pedestrian Volume Warrant. These major-street and minor-street volumes shall be for the same 8 hours. On the minor street, the higher volume shall not be required to be on the same approach during each of the 8 hours.

Based on information from City staff, it is assumed that Criteria A has been met. Criteria B is also met as eight crashes occurred in 2015. However, traffic volumes at the study intersection do not meet Criteria C. As such, the intersection does not meet Warrant 7 for the installation of a traffic signal.”

3.16 Active rail lines exist on both Salem Avenue and Geary Street in close proximity to the Salem/Geary intersection. Because of the presence of those rail lines, any modification or improvement to the intersection would require issuance of a new crossing order by ODOT Rail. The crossing order application would be reviewed by ODOT Rail and three different railroads.

3.17 The existing local streets to the south and east of the site are not improved to a consistent standard. All lack public sidewalk, many lack curb and gutter, and some have extremely narrow pavement and right-of-way widths. Pavement widths vary between 10 and 40 feet, and right-of-way widths vary...
3.18 The applicant’s site plan proposes dedication of a path easement along the south bank of the Willamette River in the general alignment of TSP project M4 and construction of a 10-foot-wide bark walking path. As proposed the path would be an isolated segment of the improved path. Because the proposed path surface is not the concrete path called for in project M4, its construction would not be eligible for TSDC or Parks Department SDC credit.

3.19 The following are issued raised in public comments with a staff response:

**Comment from Cynthia Cooper (Attachment H):**

“Car traffic next to Bowman Park and through the community would increase dramatically and is not compatible with the character of the two parks and the surrounding neighborhood.”

**Response:** The applicant’s TIA analyzed the operation of the site’s driveway to Geary Street just south of Bowman Park and found that it would operate well below the City’s performance standard. Bowman Park is located at the end of Geary Street and is a regional facility with a large parking lot, picnic facility, and a boat ramp for motorized boat access to the Willamette River. As documented in the TIA the public’s use of the facility would not be significantly impacted by the operation of the site’s driveway. The reference to a second park in the letter is assumed to refer to Eads park, located to the east of the site across Alco Street right-of-way. Eads is a small neighborhood park intended to serve the residential neighborhood that surrounds it. The proposed development’s only proposed access is to Geary Street and it does not have a direct connection to Alco Street.

**Comment from Heather Harwood (Attachment I):**

Ms. Harwood expressed concerns about the operation of the Salem Avenue/Geary Street intersection. She was also concerned about the potential for increased traffic volumes on 1st Avenue and wondered if stop signs should be installed along the corridor to discourage high speed vehicles.

**Response:** The applicant’s TIA analyzed the performance of the Salem/Geary intersection and concluded that it would meet City performance standards upon completion of the development. The TIA also found that the intersection would not meet warrants for construction of a traffic signal through at least 2024. Albany’s TSP does include a project for a traffic signal at the intersection when warrants are met. Because of the proximity of active rail lines to the intersection, any intersection modification would need to begin with direction from the City Council to initiate a new rail crossing order application with ODOT Rail.

In regard to potential increases in traffic on 1st Avenue, the sites only connection to the street system will be to Geary Street. Based on the site trip distribution in the TIA existing local streets in the neighborhood to the southeast of the development are not expected to have many site generated trips. The MUTCD discourages the use of stop signs as speed control devices. If speed issues do occur on the local street system as a result of this development or for any other reason, the appropriate method of addressing those concerns is through the City’s Neighborhood Traffic Calming Program.

**Comment from Janet Suyama (Attachment J):**

Ms. Suyama expressed concerns about the operation of the Salem Avenue/Geary Street intersection.

**Response:** The applicant’s TIA analyzed the performance of the Salem/Geary intersection and concluded that it would meet City performance standards upon completion of the development. The TIA also found that the intersection would not meet warrants for construction of a traffic signal through at least 2024. Albany’s TSP does include a project for a traffic signal at the intersection when warrants are met. Because of the proximity of active rail lines to the intersection, any intersection modification would need to begin with direction from the City Council to initiate a new rail crossing order application with ODOT Rail.
Comment from Jennifer Miller email (Attachment K):

Ms. Miller expressed concerns that there was not enough on-street parking on Linn Avenue for both existing residents and future occupants of the proposed apartment complex.

Response: The proposed development provides for more on-site parking than the minimum amount required by the Development Code. While it’s true that some residents of the apartment complex will probably choose to park on the local street system that adjoins the south boundary of the site, based on the location of individual units the on-site parking will be much more convenient and practical for the majority of apartment residents. The Albany Development Code does not assign any priority for on-street parking to adjoining property. The proposed apartment complex and existing residents will all have frontage along Linn Avenue. Parking on the street will be, as it is in the rest of the City, first-come first-serve.

Comment from Mary Abraham and Dala Rouse Letter (Attachment L):

“The traffic study did not study areas and times to better describe future and present traffic patterns”. Ms. Abraham and Ms. Rouse noted that the traffic study did not include traffic counts or analysis for many of the local streets located in the neighborhood to the southeast of the site, questioned the analysis time period, suggested the study was inadequate, and recommended that the application not be considered until a revised study was prepared.

Response: The traffic study submitted with the application was prepared by a licensed traffic engineer and conducted in accordance with the City’s Traffic Impact Study Guidelines. Those guidelines call for analysis of a development’s impact on the AM and PM peak hour traffic on the adjoining street system. Analysis needs to be provided for all site connections points to the public street system, and all off-site arterial/collector intersections that are projected to receive 50 or more new peak hour trips. The study submitted included all intersections required under City guidelines. The development does not include any driveway connections to the local street system to the southeast of the site, and as a result those streets were not included as required study intersections.

Conclusions

3.1 ADC 12.060 and 12.290 require all public streets adjoining new development be improved to City standards. The adopted City standard for street improvement includes curb, gutter, and sidewalk.

3.2 The development has frontage on Geary Street, Linn Avenue, and Alco Street.

3.3 Geary Street is improved to City standards. At the southwest corner of the site a portion of about 90 feet of sidewalk is located outside the current street right-of-way. Dedication of right-of-way will be needed to incorporate the sidewalk within the public right-of-way.

3.4 Chicago Street is not improved to City standards next to the development. The applicant has proposed construction of curb, gutter, and sidewalk along the development’s frontage. ADC 12.200 allows for construction of a partial width street when a new development has frontage on only one side of a street not meeting City standards. Partial width improvements need to be designed to accommodate two-way traffic and not conflict with the ultimate street improvement.

3.5 Linn Avenue is improved to City standards along the development’s frontage with the exception of sidewalk. The applicant’s site plan proposes construction of sidewalk along the development’s frontage.

3.6 The section of Alco Street right-of-way along the development’s frontage is improved as a parking lot for Eads Park and does not function as a public street. Albany’s TSP does not identify a need to extend Alco Street north of Linn Avenue as a public street.

3.7 A TIA was submitted with the application. The TIA evaluated the site’s driveway connections to the public road system and the Salem/Geary intersection. All were projected to meet the City’s operational standard at project completion.
3.8 The TIA’s evaluation of the Salem/Geary intersection projected that the worst-case movement, the southbound left turn, would fall below Albany’s performance standard within five years because of increases in background traffic. Based on a warrant analysis included in the TIA, the intersection would still not meet MUTCD traffic signal installation warrants. Albany’s TSP does include construction of a future traffic signal at the intersection (project I-38) should it eventually meet a MUTCD warrant. This development will be subject to payment of traffic SDC fees and, thereby, contribute to the construction of a future traffic signal.

3.9 The solution to the performance standard issue identified by the TIA for left turn movements at the Salem/Geary intersection (as well as addressing crash and safety issues) is construction of the traffic signal as called for in TSP project I-38. Should the intersection eventually meet signal warrants, the City will not have the authority to independently decide to construct a traffic signal. Active rail lines exist on both Salem Avenue and Geary Street near the intersection. Because of the presence of those rail lines, any modification of the intersection will require the issuance of a new crossing order by ODOT Rail and the concurrence of three different railroads.

The crossing order would by necessity involve the need for restrictions on turn movements or full street approaches to the intersection. Those street system changes would need to be negotiated between the City, ODOT Rail, and the impacted railroads. That negotiation is not something that a developer could be required to accomplish as a condition of a land use application. Negotiations for signal design and intersection modification would have to include direct city representation, and the decision to initiate negotiations is one that would need to be made by the City Council.

3.10 This criterion can be met with the following conditions.

**Conditions of Approval**

**Condition 5** Prior to issuance of an occupancy permit, the applicant shall dedicate right-of-way along the east side of Geary Street at the site’s southwest corner to a point at minimum of six inches behind the existing sidewalk.

**Condition 6** Prior to issuance of an occupancy permit the applicant shall construct public street improvements along the site’s frontage on the west side of Chicago Street. The design of the improvements shall be approved by the City Engineer. Improvements shall include:

a. Curb and gutter to city standards. The curb shall be located to provide for an ultimate curb to curb width of 30 feet.

b. Pavement to city standards. Pavement width shall be a minimum of 24 feet as measured from the new face of curb.

c. Public sidewalk to city standards.

**Condition 7** Prior to issuance of an occupancy permit, the applicant shall construct public sidewalk along the site’s frontage on the north side of Linn Avenue.

**Condition 8** The applicant shall dedicate a 16-foot-wide public path easement for the future construction of a 10-foot-wide concrete path. The general location of the easement shall be where the bark multiuse path is shown on the applicant's approved site plan.

**Condition 9** The applicant shall construct a 10-foot-wide bark multiuse path at the location shown on the approved site plan. In lieu of the bark path the applicant may choose to construct a 10-foot-wide concrete path at the same location, together with a connection over city park property to existing sidewalk improvements on Geary Street at the southwest corner of the site. Concrete path improvements would be eligible for TSDCi and Park’s Department SDC fee credit.
Criterion 4
Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

Findings of Fact

Access
4.1 The entrance-exit points are addressed under Transportation Criterion 3, above; those findings are included here by reference.

Parking
4.2 Vehicle Parking: Table 9-1 of the ADC identifies the minimum parking requirements. The applicant’s analysis of parking provisions is shown on the Site Plan (Attachment G.78, Sheet A1.1), and summarized below. This summary shows the proposal requires 209 parking spaces and the plan is to provide 218 parking spaces, which meets the minimum parking standards.

<table>
<thead>
<tr>
<th>Building Type</th>
<th>Parking Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>(36) Studio &amp; 1 BR</td>
<td>(36) X 1.0 = 36</td>
</tr>
<tr>
<td>(72) 2 BR</td>
<td>(72) X 1.5 = 108</td>
</tr>
<tr>
<td>(12) 3 BR</td>
<td>(12) X 2.0 = 24</td>
</tr>
<tr>
<td>Visitors</td>
<td>0.25 X 120 = 30</td>
</tr>
<tr>
<td>Clubhouse</td>
<td>3,217 S.F. X 1 = 3217</td>
</tr>
<tr>
<td>TOTAL MINIMUM PARKING REQUIRED</td>
<td>209</td>
</tr>
</tbody>
</table>

4.2.1 PARKING PROVIDED:
- Standard Spaces: 171 Spaces
- Compact Spaces: 38 Spaces (18% of total < 40% allowed)
- Handicap Spaces: 9 Spaces
- TOTAL PARKING PROVIDED: 218 Spaces, PARKING RATIO = 1.82 STALLS PER UNIT

4.3 Bicycle Parking: The bicycle parking requirement is identified under ADC 9.120(13). The applicant’s analysis of bicycle parking provisions is shown on the Site Plan (Attachment G.78, Sheet A1.1), and summarized below. This summary shows the proposal requires 30 bike parking spaces and the plan is to provide 30 bike parking spaces, which meets the minimum standards.

<table>
<thead>
<tr>
<th>Bicycle Parking Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>BICYCLE PARKING REQUIRED: 1 BIKE STALL PER 4 UNITS = 30 BIKE STALLS MINIMUM. 30% TO BE COVERED = 15 COVERED BIKE STALLS MINIMUM.</td>
</tr>
<tr>
<td>BICYCLE PARKING PROVIDED: 20 COVERED STALLS PROVIDED IN COVERED STAIRWELLS, 10 NON-COVERED BIKE STALLS AT CLUBHOUSE REC. BLDG. &amp; ON-SITE</td>
</tr>
<tr>
<td>TOTAL BIKE STALLS PROVIDED: 30</td>
</tr>
</tbody>
</table>

At the time of building permit, the applicant will need to show details for the bicycle parking to show it meets the minimum design standards of ADC 9.120(13)(e-h), such as 50 percent sheltered, being secured to the ground, meeting all clearance standards, etc. This is included as a condition of approval.

4.4 ADC 9.120(14) requires on-site lighting to be directed down and contained on-site to meet code requirements. The applicant states that lighting is planned to be provided to the site as shown on the Site Area Lighting Plan (Attachments G.81, Sheet A1.4) and will be shielded as shown in the lighting cutsheets (Attachments G.296-G.317). The plan shows the lighting will be arranged to reflect the light away from any abutting or adjacent properties.

Conclusions
4.1 The entrance-exit points are addressed under Transportation Criterion 3, above; those conclusions are included here by reference.
4.2 A total of 209 vehicle parking spaces are required and 218 parking spaces are being provided. At the
time of building permit, the parking plan will be reviewed again for consistency with the parking lot
design standards of Article 9.

4.3 A total of 30 bicycle parking spaces are required and 30 bicycle parking spaces are being provided. At
the time of building permit, the applicant will need to show details for the bicycle parking to show it
meets the minimum design standards of ADC 9.120(13)(e-h).

4.4 The lighting plan shows the lighting will be contained on-site.

4.5 This criterion is met with the following conditions.

Conditions of Approval
Condition 10 Prior to issuance of a building permit, the applicant shall submit a site plan to the Community
Development Department to ensure consistency with the standards of Table 9-2: Parking Lot
Design and Supplemental Drawings.

Condition 11 Prior to issuance of a building permit, the applicant shall provide detailed plans to show how
the bicycle parking meets the standards of ADC 9.120(13)(e-h).

Condition 12 Site lighting must be directed down, contained on site, and shielded, full cut-off design.

Criterion 5
The design and operating characteristics of the proposed development are reasonably
compatible with surrounding development and land uses, and any negative impacts have
been sufficiently minimized.

Findings of Fact
5.1 Site Plan Review is intended to promote functional, safe, and attractive developments that maximize
compatibility with surrounding developments and uses and with the natural environment. Site plan
review is not intended to evaluate the proposed use or structural design of the proposal. Rather, the
review focuses on the layout of a proposed development, including building placement, setbacks,
parking areas, external storage areas, open areas, and landscaping. Where conflicts are identified,
mitigation can be required through conditions of approval.

5.2 The site is ±6.32 acres in size, and it is located at 595 Geary Street NE in Albany. Location maps are
included as Attachments A.1-A.5. The site is comprised of a single tax lot and parcel resulting from a
lot consolidation and replat that was approved by the City and recorded with Linn County under
planning file RL-11-18 (Attachment A.6).

The northern boundary of the property is the Willamette River. The property has frontage on
Geary Street NE, Chicago Street NE, Linn Avenue NE, and Alco Street NE. All abutting streets are
classified as local streets where they are adjacent to the subject property, though Geary Street NE
becomes a minor collector one block south of the site at Willamette Avenue NE.

5.3 The property is identified as the “Permawood Site” in the Albany Development Code (ADC). The site
abuts public parks and open space to the east and the west. Eads Park is to the east of the site across
Alco Street NE and is improved with playground equipment. Property to the north of Eads Park
abutting the site to the east is unimproved open space. Bowman Park is to the west and is improved
with a public boat launch. Property to the south of the site is predominately characterized by single-
family homes. The site is mostly undeveloped though there are two single-family homes that are located
along the site’s Linn Avenue NE frontage. These homes are planned to be removed prior to the
construction of the proposed multi-family development.

5.4 As illustrated on the zoning map (Attachment A.2), the site is zoned Residential Medium Density (RM),
and the Comprehensive Plan land use map designation for the site is Medium Density Residential. The
ADC states the “RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre (ADC 3.020(5)).” Multi-family development is allowed in the RM zone through site plan review.

5.5 The proposal is an application for Site Plan Review to develop “The Banks,” a 120-unit multi-family residential complex with clubhouse and associated site improvements, such as utilities, stormwater drainage, parking, landscaping, and other amenities. The project is planned to include the following improvements:

- 36 one-bedroom walk-up living units
- 84 two and three-bedroom walk-up living units
- A ±3,356-square-foot clubhouse
- 218 parking spaces
- ±47,427 square feet of common space
- Multiuse path improvements along the Willamette River

5.6 The applicant states the proposal is sited to balance the need for housing while creating a transition between this site and nearby single-family residential neighborhood. While the site is currently zoned for residential use, past uses of the site included industrial uses, such as a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. The proposed multi-family development is a more compatible use to adjacent residential uses as compared with the former industrial uses on this site.

5.7 Setbacks, Building Height and Lot Coverage. ADC 3.190, Table 1, shows the development standards for residential districts.

Setbacks. Basic development standards for the RM zoning district requires the minimum setback from a front property line to be 15 feet and the interior setback to be 10 feet for buildings up to three stories tall. In addition, multi-family development at least 30 feet in height must be setback at least 30 feet from interior property lines that abut neighboring single-family homes. This standard requires buildings in higher density zones to be setback one foot for each foot of building height, from the property line adjacent to a lower density zone.

The Site Plan (Attachment G.78, Sheet A1.1), shows the front setback from surrounding streets is 15 feet or more from all front property lines. The site plan also shows the only interior property line is located on the southwest corner of the site, where the Clubhouse Building 1 is proposed to be located. The Clubhouse is less than 19 feet in height and setback 20 feet from the interior lot line.

It should be noted the southwest corner of the site abuts the RS-5 single-family residential zone; however, that property does not contain an existing single-family dwelling. The nearest structure is a steel storage building that does not fit a definition of a dwelling unit or a single-family dwelling; therefore, the minimum setback to the interior lot line at the southwest corner is a minimum of 10 feet. The proposed Clubhouse Building 1 will be setback 20 feet from that property line, which meets the setback standard.

Special setbacks apply to properties within the Willamette River Greenway Overlay. ADC 5.207 identifies the subject property as the “Permawood Site,” and states the river shall be treated as a front lot
line, establishes the minimum setback at 15 feet, and states this setback shall be measured from the most inland of the property line along the river, or city multi-use path easement, or the top of the river embankment, whichever is most inland. The property line along the river, the realigned multi-use path easement, and the top of the river embankment are shown on the site plan in Attachment G.78, Sheet A1.1. The inland edge of the realigned multi-use path easement is the most inland of the property line along the river. The minimum dimension provided on the site plan shows the northernmost parking area and buildings are set back 15 feet, seven inches from the inland edge of the realigned multi-use path easement. The special setback for the Willamette River meets the 15-foot minimum setback, as it applies to the “Permawood Site” within the Willamette River Greenway Overlay.

Therefore, the proposed site plan meets all of the minimum setbacks required by the code.

5.8 Density. Multifamily development in the RM zone cannot exceed 25 units per acre per ADC 3.020(5). The proposal is for 120 multi-family residential units on a ±6.32-acre site has a density 19 units per acre, which meets this standard.

ADC 3.190, Table 1 requires a minimum lot area for each apartment unit. In the RM zone, the code requires 2,000 square feet of land area for every studio and one-bedroom unit, and 2,400 square feet of land area for every two- or three-bedroom units. The site plan includes 36, studio and 1-bedroom units, requiring 72,000 square feet of lot area (36 units X 2,000 square feet = 72,000 square feet) and 84, 2- and 3-bedroom units, requiring 201,600 square feet of lot area (84 units X 2,400 square feet = 201,600 square feet). The total lot area needed to accommodate the planned multifamily homes is 273,600 square feet (72,000 square feet + 201,600 square feet = 273,600 square feet). The total area of the site is 275,145 square feet or ±6.32 acres. Therefore, the proposed site plan has sufficient area to meet the lot area and density standards of ADC 3.190.

5.9 Landscaping. In the RM zone, 100 percent of the yard adjacent to the street is required to be landscaped, in accordance with ADC 9.140(1), which states:

The minimum landscaping for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:

- One tree at least 6 feet tall.
- Four 1-gallon shrubs or accent plants.
- The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

The Landscape and Open Space Concept Plan proposes landscaping in the front yard and throughout the apartment complex (see Attachment G.79, Sheet A1.2). These plans show landscaping will be feasible to implement, but they do not provide details to confirm the code standards are met.

Given the relationship of the property with the street frontage at the intersection of Chicago Street NE and Linn Avenue NE, there appears to be a large triangular-shaped, unimproved area along the frontage of the property. The applicant is currently working to select an appropriate landscaping feature for this portion of the development’s street frontage, but they have not decided on exactly what this will entail. The applicant states they are committed to working with the City’s Public Works Department to install a landscaping feature that fits with the character of the streetscape in the area and satisfies the City’s maintenance and safety standards. This area will need to be addressed in the final landscape plan.

A final landscape plan consistent with the standards of ADC 9.140(1) will need to be submitted for review and approval by the Community Development Department before building permits can be issued.

5.10 Landscaping Around and Within Parking Areas. Landscaping in parking lots is required to provide shade, reduce stormwater runoff, and direct traffic. Parking lots must be landscaped in accordance with the minimum standards of ADC 9.150, which are:
(1) **Planter Bays.** Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay there shall be curbed planters at least 5 feet wide, excluding the curb. Each planter shall contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.

(2) **Entryway Landscaping.** Both sides of a parking lot entrance shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.

(3) **Parking Space Buffers.** Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a 5-foot strip of landscaping materials.

The Landscape and Open Space Concept Plan proposes landscaping throughout the parking lot (see Attachments G.79, Sheet A1.2). These plans show the parking lot landscaping standards will be feasible to implement, but the plan does not provide detail to confirm the code standards are met. A final landscape plan consistent with the standards of ADC 9.150 will need to be submitted for review and approval by the Community Development Department before building permits can be issued.

5.11 **Irrigation System.** ADC 9.160 requires all required landscape areas be provided with a piped underground irrigation system. The Landscape and Open Space Concept Plan (Attachments G.79, Sheet A1.2) does not include irrigation plans; therefore, an irrigation plan consistent with the standards of ADC 9.160 will need to be provided prior to issuance of a building permit, unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation.

5.12 **Buffering and Screening:** To reduce the impacts on abutting uses of a different type, buffering and screening are required in accordance with the matrix in ADC 9.210. The Buffering and Screening Matrix in Table 9-4 applies to multi-family development when abutting a dwelling in a residential zone. The only abutting property to the site is located at the southwest corner. The abutting property is zoned residential but without a dwelling; therefore, the buffering and screening standards do not apply to the proposed development.

5.13 **Environmental Standards.** ADC 9.440 - 9.500 include environmental standards related to noise, visible emissions, vibrations, odors, glare, heat, insects, rodents, and hazardous waste. The design and operating characteristics of the proposed multi-family residential use is like other residential uses in the area.

- **Noise:** Noise generated in association to the proposed use will include standard mechanical equipment and daytime on-site parking lot traffic. No noise is anticipated to exceed the noise source standards of ADC 9.440.

- **Visible Emissions:** There will be no emissions or discharge from the development.

- **Vibrations:** Vibrations that exceed 0.002g peak are not expected to be produced in association to the proposed use.

- **Odors:** The proposed use is not anticipated to produce continuous, frequent, or repetitive odors or emissions.

- **Heat:** This is not applicable to the operations on this site.

- **Insects and Rodents:** The proposed materials and processes for residential uses do not attract insects or rodents.

- **Hazardous Waste:** As a former industrial site, the property had certain restrictions and regulations administered by the Oregon Department of Environmental Quality (DEQ). On December 9, 2019, DEQ issued a Revised No Further Action (NFA) Determination for the site (Attachment F). The DEQ states "residual environmental contamination at the former American Cemwood facility does not present an
unacceptable risk for development into residential lots. As such, conditions set forth in a 2008 No Further Action (NFA) determination for the site no longer apply and land use restrictions recorded with the property deed in Linn County have been released.” The NFA concludes with: “If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the Contaminated Media Management Plan (CMMP), and local, state and federal regulations” (Attachment F); this requirement is included as a condition of approval.

**Lighting and Glare:** ADC 9.480 states that no direct or sky reflecting glare in excess of 0.5-foot candles of light be visible at the lot line shall be permitted. In addition, ADC 9.120(14) requires on-site lighting to be directed down and contained on site to meet code requirements.

The applicant states lighting is planned to be provided to the site as shown on the Site Area Lighting Plan (Attachments G.81, Sheet A1.4) and will be shielded as shown in the lighting cutsheets (Attachments G.296-G.317). The plan shows that the lighting will be arranged to reflect the light away from any abutting or adjacent properties. Condition of Approval 12 (above), ensures all exterior lighting is mitigated by requiring that site lighting is directed down, contained on site, and shielded, full cut-off design.

5.14 **Refuse Containers.** ADC 3.390 requires any refuse container or disposal area that would otherwise be visible from a public street, customer, resident parking area, public facility, or any residential area must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least six feet tall. All refuse materials must be contained within the screened area. As shown on the Site Landscaping and Open Space Plan (Attachment G.79, Sheet A1.2), the applicant proposes to locate a refuse container area with trash enclosure near Buildings 9 and 6; a detailed plan of the trash enclosure screening is included on that plan. The screening is a six-foot high solid fence, and the trash containers are not located within 15 feet of a dwelling window, which meets this standard.

5.15 **Fences.** ADC 9.370 lists the requirements for fences. No perimeter fences are required. The site plan shows a fence atop the retaining wall along Linn Avenue and Chicago Street.

5.16 The multi-family design standards in Article Eight are addressed later in this report. Those findings and conclusions are included here by reference.

5.17 The following are issues raised in public comments with a staff response:

**Comment from Dala Rouse and Mary Abraham (Attachment L):** Three story apartments are not compatible with single family housing on Linn Avenue. This development is next to open space, parks, a major river and single-family housing. The negative impacts have not been sufficiently minimized. In our immediate area we do not have large three-story homes or large buildings to the extent they are being proposed with this development. According to the state, “needed” housing in Albany is middle housing. Two story Middle housing would be more compatible with the single-family housing on Linn Avenue than three story apartments.

**Comment from Cynthia Cooper (Attachment H):** The proposal includes eight three-story multi-dwelling units, and it is not compatible with the character of the two parks and the surrounding single-family residence neighborhood.

**Response:** The existing RM zoning is intended for medium density residential development, which allows multi-family development through site plan review. The proposal is within the density and height limits of the RM zone. The proposed development will have on-site outdoor open space areas and a clubhouse for indoor recreation. These on-site open space amenities will complement public park facilities at Bowman and Eads Park that are adjacent to the site. A public trail easement along the north side of the site connects Bowman Park with Eads Park. This public trail easement will remain, and the trail will be improved by the developer and available for public use.

The applicant provided responses to public comments that are included as Attachments M and N; those statements are included here by reference. The applicant states: “The project meets all applicable
standards pertaining to the subject application including the development standards in RM zoning district, the multifamily development standards, and the applicable standards of the Willamette River Greenway and Floodplain overlays. These standards include provisions which promote architectural and environmental compatibility with neighboring land uses and development. Table 1 includes a summary of the major site elements, showing how the project exceeds the applicable development standard for each element and may therefore be found compatible with the surrounding neighborhood and planned use for this site.

<table>
<thead>
<tr>
<th>Site Element</th>
<th>Code Requirement</th>
<th>Proposed Plan</th>
<th>Net Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Housing Units</td>
<td>158 (maximum)</td>
<td>120</td>
<td>-38</td>
</tr>
<tr>
<td>Density</td>
<td>25 Units/Acre (maximum)</td>
<td>19 Units/Acre</td>
<td>-6 Units/Acre</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45’</td>
<td>36’ 2”</td>
<td>-8’ 10”</td>
</tr>
<tr>
<td>Parking</td>
<td>209 spaces (minimum)</td>
<td>218 spaces</td>
<td>+9 spaces</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>30,548 SF (minimum)</td>
<td>47,427 SF</td>
<td>+16,879 SF</td>
</tr>
<tr>
<td>Total Lot Coverage</td>
<td>70% maximum</td>
<td>43.5%</td>
<td>-26.5%</td>
</tr>
</tbody>
</table>

With specific regard to the interface between new homes along the site’s Linn Ave. frontage, significant attention has been paid to the design of these new homes. As illustrated in the Applicant’s plans, new homes along the site’s Linn Ave. frontage will be set below the adjacent grade of the street to reduce the visual impact of these homes and maintain the transition from the existing single-family homes on the south side of the street. Additionally, numerous architectural details, including changes in material types, colors, and articulations, are used to break up the façade of these homes and provide a lower density feel to the streetscape. Such architectural treatments are not required but are voluntarily offered by the Applicant in response to public feedback received to-date.”

Comment from Cynthia Cooper (Attachment H): The Albany community at large and Willamette River Greenway stakeholders did not have adequate notification at the time zoning changed, in order to have opportunity to comment. There really was no public hearing.

Response: Rezoning of the subject property began through a Periodic Review work program, which initiated the Great Neighborhoods Project in December of 1997. The City Council authorized the Great Neighborhoods Project as the initial step in Periodic Review to gauge the desires of the community, and several hundred citizens turned out for five meetings in November 1998 to express many ways to improve the livability of the community. The Balanced Development Patterns Project in the winter of 2000 and spring of 2001 was the next step in Periodic Review to look at land use relationships and identify areas for future employment, commercial development, and housing growth. The Planning Commission reviewed proposed Development Code Text and Zoning Map amendments in work sessions, and then directed staff to prepare specific changes to the text of the Albany Development Code and to the zoning map of multiple properties around the city, which included the subject property for this site plan review application. A Measure 56 notice of the Planning Commission and City Council hearings was mailed on May 22, 2002. On June 3, 2002, the Planning Commission held a public hearing on the proposed amendments and recommended approval to the City Council. The Albany City Council held a public hearing on June 17, 2002 and November 13, 2002, regarding the proposed amendments to the text and map. The City Council deliberated on the proposal on December 11, 2002, and subsequently adopted the package of code text and zoning map amendments on January 8, 2003. The Adopting Ordinance was #5555 and the effective date of the ordinance was February 7, 2003.
Conclusions

5.1 The site is surrounded by residential and open space zoned property. The proposed apartment complex will be located within the RM zone. Multi-family residential development is allowed in the RM zone through site plan review approval.

5.2 This neighborhood is characterized as a mixture of uses but primarily residential. Public parks are located to the east and west of the site and the Willamette River is located along the northern boundary of the site. The design and operating characteristics of the proposed development is like other residential uses in the area.

5.3 The applicant states the proposal is sited to balance the need for housing while creating a transition between this site and nearby single-family residential neighborhood. While the site is currently zoned for residential use, past uses of the site included industrial uses, such as a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. The proposed multi-family development is more complementary to adjacent residential uses as compared with the former industrial uses on this site.

5.4 DEQ issued a Revised No Further Action (NFA) Determination for the site, with the stipulation that if any contaminated material is encountered in the future, it must be handled and disposed of in accordance with the CMMP (Attachment F). This requirement is included as a condition of approval.

5.5 The environmental standards for hazardous waste under ADC 9.500 can be met through a condition of approval.

5.6 The proposal meets the standards for density, building height, lot coverage, setbacks, and all other environmental standards.

5.7 Any adverse impacts associated with the use of the property can be mitigated through such means as shielded lighting and landscaping.

5.8 Condition of Approval 12 (above), will ensure that all exterior lighting fixtures, including pole mounted lights, shall be of a shielded, full cut-off design.

5.9 The applicant’s site plan indicates landscaping will be provided; however, a detailed landscape and irrigation plan will need to be submitted and approved prior to site improvements.

5.10 As shown on the site plan, the applicant proposes to locate refuse containers within trash enclosures designed to meet the code.

5.11 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, lighting, screening, and landscaping with the following conditions of approval.

Conditions of Approval

Condition 13 All site work shall be in compliance with the Contaminated Media Management Plan (CMMP) prepared by Cascadia Associates, LLC, dated April 22, 2019. If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the CMMP, and local, state, and federal regulation.

Condition 14 Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping standards of ADC 9.140(1), landscape parking lot standards of ADC 9.150 and irrigation standards of ADC 9.160. The final landscape plan shall also include landscape features in the triangular-shaped section of the street frontage at the intersection of Chicago Street NE and Linn Avenue NE.

Condition 15 Prior to installation, all landscape materials shall be inspected and approved by the Community Development Department to ensure consistency with the approved plans.
Condition 16  Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g., vehicle and bicycle parking, landscaping, community amenities, refuse screening, lighting, etc.), shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

Criterion 6
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
6.1 Article 4: Airport Approach: Figure 4-1 of ADC Article 4 shows the subject property is located in the Airport Approach District. This district is comprised of several imaginary surfaces above which aircraft are allowed to operate.

The proposed development will be under the outermost surface called the conical surface. The conical surface begins at the outer boundary of the horizontal surface, at an elevation of 372 feet (NGVD 1929) above the airport elevation. The existing ground elevation is approximately 202 feet (NGVD 1929), and the maximum height limit of the RM zone is 45 feet above grade for a total elevation of 247 feet which is 125 feet below the maximum height (372') established by the conical surface.

There are no design features of the proposed development with navigational signals or radio communications, or that would induce confusing light patterns, or create bird-strike hazards that would endanger or interfere with aircraft intending to use the airport. Sound buffering features are not warranted because the location of the proposed development is located outside the "noise sensitivity property” defined by 55 and 60 ldn noise contours.

6.2 Article 6 Steep Slopes, Comprehensive Plan Plate 7: There are not areas of steep slopes on the subject property.

6.3 Article 6: Floodplains, Comprehensive Plan Plate 5: Flood Insurance Rate Map (FIRM) #41043C0214H shows the Special Flood Hazard Area (SFHA), otherwise known as the 100-year floodplain, follows the Willamette River. The Willamette River is located along the northern boundary of the subject property. Floodplain development review criteria and analyses is presented later in this report. Those findings are included here by reference.

6.4 Article 6: Wetlands, Comprehensive Plan Plate 6: The local wetland inventory, national wetland inventory, and the significant wetland overlay (/SW) encumber a small strip of the northeastern edge of the property, located north of the top of the riverbank (Attachment A.5). No development is proposed on or next to this strip of wetlands.

Any impacts to wetlands are regulated by the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (ACOE). The Community Development Department sent a wetland land use notice to DSL regarding the proposed development. DSL responded and stated that 1) there may be wetlands on the property that are subject to the Sate Removal-Fill Law; 2) the National and Local Wetland Inventory shows wetland, waterway, or other water features on the property; 3) the County soil survey shows hydric (wet) soils on the property, which indicate there may be wetlands; 4) the property is adjacent to state-owned waters and designated Essential Salmonid Habitat; and 5) a state and federal permit may be required. An onsite investigation by a qualified wetland consultant prior to site development is recommended. If impacts to wetlands or essential salmonid habitat are proposed on the subject property, the applicant will need to obtain a joint removal/fill permit from DSL and the ACOE. The specific comment letter by DSL is presented as Attachment E. It is the applicant’s responsibility to obtain permits that may be required from State and/or Federal agencies.
6.5 Article 6 Natural Resource Overlays: The Significant Wetland Overlay (/SW) encumber a small strip of the northeastern edge of the property, located north of the top of the riverbank (Attachment A.5). No development is proposed on or next to this strip of wetlands; notwithstanding any permits that may be required by the DSL or the ACOE, a natural resource impact review is not required as part of this land use review (per ADC, Article 6).

As shown on the Willamette River Greenway overlay map (Attachment A.3), the subject property is located within the Willamette River Greenway Overlay District (/WG). Findings for the Willamette River Greenway criteria under ADC 6.520 and 6.540 are addressed later in this report. Those findings are included here by reference.

6.6 Historic and Archaeological Resources, Comprehensive Plan, Plate 9: The property is not located in a historic district. The Oregon State Historic Preservation Office (SHPO) submitted a letter that recommends a cultural resource survey be conducted to identify the location, boundaries, and significance of any cultural remains within the project area prior to any ground-disturbing activities to avoid damaging any archaeological sites in the project area and ensure that federal obligations are met (Attachment C). It is the applicant’s responsibility to obtain permits that may be required from State and/or Federal agencies.

With regard to archaeological resources, the applicant provided the following information (Attachment M): “As it pertains to the City’s local decision making in the context of this application, the City does not have approval criteria related to cultural and historical preservation and therefore such testimony is not germane to this decision. However, the Applicant is aware of the potential that the site may contain important cultural and historic artifacts and has taken proactive measures to identify and preserve them in accordance with State requirements. The applicant engaged Willamette Cultural Resource Associates, LTD (WCRA) to conduct an initial study in early 2020 that was completed on March 2, 2020. WCRA is currently conducting a field archeological survey. WCRA has presented their preliminary plan to the Consolidated Tribes of Grande Ronde and the State Historic Preservation Office (SHPO). The Consolidated Tribes have agreed to the approach and WCRA is awaiting feedback from SHPO.

Once that feedback is received, WCRA anticipates beginning fieldwork in February 2021 and submitting their final report in March 2021. The Applicant is diligently and proactively working to meet all applicable State requirements.”

Conclusions
6.1 The site is located within the airport approach district, but the developable height limit in the underlying zoning district is well below the allowable height limit within the airport approach district. Sound buffering features are not warranted because the location of the proposed development is located outside a noise sensitive area.

6.2 There are no steep slopes on the subject property.

6.3 The SFHA is located on the subject property. Floodplain development review criteria and analyses is presented later in this report. Those conclusions are included here by reference.

6.4 The subject property is located within the Willamette River Greenway Overlay District (/WG). The Willamette River Greenway review criteria and analyses is presented later in this report. Those conclusions are included here by reference.

6.5 Wetlands encumber a small strip of the northeastern edge of the property. A natural resource impact review is not required because no development is proposed on or next to this strip of wetlands; however, a permit from DSL and the ACOE may be required.
6.6 The property is not located in a historic district. If cultural resources are found on-site, it is the applicant’s responsibility to obtain permits from SHPO, as needed. As described in the findings, the applicant is proactively working to meet all applicable State requirements.

6.7 The proposal meets this criterion without conditions.

**Criterion 7**

**The site is in compliance with prior land use approvals.**

**Findings of Fact and Conclusion**

7.1 The applicant received approval for a similar proposal and site configuration in 2019. The site is in compliance with those prior land use approvals under files SP-01-19, WG-01-19, and FP-01-19.

7.2 At the time final approval is granted for the subject land use applications, the previous approvals under SP-01-19, WG-01-19, and FP-01-19 will be replaced by current land use approvals. The applicant has provided a statement to this effect under Attachment G.1.

7.3 The following issue was raised in public comments with a staff response:

**Comment from Dala Rouse and Mary Abraham (Attachment L):** Prior land use approvals of this property under Permawood required two gated emergency exits and one had to be used during the flood of 1996 to go in and out of this property. This was a condition after the neighborhood took Permawood and city to Land Use Board of Appeals and the development was remanded back to city for corrections.

**Response:** As this is a new application for a new land use and development through Site Plan Review, the previous land use condition of approval does not apply to the current land use application.

**Criterion 8**

Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

**Findings of Fact and Conclusion**

8.1 The site is a vacant site and is not a nonconforming site.

8.2 This criterion is not applicable.

**Site Plan Review Conclusion**

As proposed and conditioned, the application for site plan review satisfies all applicable review criteria under ADC 2.450.

**Multiple Family Development Design Standards (ADC 8.200-8.300)**

In addition to the review criteria above, the following design standards must be met. **Note:** If there is a checked box symbol (✓) preceding a standard, it means staff has compared the applicant’s findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked (☐), staff has provided findings and conclusions as to the reason(s) why the standard is not met and has added a condition. "NA" preceding the standard means it is not applicable to this particular development.

N/A 8.210 Relationship to Historic Overlay Districts. For residential property inside the Historic Overlay Districts, see Article 7 for additional historic review criteria.

✓ 8.220 Recreation and Open Space Areas. In multi-family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and
relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. In larger developments, there should be a variety of open space activities.

1) **Common Open Space.** For projects of 10 or more units, common open space shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space.
   a) Areas designated as common open space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. The open space shall be functional and shall include one or more of the following types of uses:
      • swimming pools, spas, and adjacent patios and decks
      • developed and equipped adult recreation areas
      • sports courts (tennis, handball, volleyball, etc.)
      • community centers
      • food and ornamental gardens
      • lawn or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed
      • natural areas
   b) Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.
   c) Indoor or covered recreational space may count towards 50 percent of the common open space requirement.
   d) No more than 20 percent of the common open space requirement shall be on land with slopes greater than 20 percent.
   e) **Areas Excluded.** Streets and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied toward the minimum useable open space requirement. Required setback areas may be applied toward the minimum useable open space requirement, with the exception of active, noise-generating activities.
   f) **Designated on Site Plan.** Areas provided to satisfy the minimum useable open space requirement shall be so designated on the development site plan and shall be reserved as open space. Adult recreation areas shall not be allowed in any required setback and shall be centrally located.
   g) **Open Space and Recreation Area Credit.** An open space credit, not to exceed 25 percent of the common open space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.

Findings of Fact
The Landscape & Open Space Concept Plan (Attachment G.79, Sheet A1.2), presents the open space calculations. These are also shown below:
The project will connect to an improved Willamette River Greenway path along the northern portion of the site. The path will provide direct access Bowman Park and Eads Park on the west and east of the development site. Therefore, the project qualifies for the 25 percent credit under ADC 8.220(1)(g).

As shown in the open space calculations above, a total of 30,548 square feet of common space are required for the 122,190 square feet of living space. This credit would reduce the common space requirement by 25 percent (7,637 square feet), resulting in 22,911 square feet of common space required. A total of 47,427 square feet of common space are proposed, which meets and exceeds this minimum standard.

Consistent with the standards of ADC 8.220(1)(a), functional uses and features are proposed that include an indoor clubhouse with outside patio, children’s play, and riverfront pathway with access to public parks; and common open space area identified on the plan are at least 500 square feet in size with no horizontal dimension less than 20 feet. As required by code, the indoor recreation space accounts for less than 50 percent of the common open space provided on site. Therefore, the proposal meets these criteria.

2) **Children’s Play Areas.** Multiple family developments larger than 10 units (excluding 1-bedroom and studio units) shall designate one or more children’s play areas.

   a) Children’s play areas shall be placed within 300 feet of the units they are intended to serve. More than one play area may be needed in larger developments.

   b) No horizontal dimension of a children’s play area shall be less than 20 feet.

   c) Placement of children’s play areas shall not be allowed in any required setback, and shall be centrally located.

   d) Children’s play areas may be part of the common open space area but do not count toward the use requirement as outlined in Section 8.220(1)(a).

**Findings of Fact**

The Landscape & Open Space Concept Plan (Attachment G.79, Sheet A1.2) shows two children’s play areas at least 500 square feet (20 feet by 25 feet) in size that are located on each side of the site. One area is planned in the northwest corner of the site to serve Buildings 2, 3, and 4. One area is planned on the eastern side of the site to serve Buildings 5, 6, 7, 8, and 9. The children’s play areas are planned within 300 feet of the units they serve. The children’s play area is shown without any play equipment. A fence is not required and without play equipment a fence is not recommended for the children’s play area. The proposal meets these criteria.

8.230 **Private Open Space.** In all newly constructed multiple family developments except in the CB, HD and LE zoning districts and assisted-living and nursing home developments, private open space shall be provided as follows:
1) **At-Grade Dwellings.** Dwellings located at finished grade, or within 5 feet of finished grade, shall provide at least 96 square feet of private open space per unit, with no dimension less than 8 feet. Private open space for at-grade dwellings may be provided within interior courtyards created within a single building or cluster of buildings. Private open space for at-grade dwellings shall be screened from view from public streets.

2) **Above-Grade Dwellings.** Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 6 feet. Private open space for units located more than 5 feet above grade may be provided individually, as with a balcony or collectively by combining into a larger area that serves multiple units.

3) **Access to Private Open Space.** All private open space shall be directly accessible from the dwelling unit through a doorway.

4) **Privacy Requirements.** Private open space, excluding front porches, shall be physically and visually separated from common open space.

**Findings of Fact**

The site plan application includes typical building plans (Attachments G.82-G.102, Sheets A2.0-A5.12), which show that all of the private open space is accessible through the back door of each apartment unit. The lower floor of each building includes private concrete patios that appear to meet the minimum size standard. The private open space areas located above grade, on the second and third floor, are balconies that appear to meet the minimum size standard. At the time of building permit, the private open space will be reviewed to ensure compliance with the minimum standards of the above criteria. A condition of approval is included that requires private open space for at-grade dwellings to be screened from view from public streets. Outdoor storage closets on decks and balconies are not allowed to be included in the dimension and area requirements of the private open space.

8.240 **Maximum Setbacks for Street Orientation.**

1) On sites with 100 feet or more of frontage on a collector or local public street, at least 50 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line.

2) On sites with less than 100 feet of frontage on a collector or local public street, at least 40 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line.

3) As used in these standards, “site width” does not include significant natural resources as mapped by the City, delineated wetlands, slopes greater than 20%, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

**Findings of Fact**

The subject property has more than 100 feet of frontage on a public street. The Linn Avenue NE right-of-way is 371 feet long. As shown on the site plan in Attachment G.78, Sheet A1.1, Buildings 8, 9, and a portion of Building 7 are placed no further than 25 feet from the lot line and occupy 211 linear feet of this frontage along Linn Avenue NE. This results in 56 percent (211 / 374 = 0.56) of the site width occupied by buildings placed no farther than 25 feet from this front lot line.

8.250 **Functional Design and Building Details.** These standards are intended to promote functional design and building details in new construction that contribute to a high-quality living environment for residents and enhance compatibility with the neighborhood.

1) The design of new buildings shall avoid long, flat, uninterrupted walls or roof planes. Changes in wall plane and height, and inclusion of elements such as balconies, porches, arbor, dormers, gables and other human-scale design elements such as landscaping should be used to achieve building articulation.

2) Buildings shall be massed so individual units or the common main entrance is clearly identifiable from the private or public street that provides access unless the units are located on upper floors above non-residential uses.
3) Stairways shall be incorporated into the building design. External stairways, when necessary, should be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture.

4) Building facades shall be broken up to give the appearance of a collection of smaller buildings.

Findings of Fact
Architectural building plans and elevations are shown on Attachments G.82-G.102, Sheets A2.0-A5.12. The plans show the required building articulation is provided with balconies, porches, dormers, offsets, and landscape features to avoid long, flat, uninterrupted walls and roof planes. All external stairways are physically and visually incorporating stairways into the building design. Articulation along the building facades is provided to create the appearance of smaller buildings. The building facades are further broken up with elements such as gable roofs, porches, and breezeways shown in the architectural drawings. Various materials, textures, and earth-toned colors are used to create attractive building design.

Findings of Fact
8.260 Building Orientation and Entries. These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

1) As many of the dwelling unit entries as possible shall face public local residential streets and along the internal street system of larger scale developments. Internal units may face a courtyard or plaza, but not a parking lot. The use of front porches or entry patios and terraces is encouraged.

Findings of Fact
The lot line abutting Linn Avenue NE provides the longest and most prominent frontage along a public street. As shown on Attachments G.99, G.100 & G.102, Sheets A5.9, A5.10 & A5.12, one entry is provided for Building 8 and one entry is provided for Building 9 where they face Linn Avenue NE (a local street).

2) Building entries and entries to individual units shall be clearly defined, visible for safety purposes, and easily accessible. Arches, gateways, entry courts, and awnings are encouraged to shelter entries.

3) Individual entries are encouraged; the use of long access balconies and/or corridors that are monotonous and impersonal are discouraged.

4) The primary entrance(s) of ground floor units of residential building(s) located within 25 feet of a local street may face the street. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. No off-street parking or circulation shall be located between the front of the building and the street. The following exceptions to this standard are allowed:

- On corner lots, the main building entrance(s) may face either of the streets or be oriented to the corner.
- For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.

Findings of Fact
As shown on Attachments G.99, G.100 & G.102, Sheets A5.9, A5.10 & A5.12, a cover will be provided over the building entries to Building 8 and Building 9 where they face Linn Avenue NE. One entry is provided for Building 8 and one entry is provided for Building 9 where they face Linn Avenue NE (a local street). The primary entrances of the other multi-family buildings are oriented towards the internal circulation network. No off-street parking is planned between the front of the buildings and a street. All building entries are clearly defined and easily accessible. There are no long balconies or monotonous corridors.
8.270 Transition to Lower Density Uses. The following design standards shall be incorporated into the design of multiple-family housing to create transitions between multiple-family developments and nearby, lower-density residential development, in order to reduce the impacts of building mass and scale.

1) When abutting single-family homes, buildings shall be set back at least one foot for each foot in building height from the property line. Building height is measured from the average grade to the top of the wall facing the property line or to the top of the highest window or door, whichever is higher.

2) Smaller-scale buildings should be sited in the area immediately adjacent to single-family zoning districts, and larger-scale buildings sited at the interior of the development or adjacent to other multiple-family developments.

3) Parking and maneuvering areas, driveways, active recreation areas, loading areas and dumpsters should not be located between multiple family buildings and abutting single family homes.

Findings of Fact

The southwest corner of the site abuts an RS-5 zoned property with a structure; however, the structure is not a single-family home. Therefore, the proposed project does not abut a single-family home and standard one (1) above does not apply. The southernmost property boundary is the only portion of the project that is immediately adjacent to a single-family zoning district (RS-5). The proposal includes a single-story clubhouse building at the southwest portion of the site. Parking and maneuvering areas, driveways, active recreation areas, loading areas and dumpsters are not be located between multiple family buildings and single-family homes.

8.280 Pedestrian Connections. Pedestrian circulation systems shall be designed to provide clear and identifiable connections within the multiple-family development and to adjacent uses and public streets/sidewalks.

1) Each multiple family development shall contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units and parking and shared open space areas. All pedestrian ways shall comply with the requirements of the Americans with Disabilities Act.

2) The pedestrian circulation system shall be designed to provide safe crossings of streets and driveways. Reflective striping should be used at crossings to emphasize the crossing under low light and inclement weather conditions.

3) Safe, convenient, and attractive pedestrian connections shall be provided between the multiple family development and adjacent uses such as parks, schools, retail areas, bus stops, and other pedestrian ways. Connections shall be made to all adjacent streets and sidewalks at 200-300 foot intervals.

Findings of Fact

Pedestrian connections are shown on the site plan (Attachments G.78 & G.79, Sheets A1.1 & A1.2.). The internal pedestrian circulation system consists of hard surface sidewalk, five to seven and one-half-foot wide and striped driveway crossings for safe connections between the residential units, parking, recreation areas, trash disposal area, and the public sidewalks. The accessways shown are intended to comply with the provisions of the Americans with Disabilities Act. A multipurpose path is provided that connects the project to Bowman Park and Eads Park. Pedestrian connections to adjacent public sidewalks are provided at Geary Street NE and along Linn Avenue NE at reasonable intervals.

8.290 Vehicle Circulation System. On-site circulation shall be clearly identifiable, safe, pedestrian friendly and interconnected.

1) Internal vehicle circulation system of a multiple family development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. Elements of the public street system that shall be emphasized in the internal circulation system include the block pattern, sidewalks, street trees, on-street parking and planter strips.

2) The vehicle circulation system and building pattern shall mimic a traditional local street network and break the development into numerous smaller blocks with all of the public street system elements highlighted above.
Private streets are acceptable, unless a public street is needed to extend the public street grid. The connectivity and block length standards in Articles 11 and 12 apply to all public and private streets.

3) The streets that form the primary internal circulation system may include parallel parking and accessways to parking bays or courts, but should not be lined with head-in parking spaces.

4) Interior roadways shall be designed to slow traffic speeds. This can be achieved by meandering the roadway, keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.

Findings of Fact
The project site is located between Geary Street NE and Alco Street NE, near the terminus of these streets. There are no streets to the west or east of the site that need to be continued through the property. No new public or private streets are proposed; the project does not involve interior roadways, just parking drive-aisles to access the parking stalls.

8.300 Parking. Multiple-family development shall provide attractive street frontages and visual compatibility with neighborhoods by minimizing the placement of parking lots along public streets. See Article 9 for additional parking lot standards.

1) Parking lots, carports, and garages shall not be sited between multiple-family buildings and the public local street unless site size and configuration make this impossible. Where available, private access to parking is encouraged.

2) Parking areas shall be broken into numerous small parking bays and landscaped to minimize their visual impact. Large, uninterrupted rows of parking are prohibited. Required parking must be located within 100 feet of the building entrance for each unit. The integration of garages into residential buildings is encouraged.

Findings of Fact
Access to the site and parking lot is provided via a private driveway off Geary Street. The parking spaces are located behind the apartment buildings and they are not located between the multiple-family buildings and the public street. The parking lot is broken up into smaller bays with landscaped parking islands throughout the development, in accordance with the standards of ADC 9.150. All the parking spaces are located within 100 feet of the building entrance for each unit.

Conclusions
DS.1 The recreation and open space standards are met with adequate common open space area and functional uses and features that include an indoor club house with outside patio, children’s play area, and riverfront pathway with access to public parks. The children’s play area is shown without any play equipment. A fence is not required and without play equipment a fence is not recommended for the children’s play area.

DS.2 Private open space is provided for each apartment through concrete at-grade patios and balconies on the upper levels of the buildings. At the time of building permit, the private open space will be reviewed to ensure compliance with the minimum standards.

DS.3 The buildings are located on the site to effectively meet the maximum setback requirement from public streets, as well as the minimum setback requirement from property lines.

DS.4 The architectural design of the proposed apartment buildings meet the functional design and building detail standards.

DS.5 The design of the overall development meet the standards for building orientation and entries, pedestrian connections, vehicle circulation system, and parking.

DS.6 The proposal meets the multi-family design standards with the following condition.
Condition
Condition 17  Prior to issuance of a building permit, the applicant shall submit a site plan and building plans to the Community Development Department for review and approval that shows the standards of ADC 8.230 are met. Private open space for at-grade dwellings shall be screened from view from public streets. Outdoor storage closets on decks and balconies shall not be included in the dimension and area requirements of the private open space decks and patios.

Multifamily Development Design Standards Conclusion
As proposed and conditioned, all applicable review criteria for multifamily development design standards are met.

Tree Felling, Concurrent with Site Plan Review (ADC 9.208(2))
Notice from the Applicant: This application is for “needed housing” as that term is defined in ORS 197.303(1), because it provides for attached and detached single family housing and is on buildable land. See Group B, LLC v City of Corvallis, __Or LUBA__ (LUBA No. 2015-019, August 25, 2016) (Holding that multifamily housing on buildable land is needed housing); See Walter v City of Eugene, __Or LUBA__ (LUBA No. 2016-024, June 30, 2016). ORS 197.307(4) requires a local government to apply only clear and objective standards, conditions, and procedures to needed housing applications. Clear and objective standards and conditions may not contain subjective, value-laden analyses. Rogue Valley Assoc. of Realtors v City of Ashland, 35 Or LUBA 139, 158, aff’d 158 Or App 1, 970 P2d 685(1999). ORS 197.303(3). ORS 197.831 places the burden on local governments to demonstrate that standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner.

Findings of Fact
ADC 9.207 states Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous, single ownership in excess of 20,000 square feet in any zone. The tree felling criteria are listed below; however, as described in the notice from the applicant (above), Oregon State law requires that criteria for “needed housing” development must be clear and objective. Oregon Revised Statutes (ORS) 197.307(4) states:

“…a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

The tree felling criteria 9.208(2)(a-c) listed below are not “clear and objective,” as is required by Oregon State law. Therefore, the tree felling criteria are not applicable because those criteria are not “clear and objective,” per state law requirements for needed housing. Although this criterion is not applicable, the applicant has addressed the tree felling criteria with findings listed below.

Criterion (a)
It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved site plan review or conditional use review, or to otherwise utilize the applicant’s property in a manner consistent with its zoning, this code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry (9.208(2)(a)).

Findings of Fact & Conclusion
a.1 The notice from the applicant states that this review criterion is neither clear nor objective as is required by state law. See citation under ADC 9.207, above.
The applicant states: “Tree removal is planned for the project as shown on the Preliminary Tree Preservation and Removal Plan (Attachment G.67-G.68, Sheets C030-C.031). The plan shows trees that need to be removed in order to construct the planned site improvements. These include buildings to provide needed housing, parking areas, vehicular circulation areas, pedestrian accessways, common open space areas, and landscaping as required by the zoning and development standards in the ADC and plans adopted by City Council.

Approximately 18 trees are planned for removal near the south east corner of the site. The removal of these trees is necessary to construct the driveways, vehicle accessways, and pedestrian accessways necessary to serve Buildings 6 and 7, and along NE Linn Avenue according to the multifamily design standards in Sections 8.200-8.300 of the ADC. These units are needed housing as that term is defined in ORS 197.303(1), because they provide for housing on the buildable portion of the site as determined by the methodology for identifying buildable land in the City’s Buildable Lands Inventory (BLI), outside of the environmentally constrained land in the 100-year floodplain, that is designated as medium density residential land in the Albany Comprehensive Plan and zoned for multifamily use on City of Albany Zoning Map.

The multifamily design standard in ADC 8.260(1) states “As many of the building entries as possible shall face public local residential streets”. ADC 8.260(4) states “No off-street parking or circulation shall be located between the front of the building and the street”. The portion of the property along Linn Avenue NE provides the longest frontage on a public street, does not have the topographical constraints that Chicago Avenue has, and was, previously developed with homes fronting the street. The Linn Avenue NE frontage provides the only logical place to meet the applicable standard for street orientation. Furthermore, off-street parking and vehicular circulation are not allowed between the street and the buildings. Therefore, the required parking and vehicular access areas must be placed behind the units as shown on the plans, necessitating the removal of these trees. This criterion is met.”

**Criterion (b)**
The proposed felling is consistent with State standards, City ordinances, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites (9.208(2)(b)).

**Findings of Fact & Conclusion**
b.1 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. See citation under ADC 9.207, above.

b.2 The applicant states: “Removal of the trees shown on the Preliminary Tree Preservation and Removal Plan (Attachment G.67-G.68, Sheets C030-C.031) is planned in accordance with the findings included in the Arborist Letter (Attachment G.284). The findings in the report document the proposed tree felling will not negatively impact the environmental quality of the area. This criterion is met.”

**Criterion (c)**
The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved (9.208(2)(c)).

**Findings of Fact & Conclusion**
c.1 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. See citation under ADC 9.207, above.

c.2 The applicant states: “The Arborist Letter (Attachment G.284) documents how the characteristics of the trees informed the decision for removal. All the species planned for removal are typical of the
region and no unique trees were identified on site. As discussed previously, removal of these trees is necessary to construct needed housing as allowed in the RM Zone that complies with the applicable standards of the ADC. This criterion is met.”

Criterion (d)
Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6 (9.208(2)(d).

Findings of Fact & Conclusion

1. The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. See citation under ADC 9.207, above.

2. The applicant states: “Responses to the approval criteria for development within the Willamette River Greenway are included in Article 6 of this narrative. The healthy trees along the river are planned to be preserved to the maximum extent possible. This criterion is met.”

Tree Felling Criteria Conclusion

Although the applicant states that the tree felling criteria are not applicable because they are not “clear and objective,” per state law requirements for needed housing, the applicant has shown the tree felling criteria are met.

Willamette River Greenway Review Criteria (ADC 6.540)

Finding: The northern boundary of the property is the Willamette River. As shown on Attachment A.3, the site is within the Willamette River Greenway Overlay District.

Notice from the Applicant: This application is for "needed housing" as that term is defined in ORS 197.303(1), because it provides for attached and detached single family housing and is on buildable land. See Group B, LLC v City of Corvallis, __Or LUBA__ (LUBA No. 2015-019, August 25, 2016) (Holding that multifamily housing on buildable land is needed housing); See Walter v City of Eugene, __Or LUBA__ (LUBA No. 2016-024, June 30, 2016). ORS 197.307(4) requires a local government to apply only clear and objective standards, conditions, and procedures to needed housing applications. Clear and objective standards and conditions may not contain subjective, value-laden analyses. Rogue Valley Assoc. of Realtors v City of Ashland, 35 Or LUBA 139, 158, aff’d 158 Or App 1, 970 P2d 685(1999). The City has not taken an exception to needed housing under ORS 197.303(3). ORS 197.831 places the burden on local governments to demonstrate that standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner. The applicant may choose to accept discretionary standards. This application addresses all standards and conditions. The applicant reserves the right to object to the application of standards or conditions other than those that are clear and objective and does not waive its right to assert that the needed housing statutes apply to this application.

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

Findings of Fact & Conclusion

1. Property to the east and west of the site is designated on the Comprehensive Plan as Open Space; however, the subject property does not include lands designated as open space. Therefore, this project will not impact lands designated as Open Space in the Comprehensive Plan. This criterion is met.

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 & Conclusion

2.1 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. Nevertheless, a response is provided and demonstrate the applicable Willamette River Greenway criteria are met.

2.2 The applicant states: “The property has been host to a variety of industrial uses, including a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. This site plan review application will remove the remaining impacts of these prior uses and permit the site to be developed with residential uses as anticipated by the underlying RM zone and consistent with the Medium Density Residential designation in the City of Albany Comprehensive Plan. Significant natural and scenic areas and viewpoints along the Willamette River will be enhanced by an improved multiuse pathway along the riverfront where it fronts the subject property. These improvements will provide an important connection between Bowman Park and Eads Park, located east and west of the subject site. All existing trees within the vegetative fringe in good health will be preserved, with the exception of two that need to be removed for planned improvements. This criterion is met.”

2.3 The following are issues raised in public comments with a staff response:

Comment from Dala Rouse and Mary Abraham (Attachment L): The proposed development does not protect, preserve, restore, or enhance the property to the maximum extent possible. There are huge Oregon native trees on the property that are not being protected but destroyed with this development. Some of the trees are large native White Oak trees needing protection and some may have been there since Native Americans used the site. We request that an Archaeological Study be required as there have been artifacts found on this property over the years as presented in pictures included with these comments.

Response: The Tree Felling criteria is addressed under ADC 9.208 (above); those findings are included here by reference. The applicant provided responses to public comments that are included as Attachments M and N; those statements are included here by reference.

The applicant states: “As it pertains to the City’s local decision making in the context of this application, the City does not have approval criteria related to cultural and historical preservation and therefore such testimony is not germane to this decision. However, the Applicant is aware of the potential that the site may contain important cultural and historic artifacts and has taken proactive measures to identify and preserve them in accordance with State requirements. The applicant engaged Willamette Cultural Resource Associates, LTD (WCRA) to conduct an initial study in early 2020 that was completed on March 2, 2020. WCRA is currently conducting a field archeological survey. WCRA has presented their preliminary plan to the Consolidated Tribes of Grande Ronde and the State Historic Preservation Office (SHPO). The Consolidated Tribes have agreed to the approach and WCRA is awaiting feedback from SHPO. Once that feedback is received, WCRA anticipates beginning fieldwork in February 2021 and submitting their final report in March 2021. The Applicant is diligently and proactively working to meet all applicable State requirements.”

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 & Conclusion

3.1 The applicable floodplain development review criteria are included in this report. Those findings and conclusions are included here by reference.

3.2 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. Nevertheless, a response is provided and demonstrate that the applicable Willamette River Greenway criteria are met.
3.3 The applicant states: “This application includes a Floodplain Development Permit. Responses to the approval criteria for that permit are provided in Sections 6.093 through 6.122 of this narrative and address the impacts within the floodplain. The Revised Hydraulics Report [Attachments G.218-G.282] shows that the planned project will not increase the 100-year water surface elevation. Therefore, the planned site improvements will protect water retention, overflow, and other natural functions within the floodplain to the maximum extent possible. This criterion is met.”

3.4 The following are issues raised in public comments with a staff response:

Comment from Dala Rouse and Mary Abraham (Attachment L): The areas of the Floodplains and Wetlands are not being preserved in their natural state to the maximum extent possible to protect water retention, overflow, and other natural functions. They are building much of their parking in the floodway part of the floodplain, which is the overflow area for the Willamette River and floods more frequently and has swifter floodwater than other parts of the floodplain. Some of the proposed parking lots are at elevation 194 feet, which is six feet below base flood level according to FEMA maps. Comments were made that if the area floods, they can move the vehicles, but to where? Enclosed is a copy from the City’s website regarding flooding. It states “Turn around, don’t drown and states it only takes 12 inches to carry away a car. We don’t need cars in the Willamette River, especially if people are in them trying to rescue their cars.

Response: The applicant provided responses to public comments that are included as Attachments M and N; those statements are included here by reference. Issues related to storage of vehicles in the floodplain and floodway are addressed under ADC 6.100 and 6.110; those findings are included here by reference.

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.

Findings of Fact & Conclusion
4.1 The notice from the applicant states that this review criterion is neither clear nor objective as is required by state law. Nevertheless, a response is provided and demonstrate that the applicable Willamette River Greenway criteria are met.

4.2 The applicant states: “The Site Plan does not propose changes to or create additional impacts to the natural vegetative fringe along the river. All existing trees within the vegetative fringe in good health will be preserved, consistent with the approved tree felling permit, with the exception of two that need to be removed for planned improvements. This criterion is met.”

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.

Findings of Fact & Conclusion
5.1 This project does not include harvesting of timber; 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 & Conclusion
6.1 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. Nevertheless, a response is provided and demonstrate that the applicable Willamette River Greenway criteria are met.
6.2 The applicant states: “The property has a history of industrial use, including a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. This project will remove the remaining impacts of these prior uses and permit residential development for the site as allowed under current zoning and as envisioned in the City of Albany Comprehensive Plan.

Open space abuts the property to the east and west along the river. Improvements to the multiuse path connecting these areas will provide an important amenity to the nearby neighborhood. The planned improvements involve multifamily housing designed in accordance with the development standards in the RM Zone and the applicable design standards for multifamily development. These standards include strict requirements for landscaping and open spaces as well as setbacks, buffering, and screening standards that ensure compatibility with uses in the surrounding area.

The subject property includes the “Permawood Site” - identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) and Tax Lots 1001, 1100, 6805 (Map 11S03W05CA). Therefore, a special setback of 15 feet applies for buildings and parking from the realigned multi-use path along the river. As shown in the site plan (Attachment G.78, Sheet A1.1), this setback is provided, and the maximum possible vegetation is planned to be preserved within that setback. The site plan shows ±47,277 square feet of common open space are planned. This amount exceeds the minimum standard for multiple family development under ADC 8.220 (0.25 square feet for each 1.0 square feet of living space) by ±36 percent. Therefore, the maximum possible landscaped area, open space, or vegetation is provided between the activity and the river while allowing the site to be developed as allowed in the underlying RM Zone. This criterion is met.”

6.3 The following are issues raised in public comments with a staff response:

**Comment from Dala Rouse and Mary Abraham (Attachment L):** The proposed development change and intensification of use is not compatible with existing and surrounding land uses. Most of the land is open space, parks, and the river. The development with parking in the floodway, does not have maximum possible landscaping or open space. Development Code 6.100 Floodway Restrictions. (4) The temporary storage or processing of materials will not become buoyant, (cars float in 12 inches of water), flammable, hazardous, explosive or otherwise potentially injurious to human, animal, or plant life in times of flooding. Parking in the Floodway is really a safety issue. Many times, the water comes up higher in the night, like happened in the flooding of Hwy. 34 in April of 2019.

**Response:** The applicant provided responses to public comments that are included as Attachments M and N; those statements are included here by reference. Issues related to storage of vehicles in the floodplain and floodway are addressed under ADC 6.100 and 6.110; those findings are included here by reference. Issues related to compatibility with the existing and surrounding land uses are addressed under ADC 2.450; those findings are included here by reference.

**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 This project does not involve the extraction of mineral deposits; 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 & Conclusion**
8.1 The notice from the applicant states this review criterion is neither clear nor objective as is required by state law. Nevertheless, a response is provided and demonstrate that the applicable Willamette River Greenway criteria are met.
8.2 The applicant states: “The multiuse path along the Willamette River is planned as a public recreational facility. The improved path will connect Bowman Park, to the west, with existing open space to the east. The recreational path is compatible with the existing recreational use in the adjacent parks and will not have an adverse effect on these adjacent properties. This criterion is met.”

8.3 The following are issues raised in public comments with a staff response:

**Comment from Cynthia Cooper (Attachment H):** In the inevitable event that the property changes hands, the City needs to consider future management and maintenance of all those multi-story multi-dwelling units and infrastructure on and leading up to the property.

**Response:** The property owner is responsible for maintaining the property consistent with the Albany Municipal Code, Albany Development Code, and meeting all conditions associated with a land use approval. The property owner may choose to manage the property themselves or through a management company. If it is found that the property is not managed in accordance with applicable code provisions and conditions of approval, the City of Albany will notify the property owner of non-compliance and take measures to resolve the issue in accordance with the code.

**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 & Conclusion**

9.1 The applicant states: “The subject property includes the “Permawood Site” identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) as well as Tax Lots 1001, 1100, 6805 (Map 11S03W05CA) that has been subsequently consolidated into a single tax lot (Tax Lot 300). As provided for in Section 5.207, the language in Sections 5.200 and 5.205 do not apply to this site. This criterion does not apply.”

9.2 ADC 5.207 applies an alternative setback standard to the Permawood Site. The minimum setback for buildings and parking on the river side of this property along the river is 15 feet. The minimum setbacks are measured from the most inland of the property line along the river, the City multi-use path easement, or the top of the river embankment. In this case, the City multi-use path easement is the most inland feature on the property. The parking lot is set back 15 feet, seven inches from the inland edge of the multi-use path, and the nearest building is at least 35 feet from the floodway line. Therefore, both the proposed parking lot and residential buildings meet the setback standards under ADC 5.207.

**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 & Conclusion**

10.1 The applicant states: “The planned project includes improvements to the multi-use path along the Willamette River. As shown on the Site Plan [Attachment G.78, Sheet A1.1], an accessway on the north east portion of the site will connect the project to the multi-use path. Therefore, the project provides the appropriate public access to, and along, the river. This criterion is met.”

10.2 The following issue was raised in public comments with a staff response:

**Comment from Dala Rouse (Attachment L):** Public access will be provided along the river, but we have not seen a proposal to enhance or landscape the path area as Permawood was required to do. Permawood had a well that provided irrigation.

**Response:** Although the proposal includes improvements to the multi-use path along the Willamette River, the previous land use review does not apply to the current land use application. A more detailed
discussion of transportation and the multi-use path are addressed under ADC 2.450(3); those findings are included here by reference.

Willamette River Greenway Conclusion

Although the applicant has stated the Willamette River Greenway criteria two through eight are not applicable because they are not “clear and objective,” per state law requirements for needed housing. The applicant has shown the Willamette River Greenway criteria are met.

Floodplain Development Review

Floodway Restrictions (ADC 6.100)

No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence prepared in accordance with standard engineering methodology approved by FEMA and certified by a registered professional engineer and upon documentation that one of the following criteria has been met:

1. The development does not involve the construction of permanent or habitable structures (including fences).
2. The development is a public or private park or recreational use or municipal utility use.
3. The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

For temporary storage of materials or equipment:

4. The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive or otherwise potentially injurious to human, animal, or plant life in times of flooding.
5. The temporary storage of material or equipment is not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

Findings of Fact and Conclusion

1.1 The subject property is identified on the effective Federal Emergency Management Association (FEMA) Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) #41043C0214H, dated December 8, 2016. Based on the effective FIRM, portions of the property are located within Zone AE of the Special Flood Hazard Area (SFHA), in the right overbank of the floodplain of the Willamette River. A regulatory floodway has been defined for this area and a portion of the subject property is located within the floodway.

1.2 The applicant proposes grading, fill, and construction of a 120-unit multi-family housing project along with associated site improvements on the currently undeveloped properties. The majority of the improvements are located outside of the floodway, within the floodway fringe; however, some of the proposed grading for a parking lot and improvements for a multi-use path are within the regulatory floodway. The floodplain and floodway boundaries are shown on the floodplain map and the applicant’s civil plan set (Attachments A.4, G.65 and G.70).

1.3 No habitable structures or fences are proposed or allowed within the floodway. A multi-use path is within a public access easement for public recreational use, which is an allowed use in the floodway.
1.4 Modifications, such as the proposed grading and parking lot, are allowed within the regulatory floodway provided it does not result in an increase in flood levels within the floodway.

1.5 The temporary storage of equipment, such as vehicles in a parking area are allowed in the floodway because they can be removed from the area in the event of a flood warning. Public comments cited issue with storage of vehicles in the floodplain and floodway. In response to this issue, the applicant states: “Areas of the site that are below the BFE include some site open space and some vehicle parking areas. Because flood events commonly occur as a result of sustained wet weather systems and take place relatively gradually, residents can avoid the potential for property damage to vehicles that are parked below the BFE during such an event, by temporarily relocating them to the abutting streets. Residents that are unable or unwilling to relocate their vehicles may experience some damage to this private property. This situation exists for the Bowman Park parking lot, countless other parking areas in the City of Albany, and elsewhere where development is allowed in the floodplain (Attachment M).” Further discussion of flood hazard safety is addressed under ADC 6.110 (below); those findings are included here by reference.

1.6 The applicant provided a hydraulics report for the proposed development. This report was produced by Waterways Consulting, Inc., dated March 30, 2020, and included as Attachments G.218- G.282. The report concludes: “The results of this hydraulic analysis indicated no rise in the 100-year water surface elevations for the Proposed Conditions Model when compared to the Corrected Effective Model, either with and without floodways.”

1.7 The City requested a review of this hydraulic analysis from Ken Puhn, PE, CFM, of WEST Consultants, Inc., who found the application material adequately addresses ADC 6.100. Mr. Puhn’s technical memo states: “The City of Albany Development Code allows fill within the floodway fringe provided it does not reduce the flood carrying capacity of existing watercourses. Modifications, such as the proposed grading, are allowed within the regulatory floodway provided it does not result in an increase in flood levels within the floodway and does not include the construction of permanent or habitable structures. A hydraulics report provided by the applicant’s engineer (Waterways Consulting) shows that the project will cause no rise to floodplain or floodway elevations. Further, the report materials also show that activities within the floodway will be limited to grading and paving for open space and parking areas. Based on my review of the floodplain permit materials, the application adequately addresses provisions 6.100, 6.111(1), and 6.111(3) of the City of Albany - Development Code (Attachment D).” These criteria are met.

Floodway Restrictions Conclusion
As proposed, the project will cause no rise to floodplain or floodway elevations and satisfies the applicable review criteria for ADC 6.100.

Site Improvements in the Floodplain (ADC 6.110)
Criterion 1
All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Findings of Fact
1.1 The application is for development of a 120-unit multi-family residential development with associated site improvements. The site is ±6.32 acres in size, and it is located at 595 Geary Street NE in Albany. The northern boundary of the property is the Willamette River. A floodplain map is shown on Attachment A.4.

1.2 The subject property is identified on the effective FEMA FIS and FIRM #41043C0214H, dated December 8, 2016. Based on the effective FIRM, portions of the property are located within Zone AE of the SFHA, in the right overbank of the floodplain of the Willamette River. A regulatory floodway has been defined for this area and a portion of the subject property is located within the floodway.
1.3 The SFHA floodway fringe and floodway boundaries are shown on the existing conditions plan sheet and the preliminary grading plan (Attachments G.65 and G.70, Sheets C002 and C200). The Base Flood Elevation (BFE) at the site is established at 200.1 feet, based on the National Geodetic Vertical Datum of 1929 (NGVD29). To convert the elevation to the North American Vertical Datum of 1988 (NAVD88), add 3.42 to 200.1 for a BFE of 203.52 feet (NAVD88).

1.4 As illustrated on the Preliminary Grading Plan (Attachment G.70, Sheet C200), development of the proposed apartment complex buildings is proposed within the floodway fringe and outside of the floodway of the SFHA. To ensure the new development will be reasonably safe from flooding, the applicant proposes to fill portions of the site within the SFHA (floodplain) to bring the ground elevation up to or above the BFE. With a BFE of 200.1 feet (NGVD29) and a minimum finished floor for new structures at 201.5 feet (NGVD29). The new buildings will be at least one foot above the BFE.

1.5 The City requested a review of this hydraulic analysis submitted by the applicant from Ken Puhn, PE, CFM, of WEST Consultants, Inc., who found the application material adequately addresses ADC 6.100(1).

1.6 The criteria for “Grading, Fill, Excavation, and Paving” in the floodplain are also addressed later in this report. Those findings under ADC 6.111 are included here by reference.

1.7 At the time of building permit, the floodplain development standards under ADC 6.120 will be applied, which ensures all new buildings are constructed above the BFE.

1.8 The following are issues raised in public comments with a staff response:

   **Comment from Dala Rouse and Mary Abraham (Attachment L):** The proposal does not minimize flood damage around buildings or the entrance to the complex. The buildings may be one foot above base flood, but travel areas are allowed one foot below base flood making it hard for cars to get around buildings and to parking area that are even lower. The only entrance to the complex is approximately four feet below base flood height. It is a safety issue and there should be a requirement for an emergency exit when it floods not if it floods. This is a flood hazard zone listed as AE and more precaution needs to be addressed.

   [See comment letter (Attachment L) for additional references to the Oregon Statewide Planning Goal 7, and Federal standards under 40 CFR 60.22.]

   Enclosed is a picture of flood in April 2019. The water is almost to their driveway. In 1996 the flood water was 2.71 feet higher than in picture and entrance was impassable for several days. Adoption for denial of this same proposal earlier this year by the Planning Commission was for not having an emergency exit. Staff is looking too close at requirements for multifamily housing and not paying enough attention to the requirements for building in the Greenway and Floodplain.

   **Comment from Cynthia Cooper (Attachment H):** If there should be any emergency at all, access to the property is inadequate due to three factors: traffic along Salem Ave., traffic along the railroad, and limited capacity of Geary Street.

   **Comment from Heather Harwood (Attachment I):** Please see photos I took January 21, 2012. I don’t believe it was a 100-year flood, but it does seem like the area that is going to be built on would be partially underwater during a regularly occurring flooding event such as happened in 2012, and most likely around 1997 when there was also extensive flooding in Corvallis and Albany. I live nearby and every year we watch the water fill lower Bowman Park, just like it fills Bryant Park. It doesn’t seem very wise to build there.

   **Response:** The ground elevation at the driveway entrance of the site is set to match the existing street elevation, which is below the base flood elevation. The floodplain development standards do not prohibit driveways or parking areas from being located at or below the base flood elevation. Alternatively, those same standards do require residential structures to be located above the base flood elevation. The proposed grading plan (Attachment G.70, Sheet C200) shows the new buildings to be
located above the base flood elevation. A condition of approval requires the applicant to meet the floodplain building standards under ADC 6.120 at the time of building permit, which ensure the development will be consistent with the grading plan and thus be reasonably safe from flooding. In addition, the Revised Hydraulics Report (Attachment G.218-G.282) shows that the planned project will not increase the 100-year water surface elevation.

The applicant provided responses to public comments that are included as Attachments M and N; those statements are included here by reference.

The applicant states: “The access shown on the current Site Plan is the result of feedback from the public, City staff, and the Albany Fire Department. Applicant’s original site plan, approved in City Planning File No. SP-01-19, included a second vehicle access at Alco Street NE. In response to that plan, several members of the public expressed concern over the potential for adverse safety and operational impacts to Alco Street NE resulting from the use of this access. Subsequently, and with input from the Albany Fire Department, City Staff conditioned their approval of the application on the closure of this access to vehicle traffic.

A modified site plan was submitted in 2020 that worked in earnest to address the previous desire to eliminate access to Alco Street NE. Applicant spent considerable energy and resources in revising this plan to accommodate the prior neighborhood opposition to the Alco Street NE access. It is surprising to see that several residents who previously opposed the Alco Street NE Access are now requesting that the access be reinstated for the purpose of improving ingress/egress in the event of a 100-year flood event.

Emergency access/egress to the site is unchanged with the elimination of the Alco Street NE access. All buildings and habitable living spaces are at least 1-foot above the base flood elevation (BFE) of 200.1 feet. Additionally, while the site access from Geary Street is below the BFE, abutting streets, such as Chicago Street NE, Linn Avenue NE, and Alco Street NE are above the base flood elevation and provide direct pedestrian access/egress to/from the interior of the site. Areas of the site that are below the BFE include some site open space and some vehicle parking areas. Because flood events commonly occur as a result of sustained wet weather systems and take place relatively gradually, residents can avoid the potential for property damage to vehicles that are parked below the BFE during such an event, by temporarily relocating them to the abutting streets. Residents that are unable or unwilling to relocate their vehicles may experience some damage to this private property. This situation exists for the Bowman Park parking lot, countless other parking areas in the City of Albany, and elsewhere where development is allowed in the floodplain.

As reflected in the Staff Report, the Building and Fire Code does not require a second emergency vehicle access for the site. Based on the feedback received from the public, City Staff, and the emergency responders at the Albany Fire Department, a single access to Geary Street is sufficient to accommodate the current Site Plan.”

Conclusions

1.1 The site is located in Zone AE, within the SFHA where the BFE is 200.1 feet (NGVD29).

1.2 As presented in the grading plans, building sites are proposed to be brought up to or above the level of the BFE.

1.3 The criteria for “Grading, Fill, Excavation, and Paving” in the floodplain are also addressed later in this report. Those conclusions under ADC 6.111 are included here by reference

1.4 At the time of building permit, ADC 6.120 “Building Standards” will apply to ensure new development is constructed above the BFE.

1.5 Based on the factors above, the development will minimize the risk of flood damage and building sites will be reasonably safe from flooding.
1.6 This criterion is met with the following condition.

**Condition**

Condition 18 Prior to issuance of building permits, the plans shall be reviewed and approved for consistency with the Floodplain Building Standards under ADC 6.120. These standards include, but are not limited to, pre- and post-construction elevation certificates.

**Criterion 2**

All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

**Findings of Fact**

2.1 Utilities for sewer, gas, electricity, and water will be located underground and will not be susceptible to flood damage.

2.2 Provisions for public utilities are addressed in detail under site plan review criterion one (1). Those findings and conclusions are included here by reference.

**Conclusions**

2.1 The proposed development will have utilities and facilities located and constructed to minimize flood damage.

2.2 This criterion is met without conditions.

**Criterion 3**

On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

**Finding of Fact and Conclusion**

3.1 No new on-site waste disposal systems are proposed for this development.

3.2 This criterion is not applicable.

**Criterion 4**

All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

**Findings of Fact**

4.1 The City’s engineering staff has reviewed the applicant’s preliminary stormwater plans and has determined that they are acceptable.

4.2 Provisions for stormwater drainage are addressed in detail under site plan review criterion one (1). Those findings and conclusions and conditions of approval are included here by reference.

**Conclusions**

4.1 Adequate drainage is provided to reduce exposure to flood damage.

4.3 This criterion is met without conditions.

**Criterion 5**

Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.

**Finding of Fact and Conclusion**

5.1 No new lots are being created with this land use application.

5.2 This criterion does not apply.
Criterion 6
Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.

Finding of Fact and Conclusion
6.1 No new public or private streets are being created with this land use application.
6.2 This criterion does not apply.

Criterion 7
All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”

Findings of Fact
7.1 Subject properties are identified on the effective FIRM #41043C0214H, dated December 8, 2016, and located within Zone AE of the SFHA, in the right overbank of the floodplain of the Willamette River.
7.2 The SFHA floodway fringe and floodway boundaries are shown on the applicant’s existing conditions plan sheet and the preliminary grading plan (Attachments G.65 and G.70, Sheets C002 and C200). The notes on the plan sheets show that the floodway data is based on the FEMA map #41043C0214H, dated December 8, 2016.

Conclusions
7.1 The applicant’s civil plan set show the location of the 100-year flood contour line of the SFHA followed by the date the flood elevation was established by FEMA.
7.2 This criterion is met without conditions.

Criterion 8
In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Finding of Fact and Conclusion
8.1 The project does not involve a manufactured home park.
8.2 This criterion does not apply.

Site Improvements in the Floodplain Conclusion
As proposed and conditioned, the application for site improvements in the floodplain satisfies the applicable review criteria for ADC 6.110.
Grading, Fill, Excavation and Paving in the Floodplain (ADC 6.111)

Criterion 1

Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.

Findings of Fact

1.1 Subject properties are identified on the effective FIRM #41043C0214H, dated December 8, 2016. Based on the FIRM, portions of the property are located within Zone AE of the SFHA, in the right overbank of the floodplain of the Willamette River.

1.2 A regulatory floodway has been defined for this area and a portion of the subject property is located within the floodway. The criteria related to the floodway is addressed under ADC 6.100 (above); those findings and conclusions are included here by reference.

1.3 The applicant proposes grading, fill, and construction of a multi-family housing project along with associated site improvement on the currently undeveloped properties. The majority of the improvements are located outside of the floodway, within the floodway fringe. As illustrated on the preliminary grading plan (Attachment G.70, Sheet C200), the applicant proposes to fill portions of the site within the floodplain to bring the ground elevation up to or above the BFE.

1.4 The applicant provided a hydraulics report for the proposed development. This report was produced by Waterways Consulting, Inc., dated March 30, 2020, and included as Attachments G.218- G.282. The report concludes: “The results of this hydraulic analysis indicated no rise in the 100-year water surface elevations for the Proposed Conditions Model when compared to the Corrected Effective Model, either with and without floodways.”

1.5 The City requested a review of this hydraulic analysis from Ken Puhn, PE, CFM, of WEST Consultants, Inc., who found the application material adequately addresses ADC 6.100. Mr. Puhn’s technical memo states: “The City of Albany Development Code allows fill within the floodway fringe provided it does not reduce the flood carrying capacity of existing watercourses. Modifications, such as the proposed grading, are allowed within the regulatory floodway provided it does not result in an increase in flood levels within the floodway and does not include the construction of permanent or habitable structures. A hydraulics report provided by the applicant’s engineer (Waterways Consulting) shows that the project will cause no rise to floodplain or floodway elevations. Further, the report materials also show that activities within the floodway will be limited to grading and paving for open space and parking areas. Based on my review of the floodplain permit materials, the application adequately addresses provisions 6.100, 6.111(1), and 6.111(3) of the City of Albany - Development Code (Attachment D).” These criteria are met.

Conclusions

1.1 The proposed development is located within limited portions of the floodplain; however, no fill is proposed to be placed within an active watercourse.

1.2 Based on the findings stated above, the development will not cause a rise in the 100-year water surface elevations; therefore, provisions have been made to maintain adequate flood-carrying capacity of existing watercourses.

1.3 At the conclusion of grading and filling the project area, documentation is necessary to verify implementation is consistent with the plans as proposed.

1.4 This criterion is met with the following condition.
Condition

Condition 19  At the conclusion of grading and filling the project area and prior to issuance of a building permit, the following documentation shall be submitted to the Community Development Department:

a) As-built drawings with elevations provided; and

b) Letter from the engineer of record who is licensed in the State of Oregon, stating that the fill was placed in accordance with the signed plans.

Criterion 2

The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works engineering standards or are otherwise approved by the City Engineer.

Findings of Fact

2.1 The City’s engineering staff has reviewed the applicant’s preliminary stormwater plans and has determined they are acceptable.

2.2 Provisions for stormwater drainage are addressed in detail under site plan review criterion one (1). Those findings and conclusions are included here by reference.

Conclusions

2.1 Based on the findings stated above, the development has made adequate provisions for stormwater runoff.

2.3 This criterion is met without conditions.

Criterion 3

No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation, and maintenance of the existing utility.

Findings of Fact

3.1 The City’s engineering staff has reviewed the applicant’s preliminary utility plans and has determined they are acceptable.

3.2 Provisions for all City utilities (water, storm drainage, and sewer) are addressed in detail under site plan review criterion one (1). Those findings and conclusions are included here by reference.

Conclusions

3.1 The proposed grading, fill, excavation, and paving will not be detrimental to the anticipated service life, operation, and maintenance of existing utilities.

3.2 This criterion is met without conditions.

Criterion 4

In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.

Finding of Fact and Conclusion

4.1 Subject properties are identified on the effective FIRM #41043C0214H, dated December 8, 2016.
Based on the FIRM, portions of the property are located within Zone AE of the SFHA, in the right overbank of the floodplain of the Willamette River, where a regulatory floodway has been defined.

4.2 This criterion is not applicable.

**Criterion 5**
The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).

**Finding of Fact and Conclusion**
5.1 The watercourse applicable to this development is Willamette River. There is no proposed fill, alteration, or relocation of this watercourse.

5.2 This review criterion is not applicable.

**Criterion 6**
All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.

**Findings of Fact**
6.1 The City's engineering staff has reviewed the applicant's preliminary stormwater plans and has determined they are acceptable. Provisions for stormwater drainage are addressed in detail under site plan review criterion one (1). Those findings and conclusions are included here by reference.

6.2 The storm drainage plans show the on-site storm drainage facilities carry connect to a public 24-inch stormwater main to the west of the subject property, which conveys stormwater run-off to the Willamette River.

6.3 Prior to beginning any excavation or fill on the site, the applicant must obtain an Erosion Prevention Sediment Control (EPSC) Permit from the City of Albany Public Works Department. The developer will have to conform to erosion and sediment control measures as specified in the City's Stormwater Management Engineering Standards document.

**Conclusions**
6.1 Proposed drainage facilities are designed to carry waters to a public storm conveyance line, which deposits storm drainage into the Willamette River.

6.2 Prior to grading and fill, stormwater runoff details will be reviewed as part of the required EPSC permit.

6.3 This criterion is met without conditions.

**Criterion 7**
Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

**Finding of Fact and Conclusion**
7.1 At the time of site improvement permit, detailed grading plans are submitted and evaluated for drainage gradient to ensure all building pads have a positive drainage away from the building pad and towards an approved drainage facility in the street.

7.3 This criterion is met with the following condition.

**Condition**
Condition 20 Prior to the issuance of a Site Improvement (SI) permit, the grading plan shall be submitted
for review and approval to ensure building pads have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

**Grading, Fill and Excavation Conclusion**

As proposed and conditioned, the application to grade, excavate, pave and place fill in the floodplain satisfies the applicable review criteria for ADC 6.111: Grading, Fill, Excavation, and Paving.

**Overall Conclusion**

As proposed and conditioned, the application for Site Plan Review concurrent with Floodplain Development Review and Willamette River Greenway Review to develop a 120-unit residential apartment complex with associated site improvements satisfies all applicable review criteria as outlined in this report.

**Conditions of Approval**

**Utility Infrastructure**

Condition 1  Before the City will provide an occupancy permit for the proposed development, the applicant must construct a minimum 8-inch public water main in Geary Street from the main in Willamette Avenue to the entrance of the development. The applicant must obtain a Site Improvement Permit before beginning work on the public water main.

Condition 2  Before the City will provide an occupancy permit for the proposed development, the applicant must obtain a post-construction stormwater quality permit, construct the necessary stormwater quality facilities, and record a private stormwater facilities operation and maintenance agreement with the County.

Condition 3  The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will sign the final plat or approve occupancy of the project when the improvements are made, or when the improvement assurance is provided, and all other conditions of approval are met.

Condition 4  Prior to issuance of building permits, the applicant shall submit final plans for review and approval by the Albany Fire Department to ensure standards of the Oregon Fire Code are met.

**Transportation**

Condition 5  Prior to issuance of an occupancy permit the applicant shall dedicate right-of-way along the east side of Geary Street at the site’s southwest corner to a point at minimum of six inches behind the existing sidewalk.

Condition 6  Prior to issuance of an occupancy permit, the applicant shall construct public street improvements along the site’s frontage on the west side of Chicago Street. The design of the improvements shall be approved by the City Engineer. Improvements shall include:

a. Curb and gutter to city standards. The curb shall be located to provide for an ultimate curb to curb width of 30 feet.

b. Pavement to city standards. Pavement width shall be a minimum of 24 feet as measured from the new face of curb.

c. Public sidewalk to city standards.

Condition 7  Prior to issuance of an occupancy permit, the applicant shall construct public sidewalk along the site’s frontage on the north side of Linn Avenue.
Condition 8  The applicant shall dedicate a 16-foot-wide public path easement for the future construction of a 10-foot-wide concrete path. The general location of the easement shall be where the bark multiuse path is shown on the applicant’s approved site plan.

Condition 9  The applicant shall construct a 10-foot-wide bark multiuse path at the location shown on the approved site plan. In lieu of the bark path the applicant may choose to construct a 10-foot-wide concrete path at the same location, together with a connection over city park property to existing sidewalk improvements on Geary Street at the southwest corner of the site. Concrete path improvements would be eligible for TSDCi and Park’s Department SDC fee credit.

Site Improvements

Condition 10  Prior to issuance of a building permit, the applicant shall submit a site plan to the Community Development Department to ensure consistency with the standards of Table 9-2: Parking Lot Design and Supplemental Drawings.

Condition 11  Prior to issuance of a building permit, the applicant shall provide detailed plans to show how the bicycle parking meets the standards of ADC 9.120(13)(e-h).

Condition 12  Site lighting must be directed down, contained on site, and shielded, full cut-off design.

Condition 13  All site work shall be in compliance with the Contaminated Media Management Plan (CMMP) prepared by Cascadia Associates, LLC, dated April 22, 2019. If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the CMMP, and local, state, and federal regulation.

Condition 14  Prior to issuance of a building permit, a final landscape and irrigation plan shall be submitted for review and approval by the Community Development Department. The plan must be consistent with the landscaping standards of ADC 9.140(1), landscape parking lot standards of ADC 9.150 and irrigation standards of ADC 9.160. The final landscape plan shall also include landscape features in the triangular-shaped section of the street frontage at the intersection of Chicago Street NE and Linn Avenue NE.

Condition 15  Prior to installation, all landscape materials shall be inspected and approved by the Community Development Department to ensure consistency with the approved plans.

Condition 16  Prior to issuance of the final certificate of occupancy, all proposed and required site improvements (e.g., vehicle and bicycle parking, landscaping, community amenities, refuse screening, lighting, etc.), shall be constructed and completed in accordance with approved plans. Landscaping may be financially secured through a completion guarantee, per ADC 9.190.

Design Standards

Condition 17  Prior to issuance of a building permit, the applicant shall submit a site plan and building plans to the Community Development Department for review and approval that shows the standards of ADC 8.230 are met. Private open space for at-grade dwellings shall be screened from view from public streets. Outdoor storage closets on decks and balconies shall not be included in the dimension and area requirements of the private open space decks and patios.

Floodplain Development

Condition 18  Prior to issuance of building permits, the plans shall be reviewed and approved for consistency with the Floodplain Building Standards under ADC 6.120. These standards include, but are not limited to, pre- and post-construction elevation certificates.

Condition 19  At the conclusion of grading and filling the project area and prior to issuance of a building permit, the following documentation shall be submitted to the Community Development Department:
a) As-built drawings with elevations provided; and
b) Letter from the engineer of record who is licensed in the State of Oregon, stating that the fill was placed in accordance with the signed plans.

Condition 20 Prior to the issuance of a Site Improvement (SI) permit, the grading plan shall be submitted for review and approval to ensure building pads have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

Attachments
A.1 Location Map
A.2 Zoning Map
A.3 Willamette River Greenway Map
A.4 Floodplain Map
A.5 Natural Resource Map
A.6 Final Plat (File RL-11-18)
B. Comment from Albany Fire Department, Fire Marshal Lora Ratcliff (dated Oct. 26, 2020)
C. Comment from State Historic Preservation Office (dated July 21, 2020)
D. Floodplain Review by Ken Puhn, P.E. CFM, WEST Consultants (dated Nov. 3, 2020)
E. Dept. of State Lands, Wetland Land Use Notice Response (dated Dec. 8, 2020)
F. Department of Environmental Quality (DEQ) Revised No Further Action Determination (dated Dec. 9, 2019, 2019); Cascadia Associates, LLC Contaminated Media Management Plan (CMMP) (dated April 22, 2019); and Full Release of DEQ Easement (dated July 12, 2019)
G. Applicant’s Submittal:
   • Applicant’s Letter of Acknowledgement of Stipulated Acceptance of Pending Decision, dated Nov. 10, 2020 (G.1)
   • Applicant’s Letter of Protest Regarding City Interpretation that new Floodplain Development Permit, Tree Felling Permit and Willamette Greenway Use Permits are Required, dated Nov. 9, 2020 (G.2)
   • Applicant’s Narrative and Findings of Fact, dated October 2020 (G.3-G.62)
   Exhibit A: Preliminary Plans (G.63-G.102)
   Exhibit B: City of Albany Application Forms (G.103-G.132)
   Exhibit C: Traffic Impact Analysis (G.133-G.216)
   Exhibit D: Hydraulics Report (G.217-G.282)
   Exhibit E: Arborist Letter (G.283-G.284)
   Exhibit F: Property Ownership (G.285-G.292)
   Exhibit G: Exterior Color Schedule (G.293-G.295)
   Exhibit H: Lighting Cut Sheets (G.296-G.317)
   Exhibit I: Neighborhood Meeting Summary (G.318-G.330)
   Exhibit J: Pre-Application Conference Summary (G.331-G.344)
   Exhibit K: Pre-Application Conference Waiver (G.345-G.346)
H. Comment from Cynthia Cooper, (Received Nov. 30, 2020)
I. Comment from Heather Harwood, (Received Dec. 2, 2020)
J. Comment from Janet Suyama, (Received Dec. 3, 2020)
K. Comment from Jennifer Miller, (Received Dec. 3, 2020)
L. Comment from Dala Rouse and Mary Abraham, (Received Dec. 3, 2020)
M. Applicant Response to Comments by Zach Pelz, AKS Engineering & Forestry, LLC (Dec. 16, 2020)
N. Applicant Response to Comments by Alan M. Sorem, Saalfeld Griggs Law Firm (Dec. 16, 2020)
O. Request for a public hearing from Dala Rouse and Mary Abraham, (Received Jan. 5, 2021)
P. Comment from Zelda Bevin, (Received January 22, 2021)
Q. Comment from Mary Abraham, (January 22, 2021)
R. Comment from Dala Rouse, (January 22, 2021)
S. Comment from Lane Brown, (January 19, 2021)
T. Comment from Mariano Battro (January 21, 2021)
U. Comment from Beth Walker (January 21, 2021)
V. Comment from Camille Romania (January 22, 2021)
Location Map: 595 Geary Street NE

City of Albany, OR

Date: 5/5/2020   Map Source: City of Albany

Subject Property

Albany Taxlots
Location Map: 595 Geary Street NE

City of Albany, OR

Date: 5/5/2020   Map Source: City of Albany
TO: Melissa Anderson, Planner
From: Lora Ratcliff, Fire Marshal
DATE: October 26, 2020
SUBJECT: SP-19-20 - 595 Geary St NE – Multi-family Construction – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2019 Oregon Fire Code (OFC) per your request and has the following comments:

** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee**

1. Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2 (OFC D106.1 Exception)

2. 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. (OFC 503.1.1)

3. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

4. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)

5. This proposed project is located within a “Protected Area” as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3).

6. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
   - The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
   - The calculated “fire flow” of the proposed building(s)
   - The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
   - The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

Proposed hydrants appear to be adequate

LAR/lar
July 21, 2020

Ms. Melissa Anderson  
City of Albany Comm Dev Dept  
PO Box 490  
Albany, OR 97321

RE: SHPO Case No. 19-0609  
City of Albany Project SP-01-19 et al, The Banks Multi Family Development  
Construct housing  
595 Geary Street NE, Albany, Linn County

Dear Ms. Anderson:

A search through the SHPO archaeological database has revealed that there is a reported archaeological site in the area of the project referenced above. It is important that a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any ground disturbing activities.

A list of archaeological consultants can be found at the Association of Oregon Archaeologists website (www.oregonarchaeologists.com) by clicking on the Contractor Directory. State statutes and federal laws protect archaeological sites, objects, and human remains on both state public and private lands in Oregon. The recommendations above are intended to help the applicant avoid damaging any archaeological sites in the project area and ensure that federal obligations are met.

If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If you have any questions regarding the applicant's need to hire an archaeologist, or wish any additional information about the above comments, feel free to contact the SHPO office. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Jamie French, M.A.  
SHPO Archaeologist  
(503) 986-0729  
Jamie.French@oregon.gov

cc: Zach Pelz, AKS Engineering & Forestry, LLC
Technical Memo

WEST Consultants, Inc.
2601 25th St. SE
Suite 450
Salem, OR  97302-1286
(503) 485 5490
(503) 485-5491 Fax
www.westconsultants.com

To:   Melissa Anderson, AICP, PMP, CFM
       Community Development Department, City of Albany, Oregon

Date: November 3, 2020

From: Ken Puhn, P.E., CFM

Subject: Review of Floodplain Development Permit Application FP-04-20, The Banks Apartments

Background

WEST Consultants has completed a review of the Floodplain Development Permit Application no. FP-04-20 – The Banks Apartments. The subject property is a 6.32 acre site located at 594 Geary Street NE, 1905, 1925, 1935 and 2275 Linn Avenue, and 533 Alco Street. Based on the effective FEMA Flood Insurance Study (FIRM 41043C0214H), the subject property is located within a FEMA Zone AE Special Flood Hazard Area, in the right overbank of the floodplain of the Willamette River. A regulatory floodway has been defined for the area and a portion of the subject property is located within the floodway.

The applicant proposes grading, fill, and construction of a multi-family housing project along with associated site improvements such as parking and landscaping, on the currently undeveloped properties. The majority of the improvements are located outside the floodway, within the floodway fringe; however, some of the proposed grading is within the regulatory floodway.

Findings

The City of Albany Development Code allows fill within the floodway fringe provided it does not reduce the flood carrying capacity of existing watercourses. Modifications, such as the proposed grading, are allowed within the regulatory floodway provided it does not result in an increase in flood levels within the floodway, and does not include the construction of permanent or habitable structures. A hydraulics report provided by the applicant’s engineer (Waterways Consulting) shows that the project will cause no rise to floodplain or floodway elevations. Further, the report materials also show that activities within the floodway will be limited to grading and paving for open space and parking areas.

Based on my review of the floodplain permit materials, the application adequately addresses provisions 6.100, 6.111(1), and 6.111(3) of the City of Albany - Development Code. The Floodplain Permit Review Checklist is shown in Appendix A. Supporting documentation is included in Appendix B.
APPENDIX A – Floodplain Review Checklist
City of Albany, Oregon
Floodplain Permit Review Checklist

Permit Reference No: FP-04-20
Project: The Banks Apartments – Geary Street
Stream: Willamette River
Projection Description: Regrading, fill, and construction of multi-family housing
Reviewed By: Ken Puhn, P.E., CFM

6.100 Floodway Restrictions.

☒ FEMA Designated Floodway

☐ Development is outside the designated floodway
☒ Development within floodway does not result in any increase in 100-year flood levels
☒ Finding based upon applicant-supplied evidence
☒ Certified by a registered professional engineer

☒ Allowed Floodway Development

☒ 6.100(1) Does not involve the construction of permanent or habitable structures
☐ 6.100(2) A public or private park or recreational use or municipal utility use
☐ 6.100(3) A water-dependent structure such as a dock, pier, bridge, or floating marina.
☐ 6.100(4) The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive or otherwise potentially injurious to human, animal or plant life in times of flooding.
☐ 6.100(5) The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

☐ Regulated Floodplain (Non designated FEMA Floodway)

☐ Development along estimated floodway boundary shall not result in an increase of the base flood level greater than 1-foot
☐ Finding based upon applicant-supplied evidence
☐ Certified by a registered professional engineer
6.101  Alteration of a Watercourse

☐ Watercourse altered
  ☐ changes occur within its banks
  ☐ installation of new culverts and/or bridges
  ☐ size modifications to existing culverts and bridges


☐ 6.101(4) The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

6.111  Grading, Fill, Excavation, and Paving

☒ FEMA Designated Floodway
  ☐ Grading is outside the floodway.
  ☒ Grading is inside the floodway and does not result in any increase in flood levels within the floodway during the occurrence of the 100-year flood.
  ☒ Finding based upon applicant-supplied evidence
  ☒ Certified by a registered professional engineer

☒ Special Flood Hazard Area (100-year floodplain)
  ☒ 6.111(1) Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.
  ☒ 6.111(3) Proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.

☐ Regulated Floodplain (Non designated FEMA Floodway)
  ☐ 6.111(5) Demonstrate the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.
APPENDIX B – Supporting Documentation

See Applicant's Submittal:

Revised Hydraulics Report
Waterways Consulting, Inc.
March 30, 2020
Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *
WN2020-0835

Responsible Jurisdiction

Staff Contact
Melissa Anderson

Jurisdiction Type
City

Municipality
Albany

Local case file #
SP-19-20

County
Linn

Activity Location

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<th>Range</th>
<th>Section</th>
<th>QQ section</th>
<th>Tax Lot(s)</th>
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<td>05</td>
<td>BD</td>
<td>300</td>
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</tbody>
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Street Address
594 Geary St NE
Address Line 2

City
Albany

State / Province / Region
OR

Postal / Zip Code
Linn

Latitude
44.643623

Longitude
-123.082903

Wetland/Waterway/Other Water Features

- There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

- The National Wetlands Inventory shows wetland, waterway or other water features on the property

- The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

- The property includes or is adjacent to designated Essential Salmonid Habitat.

Your Activity
✓ A state permit will not be required for the proposed project because, based on the submitted site plan, the project avoids impacts to jurisdictional wetlands, waterways, or other waters.

**Applicable Oregon Removal-Fill Permit Requirement(s)**

✓ A state permit is required for any amount of fill, removal, and/or other ground alteration in Essential Salmonid Habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

**Closing Information**

**Additional Comments**
Based on a review of the available information, including historical aerials, it does not appear that the proposed multi-family housing complex will impact jurisdictional wetlands or waters.

This site is adjacent to the Willamette River, an Essential Salmonid Habitat. Any impact to the river may require a permit. Therefore, best management practices for sediment and erosion control are recommended during construction.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

**Contact Information**

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: [http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx](http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx)
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: [https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf](https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf)

**Response Date**
12/8/2020

**Response by:**
Chris Stevenson

**Response Phone:**
503-986-5246
December 9, 2019

Robyn and Patrick Morley
Willamette River View Holdings, LLC
3545 Deerfield Dr. South
Salem, OR 97302

RE: Revised No Further Action Determination
Former American Cemwood, Albany
ECSI #1262; LUST #22-03-0199

Dear Mr. and Ms. Morley,

The Oregon Department of Environmental Quality (DEQ) has completed a review of the available information and the closure reports entitled Updated Risk Evaluation Report dated April 2, 2019, and Contaminated Media Management Plan, dated April 22, 2019, submitted to DEQ on your behalf. The site address is 595 Geary Street, Tax Map 11S03W05BD and Tax Lots #200 and 300.

DEQ has determined residual environmental contamination at the former American Cemwood facility does not present an unacceptable risk for development into residential lots. As such, conditions set forth in a 2008 No Further Action (NFA) determination for the site no longer apply and land use restrictions recorded with the property deed in Linn County have been released.

This updated NFA determination is based on the DEQ regulations and the facts as we now understand them including, but not limited to the following:

- Historically, this vacant property was used as a sand and gravel facility, concrete producer, and for the manufacturing of cement tile and other roofing products.
- In 1992, DEQ received a complaint that waste was being disposed of to the adjoining Willamette River and the site was placed in DEQ’s Environmental Cleanup Site Information (ECSI) database. DEQ completed a site inspection and found no evidence of dumping or waste disposal to the river; however, soil staining was observed in a used oil and lubricant storage area of the plant. The 1992 ESCI file (Site ID#1262) was subsequently closed.
- In 2003, four underground storage tanks, numerous 55-gallon drums, timbers, and approximately 8,400 tons of petroleum-contaminated soil were discovered near a former refining building. Soil excavation occurred at two locations. The site was added to DEQ’s leaking underground storage tank (LUST) database and given the identification #22-03-0199.
- Soil samples collected from the edges of the excavation indicated petroleum hydrocarbons were present. Detections of total petroleum hydrocarbons (TPH) as gasoline, diesel, and oil
ranged up to 4,400 milligrams per kilogram (mg/kg), 14,000 mg/kg, and 558 mg/kg, respectively. Several detections exceeded DEQ risk-based concentrations (RBCs) for direct contact and vapor intrusion. Polychlorinated biphenyls and leachable cadmium, chromium, and lead were not detected.

- Six monitoring wells were installed and sampled between June 2003 and June 2004. Benzene and ethylbenzene were found in groundwater exceeding DEQ’s residential RBC for vapor intrusion. The groundwater gradient was reported to the northwest and northeast.

- In 2008, DEQ issued a conditional NFA which included land use restrictions recorded with the property deed through an easement and equitable servitude (EES) filed with Linn County. Restrictions included the prohibition of groundwater extraction, requirement of engineering controls (ex. vapor barrier) for potential future residential uses, and placement/maintenance of a soil cap for any uses near the 2003 soil excavation.

- On March 1, 2019, sampling occurred on the site to address the land use restrictions.

- Four soil gas samples were collected to assess the vapor intrusion pathway. TPH as gasoline was detected in soil gas between 1,370 and 2,980 micrograms per cubic meter. Other TPH related constituents were detected at low concentrations. All detections were below residential soil gas RBCs.

- To evaluate the soil cap restriction, seven shallow soil borings were completed to 3 feet surrounding the areas of the former cleanup. Maximum concentrations detected in shallow soil of TPH as gasoline, diesel, and heavy oil were 7.33 mg/kg, 9.51 mg/kg, and 36.9 mg/kg, respectively. Cadmium, chromium, and lead were detected at low levels. All detections are below applicable RBCs. A map illustrating recent sample locations and the two soil cleanup areas is included.

- The property is anticipated to be redeveloped for multi-family residential housing. Water will be provided to the property by the City of Albany (City).

- A Contaminated Media Management Plan (CMMP) was prepared on April 22, 2019. The CMMP outlines actions required if contamination is encountered during property development and/or future underground utility work by the City.

- A public comment period was completed on June 20, 2019. Letters sent to nearby property owners, including the City of Albany Public Works and Parks Department included details of the proposed NFA.

- Comments from adjacent private landowners were received via telephone, US Mail, and email. Comments consisted of concerns regarding destructive past practices at the site (i.e., dumping), potential for unknown areas of contamination, and how DEQ performs risk evaluations. No changes were made to the proposed NFA but DEQ responded to the commenters and addressed the concerns.

- An EES Release document was recorded on the property deed by Linn County on July 12, 2019. The document serves as a release of easement for the property.

Based on the available information, the former American Cemwood site is currently protective of public health and the environment. The site requires no further action under the Oregon
Environmental Cleanup Law, ORS 465.200 et seq. unless new or previously undisclosed information becomes available, or there are changes in site development or land and water uses, or new contamination is discovered. DEQ will update the Environmental Cleanup Site Information System database and Leaking Underground Storage Tank database to reflect this decision.

This letter only applies to the release discussed above. If any contaminated soil or groundwater is encountered in the future, it must be handled and disposed of in accordance with the CMMP; and local, state and federal regulations.

A copy of the staff memo supporting this No Further Action decision can be viewed at http://www.deq.state.or.us/lq/ecsi/ecsiquery.asp (search Site ID #1262), or at http://www.deq.state.or.us/lq/tanks/lust/LustPublicLookup.asp (search LUST Number 22-03-0199). DEQ recommends keeping a copy of all of the documentation associated with this remedial action with the permanent facility records. If you have any questions, please contact Anthony Chavez at (541) 687-7348, or via email at chavez.anthony@deq.state.or.us.

Sincerely,

Michael E. Kucinski, Manager
Western Region Cleanup and Emergency Response

Attachments: Site Location Map
- Site Features Map
- CMMP
- EES Release

cc: ECSI #1262 File (COMM)
LUST #22-03-0199 (COMM)

cc: Chris Bremmer chris@cascadiaassociates.com
Bruce Scherzinger, DEQ Eugene
Anthony Chavez, DEQ Eugene
Site Location
Contaminated Media Management Plan
595 Geary Street NE
Albany, Oregon

Image Source: Open Street Maps, 2019

Approximate Scale
2,000 Feet

Cascadia Associates, LLC
Project Number 0095-001-001 Figure 1
April 2019
Contaminated Media Management Plan
Former American Cemwood Property
595 Geary Street NE
Salem, Oregon

Prepared for:
Willamette River View Holdings, LLC
3545 Deerfield Drive S
Salem, Oregon 97302

Prepared by:
Cascadia Associates, LLC
5820 SW Kelly Ave, Suite B
Portland, Oregon 97239

Project No. 0095-001-001
April 22, 2019
Contaminated Media Management Plan
Former American Cemwood Property
595 Geary Street NE
Salem, Oregon

Prepared for:
Willamette River View Holdings, LLC

Project No. 0095-001-001
April 22, 2019

Prepared by:

_______________________________
Chris Breemer, R.G.
Principal Geologist, Cascadia Associates
## Contents

**Executive Summary** iii

1.0 **Introduction** 1

  1.1 **Definitions** 1

  1.2 **Purpose** 2

  1.3 **Report Organization** 2

2.0 **Site Description and Background** 4

  2.1 **Site Description** 4

  2.2 **Background Information** 4

    2.2.1 **Site History** 4

    2.2.1 **2008 Risk Screening and Conditional NFA Determination** 5

    2.2.2 **2019 Updated Risk Evaluation** 5

3.0 **Nature and Extent of Contamination** 6

  3.1 **Applicable Regulatory Screening Levels** 6

  3.2 **Soil** 6

  3.3 **Groundwater** 7

  3.4 **Summary of Contamination** 7

    3.4.1 **Soil** 7

    3.4.2 **Groundwater** 8

    3.4.3 **Uncertainty** 8

4.0 **Soil Management Plan** 9

  4.1 **Soil Classes** 9

    4.1.1 **Contaminated Soil** 9

    4.1.2 **Suspect Contaminated Soil** 9

    4.1.3 **Uncontrolled Soil** 9

    4.1.4 **Clean Fill** 9

  4.2 **Identification and Management of Contaminated Soil and Suspect Contaminated Soil** 10

    4.2.1 **Responsible Personnel** 11

    4.2.2 **Suspect Contaminated Soil** 11

    4.2.3 **Best Management Practices for Contaminated Soil and Suspect Contaminated Soil Excavation** 11

    4.2.4 **Staging of Excavated Contaminated Soil and Suspect Contaminated Soil** 12
4.2.5  On-Site Reuse of Contaminated Soil and Contaminated Soil Remaining at the Site......12
4.3  Identification and Management of Uncontrolled Soil .................................................................12
  4.3.1  Responsible Personnel ..............................................................................................................13
  4.3.2  Exclusion Zone and Decontamination ....................................................................................13
  4.3.3  Best Management Practices for Uncontrolled Soil Excavation ........................................13
  4.3.4  Staging of Excavated Uncontrolled Soil ..............................................................................14
  4.3.5  On-Site Reuse of Uncontrolled Soil .......................................................................................14
4.4  Characterization of Soil Proposed for Export from the Site.......................................................14
  4.4.1  Loading of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil ...............15
  4.4.2  Transportation of Contaminated Soil, Suspect Contaminated Soil, and Uncontrolled Soil 16
4.5  Disposal of Contaminated Soil, Suspect Contaminated Soil, and Uncontrolled Soil ............16
5.0  CONTAMINATED GROUNDWATER MANAGEMENT PLAN .........................................................18
  5.1  Groundwater Management ......................................................................................................18
  5.1.1  Owner Notification ................................................................................................................18
  5.1.2  Characterization of Groundwater .........................................................................................18
  5.1.3  Groundwater Discharge and Disposal Options ................................................................18
6.0  CONTRACTOR HEALTH AND SAFETY PLAN .............................................................................19
7.0  REFERENCES ............................................................................................................................20
8.0  LIMITATIONS ..........................................................................................................................21
9.0  CLOSING ......................................................................................................................................22

FIGURES

Figure 1  Site Location
Figure 2  Contaminated Media Management Areas

APPENDICES

Appendix A  Soil, Soil Gas, and Groundwater Analytical Data Tables
EXECUTIVE SUMMARY

This Contaminated Media Management Plan (CMMP) has been prepared by Cascadia Associates, LLC (Cascadia) on behalf of Willamette River View Holdings, LLC for the property addressed as 595 Geary Street NE in Albany, Oregon (the Site). The Linn County tax lot numbers for the Site are 11S03W05BD00300 and 11S03W05BD00200. Plans are being prepared for redevelopment of the Site for multi-family housing. The purpose of this CMMP is to provide information and guidance to construction contractors that may encounter contaminated media during redevelopment activities at the Site.

Key contaminated media management guidance is summarized below:

- Data collected to date indicate that hazardous substance concentrations in soil at the Site do not exceed Oregon Department of Environmental Quality (DEQ) risk-based levels protective of construction worker and excavation worker health, except for the concentration of diesel-range hydrocarbons detected in a single soil sample collected 17 feet below the ground surface (bgs).

- Based on data collected during previous investigations, hazardous substances are present in soil in localized areas of the Site at concentrations greater than the “Clean Fill” threshold concentrations designated by DEQ. Soil concentrations of a subset of these hazardous substances also exceed DEQ risk-based concentrations (RBCs) for residential exposure to soil (i.e., the applicable RBC for the proposed future Site development). If excavated for export from the Site during Site development, soil in these areas (referred to as Contaminated Soil in this CMMP) should be stockpiled and sampled to determine if the soil can be classified and disposed of as Clean Fill or if the soil must be managed as solid waste.

- Outside of the known Contaminated Soil area, soil that exhibits chemical staining and/or a chemical odor has not been encountered but could be present in localized areas of the Site (referred to as Suspect Contaminated Soil, defined in Section 1.1). If staining or odor is encountered in soil during Site development and excavated for export from the Site, the affected soil should be stockpiled separately from the Contaminated Soil or Clean Fill Soil and managed as either Uncontrolled Soil or Suspect Contaminated Soil. Management options are presented in Sections 4.2 and 4.3.

- Uncontrolled Soil, defined in Section 1.1 as soil containing hazardous substances in exceedance of construction and excavation worker RBCs, may be encountered during Site development. If Uncontrolled Soil is suspected at the Site during development, the Contractor (defined in Section 1.1) should terminate work in the affected area and notify Owner or their designated representative. The Environmental Consultant (defined in Section 1.1) will evaluate the soil. A Remediation Contractor (defined in Section 1.1) will remediate the Uncontrolled Soil, if necessary, to protect construction worker health.
1.0 INTRODUCTION

1.1 DEFINITIONS

**Clean Fill Soil** – Soil outside of the Contaminated Soil area that does not present visual and/or olfactory evidence of contamination and does not contain concentrations of hazardous substances that exceed the Clean Fill thresholds listed in the 2019 DEQ Clean Fill IMD.

**Contaminated Soil** – Soil containing concentrations of hazardous substances that exceed Oregon Clean Fill screening levels listed in the July 23, 2014 Oregon Department of Environmental Quality (DEQ) *Internal Management Directive – Clean Fill Determinations* (2014 Clean Fill IMD; DEQ, 2014) and residential Risk-Based Concentrations (RBCs)\(^1\), but concentrations are less than construction worker and excavation worker RBCs (DEQ, 2018).

**Contractor** – To be determined (General Contractor- JM Ventures; Infrastructure Contractor – Owen Constrcution)

**Current Property Owner** – Willamette River View Holdings, LLC (referred to as “Owner” in this Contaminated Media Management Plan [CMMP]).

**Environmental Consultant** – Cascadia Associates, LLC or other qualified form selected by the Owner.

**Project Area** – The portion of the Site that is the subject of this CMMP.

**Remediation Contractor** – A contractor that is licensed and trained to handle soil that contains hazardous substance concentrations that exceed standards that are protective of construction worker health (i.e., Uncontrolled Soil). Remediation Contractor staff are trained and monitored in accordance 29 CFR Part 1910.120 (Hazardous Waste Operations and Emergency Response [HAZWOPER]).

**Suspect Contaminated Soil** – Soil outside of the Contaminated Soil area that exhibits visual and/or olfactory signs of contamination (e.g., chemical staining or odor), excluding it from Clean Fill designation.

**Uncontrolled Soil** – Soil that contains concentrations of hazardous substances that exceed DEQ construction or excavation worker RBCs.

\(^1\) Risk-based concentrations (RBCs) are hazardous substance concentrations that are considered protective of human health. RBCs have been established by the Oregon Department of Environmental Quality for soil, groundwater and soil gas, for residents, occupational workers, construction workers, and excavation workers.
1.2 PURPOSE

This CMMP has been prepared by Cascadia Associates, LLC (Cascadia) on behalf of Willamette River View Holdings, LLC for managing soil at the property addressed as 595 Geary Street NE, Albany, Oregon (the Site). The Linn County property identification numbers for the Site are 11S03W05BD00300 and 11S03W05BD00200. The purpose of this CMMP is to provide information and guidance to construction contractors that may encounter contaminated media during redevelopment or other soil disturbing activities at the portion of the Site that was affected by the historical release of hazardous substances associated with leaking underground storage tanks (USTs) and buried drums. This area is referred to herein as the Project Area. This document includes:

- A description of the type and magnitude of known hazardous substances (i.e., contaminants) in soil and groundwater at the Site (Appendix A provides analytical results for soil and groundwater at the Site);
- Procedures for the management of soil at the Site that may be excavated or otherwise handled during redevelopment activities at the Project Area;
- Procedures for the management of groundwater that may be encountered during redevelopment activities at the Site;
- Recommended control measures during excavation activities at the Project Area;
- Measures to control the migration of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil via erosion, stormwater runoff, or vehicle track off;
- Requirements for transportation and disposal of excavated material from the Project Area; and
- Requirements for management of groundwater extracted at the Site.

1.3 REPORT ORGANIZATION

This plan is divided into nine primary sections, as summarized below.

- Section 2 presents a Site description and background.
- Section 3 summarizes the applicable regulatory limits for environmental media at the Site, the nature and extent of residual contamination at the Site, and the potentially complete exposure pathways to human receptors.
- Section 4 describes soil management procedures within known or suspected areas of contamination, including procedures for disposing of contaminated material.
- Section 5 describes groundwater management procedures.
- Section 6 describes health and safety requirements and expectations for contractors conducting or responsible for excavation activities within the Site.
- Section 7 presents the references cited in this CMMP.
• Section 8 describes the limitations of this CMMP and appropriate use.
2.0 SITE DESCRIPTION AND BACKGROUND

2.1 SITE DESCRIPTION

The 5.04-acre Site is vacant and consists of two tax parcels (11S03W05BD00300 and 11S03W05BD00200). The Site is addressed as 595 Geary Street NE, Albany, Oregon. Undeveloped vacant land is adjacent to the east side of the Site. Residential properties are south of the Site. The west side of the Site is bounded by Geary Street and Bowman Park. The North side of the Site is adjacent to the Willamette River. A municipal sanitary sewer alignment crosses the north side of the Site. The sewer is approximately 18 feet deep. The Site ground surface is covered by grass and other vegetation. Crushed rock is present on the ground surface in some areas. No buildings are present at the Site. The Site location is shown on Figure 1.

2.2 BACKGROUND INFORMATION

2.2.1 Site History

In February 2003, during the demolition of the American Cemwood manufacturing facility at the Site, four USTs were encountered. Two of the USTs were steel and two were concrete. The USTs were removed. Debris, including wood, concrete, and drums, was encountered in the UST excavation. Buried drums were also encountered west of the UST excavation. Visibly contaminated soil was observed beneath the USTs. Approximately 8,400 tons of soil and debris were excavated and transported off-site for disposal. DEQ assigned Leaking UST (LUST) number 22-03-0199 and Environmental Cleanup and Site Information (ECSI) number 1262 to the Site. The UST area and drum area are shown on Figure 2. The Project Area, which is the subject of this CMMP, encompasses the areas where USTs and drums were removed and where hazardous substances have been detected in soil.

Soil samples collected beneath the USTs exhibited concentrations of gasoline-, diesel-, and oil-range hydrocarbons. Polycyclic aromatic hydrocarbons (PAHs) and volatile organic compounds (VOCs) were detected in some samples. Leachable metals (cadmium, chromium, and lead) and polychlorinated biphenyls (PCBs) were not detected. After visibly impacted soil and debris were excavated, samples of residual soil were collected. Some of the residual soil samples exhibited concentrations of gasoline-, diesel-, and oil-range hydrocarbons (maximum concentrations of 4,400, 14,000, and 558 milligrams per kilogram [mg/kg], respectively). Historical soil analytical data are listed in Appendix A. Historical data are not tabulated in Appendix A for leachable metals or PCBs because those compounds were not detected.

In April 2003, a geophysical survey was performed to identify buried drums and other buried debris. Several geophysical anomalies were detected. Excavations were completed at geophysical anomaly locations. No additional drums or USTs were encountered.

Four groundwater monitoring wells (MW-1 through MW-4) were installed around the UST excavation area in May 2003. Two additional groundwater monitoring wells (MW-5 and MW-6)
were installed in September 2003. Groundwater monitoring was performed at the Site between June 2003 and June 2004. The depth to groundwater in the monitoring wells ranged from approximately 15 to 29 feet below ground surface (bgs). The groundwater gradient was to the northwest and northeast. Groundwater samples were collected from the monitoring wells and analyzed for VOCs, PAHs, and dissolved lead. VOCs were detected in well MW-3, and occasionally in wells MW-1, MW-4, and MW-6. No VOCs were detected in wells MW-2 or MW-5. PAHs were detected in groundwater in well MW-3 and were rarely detected in well MW-6. PAHs were not detected in groundwater from wells MW-1, MW-2, MW-4, and MW-5. The chemical concentrations in groundwater samples did not exceed RBCs for potentially applicable exposure scenarios, except for the concentrations of benzene and ethylbenzene in well MW-3, which exceeded RBCs for residential exposure via vapor intrusion to buildings. Soil gas samples subsequently demonstrated that the soil is not a significant source of VOCs in soil gas.

2.2.1 2008 Risk Screening and Conditional NFA Determination

In 2008, the risks that residual contamination in soil and groundwater posed to human health and the environment were evaluated using DEQ's risk-based decision-making framework. People in residential, construction, and excavation worker scenarios were identified as potential receptors. No beneficial uses of groundwater were identified. Ecological exposure pathways were determined to be incomplete. In April 2008, DEQ issued a conditional No Further Action (NFA) determination for the Site.

2.2.2 2019 Updated Risk Evaluation

In 2019, Cascadia performed an updated risk evaluation at the Site to assess whether some or all of the conditions attached to the 2008 NFA determination could be eliminated. The evaluation included collection and analysis of soil and soil gas samples, and an interview with personnel that operate the City of Albany wastewater treatment plant.

The data collected during the updated risk evaluation demonstrated that concentrations of hazardous substances in soil are less than RBCs for applicable exposure scenarios and, consequently, the conditional NFA and the associated EES should be modified accordingly. Data collected in 2019 specifically indicated:

- Engineering controls are not necessary because chemical concentrations in soil gas are less than RBCs for residential and occupational exposure scenarios.

- Soil between 0 and 3 feet bgs does not contain hazardous substances at concentrations that exceed RBCs for residential, occupational, or construction/excavation worker exposure.
3.0 NATURE AND EXTENT OF CONTAMINATION

The nature and extent of hazardous substances in soil and groundwater at the Site were evaluated during investigations that were performed in 2003/2004 and 2019. The soil and groundwater results are discussed in Sections 3.2 and 3.3.

3.1 APPLICABLE REGULATORY SCREENING LEVELS

Concentrations of chemicals in environmental media at the Site are compared to regulatory limits, to determine appropriate handling and management during Site redevelopment. The regulatory levels defined and listed below are applicable to environmental media at the Site:

- **Oregon DEQ Clean Fill Screening Levels**: The Oregon DEQ Solid Waste Program Clean Fill Determinations Internal Management Directive (Clean Fill IMD; DEQ, 2019) outlines human health and ecological risk screening criteria to evaluate whether material such as soil excavated from a construction site meets DEQ's definition of clean fill for purposes of reuse or disposal. For the purpose of this project, Oregon Clean Fill criteria are used to determine whether excavated soil that will be exported from the Project Area can be managed as Clean Fill or if it must be managed as solid waste.

- **Oregon DEQ RBCs**: Oregon DEQ RBCs are risk-based concentrations that are used to evaluate the risks that hazardous substances pose to human health. In general, chemical concentrations less than RBCs are considered protective of human health. DEQ has developed RBCs for a wide range of potential exposure scenarios. RBCs that are applicable to a specific site are determined based on the current or proposed future land use at a site. The proposed future use of the property is multi-family residential; therefore, residential RBCs apply to the upper 3 feet of soil at the Site. Construction and excavation worker RBCs apply to soil between the surface and potential excavation depths, and to groundwater.

- **Oregon DEQ Regional Default Background Metals Concentrations**: The Oregon DEQ regional default background metals concentrations applicable to this project are the background metals concentrations for the South Willamette Valley. Special management is not normally required for soil that contains metals concentrations that exceed RBCs, but are below default background concentrations

Concentrations of constituents in Site environmental media are compared to the regulatory levels listed above in Sections 3.2 and 3.3.

3.2 SOIL

Surface and subsurface soil samples collected at the Site have been analyzed for:

- Gasoline, diesel-range, and oil-range petroleum hydrocarbons by Northwest Methods NWTPH-Gx and NWTPH-Dx;
• Total and leachable metals by Environmental Protection Agency (EPA) 6000/7000 series methods;
• VOCs by EPA Method 8260;
• PAHs by EPA Method 8270C-SIM; and
• PCBs by EPA Method 8082.

Soil chemical analytical data and figures showing historical soil sampling locations are presented in Appendix A. The 2019 soil sampling locations are shown on Figure 2. The following chemicals were detected at concentrations that exceed Oregon Clean Fill screening levels:

• Gasoline-range hydrocarbons - between 15 and 18 feet bgs in the former UST area;
• Diesel-range hydrocarbons - between 15 and 17 feet bgs in the former UST area; and
• BTEX - between 17 and 22 feet bgs in the former UST area.

No chemicals were detected in soil at concentrations that exceed excavation worker RBCs.

No chemicals were detected in soil at concentrations that exceed construction worker RBCs, except for diesel-range hydrocarbons in a single sample (595-EX3@17.0) that was collected 17 feet bgs.

The following chemicals were detected at concentrations that exceed residential RBCs:

• Gasoline-range hydrocarbons - between 15 and 18 feet bgs in the former UST area;
• Diesel-range hydrocarbons - between 15 and 17 feet bgs in the former UST area; and
• Benzene and ethylbenzene - between 17 and 22 feet bgs in the former UST area.

3.3 GROUNDWATER

Groundwater samples collected at the Site have been analyzed for:

• VOCs by EPA Method 8260B; and
• PAHs by EPA Method 8270.

Groundwater chemical analytical data are tabulated in Appendix A. The locations of monitoring wells are shown on Figure 2.

Concentrations of some chemicals in groundwater (benzene; ethylbenzene; naphthalene; 1,2,4-trimethylbenzene; and 1,3,5-trimethylbenzene) exceed RBCs for residential and occupational exposure via ingestion and inhalation from tap water. The chemical concentrations in groundwater do not exceed RBCs for excavation worker exposure.

3.4 SUMMARY OF CONTAMINATION

3.4.1 Soil

Analytical data indicate that soil between the surface and at least 3 feet bgs does not contain chemical concentrations that exceed RBCs for residential, occupational, construction worker, or excavation worker exposure scenarios. Historical data indicate that soil between 15 and 22 feet bgs
in the former UST area contained concentrations of gasoline-range hydrocarbons, diesel-range hydrocarbons, benzene, and ethylbenzene that exceed RBCs for residential exposure via direct contact, inhalation and ingestion. The chemical concentrations detected between 15 and 22 feet bgs in the former UST excavation area also exceed some Oregon Clean Fill criteria.

Based on information gathered to date, no soil at the Site poses unacceptable risk to excavation workers. Soil represented by a single sample collected 17 feet bgs in the former UST area historically exhibited a concentration of diesel-range hydrocarbons that exceeds the RBC for construction worker exposure. Based on the depth of the sample, construction worker exposure is unlikely.

3.4.2 Groundwater

Historical data indicate that groundwater contains concentrations of hazardous substances that exceed RBCs for groundwater ingestion and inhalation from tap water. The groundwater ingestion and inhalation pathway is incomplete at the Site; therefore, people are not currently exposed to hazardous substances in groundwater. If deep excavations were completed at the Site (i.e., greater than 15 feet deep), workers could be exposed to groundwater, although the chemical concentrations in groundwater do not exceed excavation worker RBCs.

3.4.3 Uncertainty

The understanding of the nature and extent of contamination in soil and groundwater at the Site is based on data that were collected from a limited number of explorations. While the number of explorations and chemical analyses that have been completed at the Site are generally consistent with the standard of practice at the time that this report was prepared, it is important to recognize that soil and groundwater conditions could be different at locations that were not evaluated during the assessments.
4.0 SOIL MANAGEMENT PLAN

The following information is intended to provide information and guidance for managing soil during soil disturbing activities at the Project Area.

4.1 SOIL CLASSES

Site soil may be classified as: (1) Contaminated Soil, (2) Suspect Contaminated Soil, (3) Uncontrolled Soil, or (4) Clean Fill. These soil types are described below.

4.1.1 Contaminated Soil

Data collected during previous investigations indicate that hazardous substances are present in soil at some parts of the Project Area, generally more than 15 feet bgs. While the detected concentrations of hazardous substances in soil are generally low (i.e., concentrations rarely exceed construction worker RBCs), the hazardous substance concentrations in some areas are sufficient to exclude the soil from a “Clean Fill” designation, and in some locations Contaminated Soil contains chemical concentrations that exceed residential RBCs. In the absence of contrary analytical data, soil within the Project Area below 3 feet bgs is classified as Contaminated Soil. The Project Area is shown on Figure 2. Chemical concentrations in exceedance of Clean Fill criteria or residential RBCs were detected at depths of 16 to 21 feet bgs in the former UST area. Contaminated soil has not been documented at the former drum area, although it may be present. Soil below more than 3 feet bgs in the Project Area should be assumed to be Contaminated Soil. Section 4.2 describes the recommended management of Contaminated Soil.

4.1.2 Suspect Contaminated Soil

Soil exhibiting visual or olfactory signs of contamination (e.g., chemical staining or chemical odor) is not known to be present at the Site but could be encountered outside of the Project Area. In accordance with DEQ guidance, soil that exhibits these characteristics is automatically excluded from a “Clean Fill” designation and should be managed as solid waste. Section 4.2 describes the recommended management of Suspect Contaminated Soil.

4.1.3 Uncontrolled Soil

Soil that contains hazardous substance concentrations that exceed construction worker RBCs may pose an unacceptable risk to construction workers and is referred to herein as Uncontrolled Soil. No Uncontrolled Soil is currently known to be present at the Site, with the exception of soil represented by a single sample that was collected 17 feet bgs in the former UST area. Section 4.3 describes the recommended management of Uncontrolled Soil.

4.1.4 Clean Fill

With the exception of the soil more than 3 feet bgs within Project Area, soil at the Site may meet Clean Fill criteria. If visual or olfactory indications of contamination are observed, the soil is not
Clean Fill and should be managed as Suspect Contaminated Soil or Uncontrolled Soil. Similarly, any soil containing concrete, brick, building blocks, tile, or asphalt is excluded from the DEQ definition of Clean Fill and must be managed as solid waste.

Regardless of the soil designations presented herein, if it is necessary to export soil from the Site, additional testing should be performed to determine if the soil can be classified as Clean Fill (and be exported as uncontrolled soil). To determine if Site soil meets Clean Fill criteria, the evaluation procedure outlined below should be followed by the Environmental Consultant or other qualified personnel:

- Does the soil appear chemically stained or does it have a chemical smell?
  - If yes, stop. This material is not Clean Fill and should be managed as Contaminated Soil.
  - If no, sampling of the soil should be conducted in accordance with Section 4.4.

- Do sample results (from Section 4.4) indicate that the material contains a listed or characteristic hazardous waste?
  - If yes, stop. This material is not Clean Fill and should be managed as hazardous waste.
  - If no, sampling results should be compared to DEQ clean fill screening levels (DEQ, 2014).

- Do sample results indicate that the material contains a chemical that exceeds DEQ’s clean fill criteria?
  - If no, this is Clean Fill.
  - If yes, the soil may be Clean Fill. Provided a large enough number of samples have been collected, a statistical evaluation can be conducted to determine if the average concentration is below DEQ clean fill criteria. If the average concentration exceeds DEQ clean fill criteria, the material is not Clean Fill and should be managed as Contaminated Soil.

The procedure outlined above is consistent with Attachment C of the Internal Management Directive - Clean Fill Determinations (DEQ, 2019).

4.2 IDENTIFICATION AND MANAGEMENT OF CONTAMINATED SOIL AND SUSPECT CONTAMINATED SOIL

This section presents guidance for management of Contaminated Soil and Suspect Contaminated Soil. All soil below 3 feet bgs within the Project Area is considered Contaminated Soil in the absence of additional information. Suspect Contaminated Soil could be identified elsewhere at the Site during construction based on visual or olfactory signs of contamination (e.g., staining and/or a chemical odor). Contaminated Soil and Suspect Contaminated Soil should not be exported from the Site, except as described in Sections 4.4 and 4.5.
4.2.1 Responsible Personnel

Special training (e.g., HAZWOPER) or equipment is not required for management or handling of Contaminated Soil; thus, it is anticipated that this soil will be managed and handled by the Contractor. The Contractor should handle Contaminated Soil in accordance with all local requirements, the requirements of the Occupational Safety and Health Administration (OSHA), and requirements of the Oregon Department of Transportation (ODOT) (for soil transported off-Site). These requirements include but are not limited to erosion control and dust control.

Chemical concentrations in Contaminated Soil are less than the levels that pose a risk to construction worker health. Nonetheless, construction workers should minimize their exposure to the soil by wearing appropriate PPE (Level D is recommended), washing hands and face before eating or drinking and upon departure from the Site, and avoiding consumption of food and beverages in areas of exposed soil.

4.2.2 Suspect Contaminated Soil

If Suspect Contaminated Soil is encountered during construction, as described in Section 4.1.2, the Contractor should segregate this soil from other excavated soil and immediately contact the Owner or the Environmental Consultant. If testing indicates that the affected soil contains hazardous substance concentrations that exceed construction worker RBCs (i.e., Uncontrolled Soil), the Remediation Contractor, in coordination with the Owner and the Environmental Consultant, will remediate (i.e., excavate) the Uncontrolled Soil as described in Section 4.3. If detected concentrations are below construction worker RBCs, the Suspect Contaminated Soil must be managed as Contaminated Soil and exported from the Site, as detailed in Section 4.4.

4.2.3 Best Management Practices for Contaminated Soil and Suspect Contaminated Soil Excavation

As discussed in Section 3.4, based on data collected during previous investigations, Contaminated Soil and Suspect Contaminated Soil do not pose an unacceptable risk to construction workers. Nonetheless, best management practices should be implemented to reduce the potential for migration of contaminants off-site and to protect worker health. Recommended best management practices include, but are not limited to:

- Access to the excavation and stockpile area should be limited to only personnel necessary to complete the planned work.
- If practicable, truck loading areas should be established at the boundary of the excavation and stockpile area so that trucks will not track Contaminated Soil and Suspect Contaminated Soil off-Site.
- Trucks must be broom cleaned before leaving the loading area.
- A water truck to wet soil as necessary to suppress airborne dust.
4.2.4 Staging of Excavated Contaminated Soil and Suspect Contaminated Soil

Temporary staging and or stockpiling of soil may be necessary. If Suspect Contaminated Soil is identified, it should be stockpiled separately from Contaminated Soil until the Suspect Contaminated Soil can be characterized. Stockpiled Contaminated Soil and Suspect Contaminated Soil must be surrounded by a berm. Stockpiles should have side slopes no steeper than 3 (horizontal) to 1 (vertical). Stockpiled soil should be placed on plastic sheeting, unless the stockpile is on soil that will be subsequently excavated or, following removal of the stockpile, at least three feet of imported soil that contains chemical concentrations less than residential RBCs will be placed over the footprint of the stockpile. Stockpiled soil must be covered with tarps during periods of rain, wind, or inactivity to prevent dispersal of soil. The edges of the tarps must be weighed down. Stockpiles must be kept neat at all times.

4.2.5 On-Site Reuse of Contaminated Soil and Contaminated Soil Remaining at the Site

Contaminated Soil that is excavated as part of development activities can be reused on-site, provided the soil meets other project requirements (e.g., geotechnical). However, to minimize risks to future residential Site users after construction, all Contaminated Soil with chemical concentrations in exceedance of residential RBCs remaining onsite (whether excavated or undisturbed as part of development) must be covered with Portland cement concrete (PCC), asphalt-concrete surfaces, or at least 3 feet of soil that contains chemical concentrations less than residential RBCs.

4.3 Identification and Management of Uncontrolled Soil

Suspect Contaminated Soil (and therefore potentially Uncontrolled Soil) may be identified by staining or a chemical odor. As noted in Section 4.2.2, if Suspect Contaminated Soil is encountered, the Contractor should immediately contact the Owner or the Environmental Consultant. The Owner/Environmental Consultant will evaluate the soil to determine if it should be classified as Contaminated Soil or Uncontrolled Soil.
If Uncontrolled Soil is confirmed, it will be managed as described in this section and in Sections 4.4 and 4.5. The management of Uncontrolled Soil will be performed by the Owner, the Environmental Consultant, and the Remediation Contractor.

4.3.1 Responsible Personnel

Uncontrolled Soil excavation activities will be performed by the Remediation Contractor, under the supervision of the Environmental Consultant. The Remediation Contractor is responsible for the excavation, management, and disposal of Uncontrolled Soil in accordance with guidelines presented in this CMMP.

4.3.2 Exclusion Zone and Decontamination

If excavation and removal of Uncontrolled Soil from the Site is necessary, the Remediation Contractor will establish an exclusion zone around the work and stockpile area.

To minimize risks to human health and the environment and to reduce the potential for migration of contaminants off-site, the following steps will be implemented by the Remediation Contractor:

- Fencing, barricades, traffic control, and other control equipment will be deployed around Uncontrolled Soil excavation areas to establish an exclusion area.
- Access to the exclusion area will be limited to only personnel necessary to address the Uncontrolled Soil.
- If practicable, truck loading areas will be established at the boundary of the exclusion area so that trucks will not enter the exclusion zone and require decontamination upon exiting.
- Trucks must be broom cleaned before leaving the loading area.

4.3.3 Best Management Practices for Uncontrolled Soil Excavation

The Remediation Contractor should use the appropriate best management practices to prevent the migration of Uncontrolled Soil as airborne dust, track out, or turbid water runoff from an excavation at the Site. If needed, the Remediation Contractor will provide:

- A water truck to wet soil as necessary to suppress airborne dust.
- Broom cleaning of soil from exterior of vehicles before they leave the soil loading areas.
- Graveled aprons and/or a wheel wash at egress point(s) from the work area.
- Catch basin sediment filters and straw wattles installed in and around each stormwater catch basin located near the work area to prevent Uncontrolled Soil from entering the stormwater conveyance system.
- Silt fences or other erosion control devices around the entire excavation and soil loading area(s) to prevent Uncontrolled Soil suspended in stormwater from migrating beyond the exclusion area and the Site.
4.3.4 Staging of Excavated Uncontrolled Soil

Temporary staging and or stockpiling of soil may be necessary. Stockpiled Uncontrolled Soil must be placed atop plastic sheeting (6-mil thickness minimum) and surrounded by a berm. Although dependent on stockpile material and composition, stockpiles should generally be less than 10 feet in height, with side slopes no steeper than 3 (horizontal) to 1 (vertical). Stockpiled soil must be covered with tarps during periods of rain, wind, or inactivity to prevent dispersal of soil. The edges of the tarps must be weighed down. Stockpiles must be kept neat always. Stockpiled Uncontrolled Soil should be kept separate from stockpiled Contaminated Soil or Suspect Contaminated Soil.

4.3.5 On-Site Reuse of Uncontrolled Soil

Uncontrolled Soil, if excavated, should not be reused on-site. It should be exported to a licensed disposal facility.

4.4 CHARACTERIZATION OF SOIL PROPOSED FOR EXPORT FROM THE SITE

Soil in portions of the Site has been characterized. See Appendix A for tabulated soil analytical data.

If export of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil from the Site is desired, it may be necessary to further characterize the soil for disposal. Historical soil analytical data will be provided to the Contractor and the Remediation Contractor (Contractors) by the Owner or the Environmental Consultant upon request; however, new or additional data may be required by the selected disposal facility.

This section provides guidance for characterizing stockpiled Site soil. In general, to characterize stockpiled soil, discrete grab samples should be collected using hand tools from 6 to 12 inches beneath the surface of the soil stockpile, assuming that the stockpile consists of generally homogenous material. The stockpile should be divided into approximately equal sections and sampled. The following table, adapted from the Washington Department of Ecology Guidance for Remediation of Petroleum Contaminated Sites (Ecology, 2016), specifies the typical minimum number of samples that should be collected for each stockpile; however, stockpile characterization methods can be modified by the Environmental Consultant.

<table>
<thead>
<tr>
<th>Cubic Yards of Soil</th>
<th>Number of Soil Samples</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 100</td>
<td>3</td>
</tr>
<tr>
<td>101 to 500</td>
<td>5</td>
</tr>
<tr>
<td>500 to 1,000</td>
<td>7</td>
</tr>
<tr>
<td>1,001 to 2,000</td>
<td>10</td>
</tr>
<tr>
<td>Greater than 2,000</td>
<td>10 + 1 for each additional 500 cubic yards</td>
</tr>
</tbody>
</table>
The Environmental Consultant will collect samples directly into laboratory containers and place the
containers in a cooler with ice, maintained under chain of custody until submitted to an Oregon-
accredited analytical laboratory. The list of soil analyses will be dependent on the requirements of
the facility that will accepting the soil.

In some circumstances, alternative soil characterization methods may be warranted. Alternative
characterization will be designed by the Environmental Consultant in coordination with the Owner.

4.4.1 Loading of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil

If Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil is to be transported off-site
for disposal, the Contractor or the Remediation Contractor, respectively, must load the soil into
trucks using the following procedures:

1. Use water as necessary to prevent the generation of visible dust during excavation activities.

2. Install catch basin sediment filters and straw wattles in and around each stormwater catch
basin that may be affected by the work. Or, decommission catch basins prior to
implementing excavation activities.

3. Minimize equipment traffic through the excavation and stockpile areas (exclusion zone, if
Uncontrolled Soil) to prevent Contaminated Soil, Suspect Contaminated Soil, or
Uncontrolled Soil from being transported via track-off to other parts of the Site or to off-site
areas.

4. Maintain excavation equipment in good working order. Immediately clean up any
contamination resulting from spilled hydraulic oils or other hazardous substances from
equipment.

5. Locate loading areas for Suspect Contaminated Soil or Contaminated Soil at the edge of the
excavation and stockpile area. Loading areas for Uncontrolled Soil should be located in, or at
the edge of (preferred), the exclusion zone.

6. Do not load wet soil with free liquids into trucks.

7. Load trucks in a manner that prevents the spilling, tracking, or dispersal of Contaminated
Soil, Suspect Contaminated Soil, or Uncontrolled Soil. Cover loads prior to exiting the Site.

8. Remove soil from the exterior of each truck before the truck leaves the loading area. Place
any soil collected in the loading area back into the truck.

9. Establish specific truck haul routes before beginning off-site Contaminated, Suspect
Contaminated, or Uncontrolled Soil transport. Use truck routes that minimize or prevent
movement of trucks over contaminated areas at the Site.

10. Ensure that loaded truck weights are within acceptable limits.
4.4.2 Transportation of Contaminated Soil, Suspect Contaminated Soil, and Uncontrolled Soil

The Contractors must comply with all applicable federal, state, or local laws, codes, and ordinances that govern or regulate soil transportation. Prior to off-site transportation, the Contractors must obtain required permits and furnish labor, materials, equipment, and incidentals required for soil transport. Drivers hauling soil must have all applicable state and local vehicle insurance requirements, valid driver's license, and vehicle registration and license in their possession during hauling. The Contractors must inform drivers of haul vehicles of:

1. The nature of the material being hauled;
2. The required route to and from the disposal facility and/or disposal staging area;
3. Any applicable city street regulations and requirements, and ODOT codes, regulations, and requirements; and
4. Maximum legal load limits per vehicle.

4.5 DISPOSAL OF CONTAMINATED SOIL, SUSPECT CONTAMINATED SOIL, AND UNCONTROLLED SOIL

Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil that is exported from the Site must be permitted for disposal at an approved RCRA Subtitle C or D Landfill.

Historical soil analytical data will be provided to the Contractors by the Owner or the Environmental Consultant upon request; however, new or additional data may be required by the selected disposal facility. New data, if required, should be collected using the procedures described in Section 4.4.

Once the soil profile data have been received from the laboratory, the Contractors may provide the data to the disposal facility for waste profiling purposes. The Contractors must properly prepare bills of lading, or other waste characterization or shipping related documents required by the disposal facility.

Prior to transportation and disposal of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil, the Contractors must obtain documentation from the landfill that it will accept the contaminated media, and submit the documentation to the Owner for review and approval.

Prior to off-site transport of Contaminated Soil, Suspect Contaminated Soil, or Uncontrolled Soil, the Contractors must provide a contact name and solid waste permit number for each facility that will receive the soil. The Contractors must provide the Owner or the Environmental Consultant environmental consultant at least 48 hours’ notice prior to transport of contaminated media from the Site. The Owner reserves the right to prohibit use of a disposal facility based on facility construction details or performance record.
The Contractors must properly prepare bills of lading, or other related documents required by the disposal facility. Receipts for disposal showing the weight of the materials must be submitted to the Owner within two days of disposal.
5.0 CONTAMINATED GROUNDWATER MANAGEMENT PLAN

Based on the depth to groundwater, it is not anticipated that normal construction or excavation activities will encounter groundwater. The following information is intended to provide information and guidance to contractors in the unlikely event that groundwater is encountered during construction or excavation activities.

5.1 GROUNDWATER MANAGEMENT

5.1.1 Owner Notification

The Contractors should notify the Owner or the Owner’s consultant within 24 hours if groundwater is encountered at the Site and groundwater management is required. For the purposes of this plan, groundwater management consists of the collection and off-site disposal of groundwater.

5.1.2 Characterization of Groundwater

Groundwater must be characterized prior to off-site disposal. Characterization is typically performed using a representative groundwater sample that is collected from containerized groundwater.

In general, groundwater characterization will consist of laboratory analysis of selected contaminants of interest. The specific laboratory testing requirements will be designated by the facility selected to receive the groundwater (e.g., the City of Albany or a private water hauling/treatment business). The Environmental Consultant will perform groundwater characterization activities.

5.1.3 Groundwater Discharge and Disposal Options

Site groundwater that is extracted or collected during excavation should be discharged or disposed of only in accordance with a permit issued by the receiving facility. In general, when water sample analytical results and permit requirements allow, the City of Albany publicly-owned treatment system will be the lowest cost option for disposal of large quantities of water. Smaller quantities of water can be disposed of cost effectively by privately-owned vacuum truck operators.

The Contractor shall not discharge any water from the Site without the Owner’s authorization. The Contractor shall follow the Environmental Consultant’s instructions for discharge or off-site disposal of any groundwater encountered during construction.
6.0 CONTRACTOR HEALTH AND SAFETY PLAN

The Contractor shall implement a health and safety program that complies local, state, and federal requirements.

Appropriate personal protective equipment (PPE) should be worn by construction and excavation workers within the Site’s known or suspected areas of residual contamination (Figure 2) to prevent contact with potentially contaminated soil or groundwater. Based on the contaminants of concern at the Site and their anticipated concentrations, Level D PPE will generally be suitable for personnel working near contaminated media at the Site. The following is a list of potentially applicable Level D PPE:

- Hard hat;
- Steel-toe boots;
- Safety glasses/goggles; and
- Heavy duty pants.

If unanticipated conditions are encountered, it may be necessary to modify PPE.

During construction activities, the Contractors will bear full responsibility for the implementation of its own health and safety program. The Owner bears no responsibility whatsoever for implementation and/or monitoring compliance with the Contractor’s health and safety program.
7.0 REFERENCES


8.0 LIMITATIONS

This document was prepared exclusively for the Willamette River View Holdings, LLC for the property at 595 Geary Street NE in Albany, Oregon. The quality of information, conclusions, and estimates contained herein is consistent with the level of effort involved in Cascadia services and based on: (1) information available at the time of preparation; (2) data supplied by outside sources; and (3) the assumptions, conditions, and qualifications set forth in this report. Cascadia developed this CMMP using the Site data that were available. This CMMP is intended to be used by Willamette River View Holdings, LLC only, subject to the terms and conditions of the Cascadia's contract with Willamette River View Holdings, LLC. Any other use of, or reliance on, this plan by any third party is at that party’s sole risk.
9.0 CLOSING

If you have any questions or comments regarding this CMMP, please contact the Owner or the Owner's environmental consultant.
FIGURES
Site Location
Contaminated Media Management Plan
595 Geary Street NE
Albany, Oregon

Approximate Scale
2,000 Feet

Image Source: Open Street Maps, 2019
APPENDIX A
SOIL AND GROUNDWATER
ANALYTICAL DATA TABLES
Table A-1
2019 Soil Analytical Data - Petroleum Hydrocarbons
Former American Cemwood Property
595 Geary Street NE, Albany, Oregon

<table>
<thead>
<tr>
<th>Sample ID</th>
<th>Sample Date</th>
<th>Sample Depth (feet bgs)</th>
<th>Petroleum Hydrocarbons</th>
<th>Gasoline-Range</th>
<th>Diesel-Range</th>
<th>Residual Oil-Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>HA-1</td>
<td>03/01/2019</td>
<td>1-2</td>
<td></td>
<td>1.44 J</td>
<td>4.31 J</td>
<td>21.3</td>
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<tr>
<td>HA-2</td>
<td>03/01/2019</td>
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<td></td>
<td>&lt;3.29</td>
<td>&lt;5.27 J</td>
<td>5.06 J</td>
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<td>HA-3</td>
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<td></td>
<td>1.25 J</td>
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<td></td>
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<td>18.7</td>
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<td>1.15 J</td>
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<td>7.33</td>
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<td>HA-7</td>
<td>03/01/2019</td>
<td>1-2</td>
<td></td>
<td>1.62 J</td>
<td>9.51</td>
<td>36.9</td>
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</table>

DEQ Risk-Based Concentrations (mg/kg)

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<thead>
<tr>
<th>Soil Ingestion, Dermal Contact, and Inhalation</th>
<th>Residential</th>
<th>1,200</th>
<th>1,100</th>
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<tbody>
<tr>
<td>Urban Residential</td>
<td>2,500</td>
<td>2,200</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Occupational</td>
<td>20,000</td>
<td>14,000</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Construction Worker</td>
<td>9,700</td>
<td>4,600</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Excavation Worker</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Soil Volatilization to Outdoor Air</th>
<th>Residential</th>
<th>5,900</th>
<th>--</th>
<th>--</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Residential</td>
<td>5,900</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Occupational</td>
<td>69,000</td>
<td>--</td>
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<table>
<thead>
<tr>
<th>Soil Vapor Intrusion into Building</th>
<th>Residential</th>
<th>94</th>
<th>--</th>
<th>--</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban Residential</td>
<td>94</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Occupational</td>
<td>--</td>
<td>--</td>
<td>--</td>
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</table>

<table>
<thead>
<tr>
<th>Soil Leaching to Groundwater</th>
<th>Residential</th>
<th>31</th>
<th>9,500</th>
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<tbody>
<tr>
<td>Urban Residential</td>
<td>31</td>
<td>9,500</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Occupational</td>
<td>130</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

**DEQ Clean Fill Criteria**

|                       | 31          | 1,100 | --    | -- |

**Notes:**

< = constituent was not detected at a concentration greater than laboratory reporting limit shown
-- = not applicable or not established
Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.
mg/kg = milligrams per kilogram

**Bold** = The analyte was detected above the laboratory method detection limit
Petroleum hydrocarbon analysis by methods NW-TPHg and NW-TPHdx with silica gel cleanup
### Table A-2

#### Historical Soil Analytical Data - Petroleum Hydrocarbons

**Updated Risk Evaluation**

**595 Geary Street NE**  
Albany, Oregon

<table>
<thead>
<tr>
<th>Sample ID</th>
<th>Sample Date</th>
<th>Sample Depth (feet bgs)</th>
<th>Petroleum Hydrocarbons</th>
<th>Residual Oil-Range</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Gasoline-Range</td>
<td>Diesel-Range</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Concentrations in mg/kg</td>
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<tr>
<td>947 #1-1.0</td>
<td>1/29/2003</td>
<td>--</td>
<td>180</td>
<td>717</td>
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<tr>
<td>947 #2-3.0</td>
<td>1/29/2003</td>
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<td>--</td>
<td>&lt;25</td>
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<tr>
<td>947 #2-4.0</td>
<td>1/29/2003</td>
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<td>&lt;25</td>
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<tr>
<td>947 #3-4.0</td>
<td>1/29/2003</td>
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<td>947 #4-3.0</td>
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<td>595-EX2@6.0</td>
<td>Feb-03</td>
<td>6</td>
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**DEQ Risk-Based Concentrations (mg/kg)**

| Soil Ingestion, Dermal Contact, and Inhalation | Residential | 1,200 | 1,100 | --         |
| Urban Residential                              | 2,500 | 2,200 | --     |
| Occupational                                    | 20,000 | 14,000 | --     |
| Construction Worker                            | 9,700 | 4,600 | --     |
| Excavation Worker                              | --    | --    | --     |

| Soil Volatilization to Outdoor Air            | Residential | 5,900 | --     | --         |
| Urban Residential                              | 5,900 | --    | --     |
| Occupational                                    | 69,000 | --    | --     |

| Soil Vapor Intrusion into Building            | Residential | 94    | --     | --         |
| Urban Residential                              | 94    | --    | --     |
| Occupational                                    | --    | --    | --     |

| Soil Leaching to Groundwater                   | Residential | 31    | 9,500  | --         |
| Urban Residential                              | 31    | 9,500 | --     |
| Occupational                                    | 130   | --    | --     |

**DEQ Clean Fill Criteria**

|             | 31    | 1,100 | --     |

**Notes:**

- `--` constituent was not detected at a concentration greater than laboratory reporting limit shown
- `--` not applicable or not established
- Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.
- mg/kg = milligrams per kilogram
- bgs = below ground surface
- Bold = Analyte was detected above the laboratory method detection limit
- Petroleum hydrocarbon analysis by methods NW-TPhG and NW-TPhDs
- Italics indicates soil represented by sample has been excavated and removed from the site.
ATTACHMENT F.39

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<th>Sample ID</th>
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<th>DEQ Clean Fill Criteria</th>
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<td>DEQ Risk-Based Concentrations (mg/kg)</td>
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<td>Soil Ingestion, Dermal Contact, and Inhalation</td>
<td>Volatilization to Outdoor Air</td>
<td>Vapour Intrusion into Buildings</td>
<td>Leaching to Groundwater</td>
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<td>Residential</td>
<td>Urban Residential</td>
<td>Occupational</td>
<td>Construction Worker</td>
<td>Excavation Worker</td>
<td>Residential</td>
<td>Urban Residential</td>
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<tr>
<td>Vapors, total</td>
<td>-0.0740</td>
<td>-0.0056</td>
<td>-0.0787</td>
<td>-0.0750</td>
<td>-0.0032</td>
<td>-0.0737</td>
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<td>Volatile Petroleum</td>
<td>1,450</td>
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<td>20,000</td>
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<td>Volatile Inorganics</td>
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<td>Water Inorganic</td>
<td>0.36</td>
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<td>&lt;= constituent was not detected at a concentration greater than laboratory reporting limit shown</td>
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<td>&gt; not applicable or not established</td>
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<td>Oregon Department of Environmental Quality Risk-Based Concentrations (RBCs), Updated May 2018.</td>
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<td>mg/kg = milligrams per kilogram</td>
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<td>&lt;= = The associated batch QC was outside the established quality control range for accuracy</td>
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<td>&gt; The analyte was detected below the method reporting limit, the reported value is an estimate</td>
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<td>&lt;= below ground surface</td>
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<td>Bold = Analyte was detected above the laboratory method detection limit</td>
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<td>Clean Fill criteria are listed only for detected chemicals</td>
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Table A-3
2019 Soil Analytical Data - Volatile Organic Compounds
Former American Cannwood Property
595 Geary Street NE, Albany, Oregon
Table A-4
Historical Soil Analytical Data - Detected Volatile Organic Compounds
Updated Risk Evaluation
595 Geary Street NE
Albany, Oregon

<table>
<thead>
<tr>
<th>Sample ID</th>
<th>047 #1-1.0</th>
<th>047 #2-4.0</th>
<th>047 #3-1.0</th>
<th>047 #4-3.0</th>
<th>047-EXT #17.0</th>
<th>047-EXT #17.0</th>
<th>047-B-211.5</th>
<th>047-Chem. Off-Criteria</th>
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<td>Volatile Organic Compounds by EPA 8260B (mg/kg)</td>
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<tr>
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<td>0.1</td>
<td>0.01</td>
<td>0.00</td>
<td>0.00</td>
<td>3.30</td>
<td>1.43</td>
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<tr>
<td>Toluene</td>
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<td>0.01</td>
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<td>0.00</td>
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<td>110</td>
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<tr>
<td>Xylenes</td>
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<td>0.01</td>
<td>2.28</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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<td>332</td>
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<td>Total Volatiles</td>
<td>7.70</td>
<td>16.00</td>
<td>150.00</td>
<td>150.00</td>
<td>36.00</td>
<td>36.00</td>
<td>1,700</td>
<td>49,000</td>
</tr>
<tr>
<td>DEQ Risk-Based Concentrations (mg/kg)</td>
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<tr>
<td>DEQ-Chem. Off-Criteria</td>
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<td>0.0</td>
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<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Notes:
- n = constituent was not detected at a concentration greater than laboratory reporting limit shown
- - = not applicable or not established
- Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.
- mg/kg = milligrams per kilogram
- lgp = below ground surface
- Bold = Analysis was detected above the laboratory method detection limit
- Italics indicates soil represented by sample has been excavated and removed from the site.

ATTACHMENT F.41
Table A-5
2019 Soil Analytical Data - Leachable Metals
Former American Cenwood Property
595 Geary Street NE, Albany, Oregon

<table>
<thead>
<tr>
<th>Client Sample ID</th>
<th>HA-5</th>
<th>HA-6</th>
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<tr>
<td>Date Collected</td>
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<tr>
<td>Sample Depth (feet bgs)</td>
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### Default Background Concentration

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<tr>
<th>Metals by EPA Methods 6000D (mg/kg)</th>
<th>Residential</th>
<th>Urban Residential</th>
<th>Occupational</th>
<th>Construction Worker</th>
<th>Excavation Worker</th>
<th>Residential</th>
<th>Urban Residential</th>
<th>Occupational</th>
<th>Residential</th>
<th>Urban Residential</th>
<th>Occupational</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chromium</td>
<td>0.948 1</td>
<td>0.153 1</td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lead</td>
<td>27.5 O1</td>
<td>10.2</td>
<td>100</td>
<td>120,000</td>
<td>230,000</td>
<td>800</td>
<td>800</td>
<td>800</td>
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<tr>
<td></td>
<td>17.5 3.22</td>
<td>28</td>
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<td>400</td>
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<td>800</td>
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</tr>
</tbody>
</table>

Notes:
- <= constituent was not detected at a concentration greater than laboratory reporting limit shown
- -- not applicable or not established
- Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.
- mg/kg = milligrams per kilogram
- bgs = below ground surface
- Bold = Analyte was detected above the laboratory method detection limit
- J = The analyte was detected below the method reporting limit, the reported value is an estimate
- O1 = The analyte failed the method required serial dilution test and/or subsequent post-spike criteria. These failures indicate matrix interference.
<table>
<thead>
<tr>
<th>Sample ID</th>
<th>HA-1</th>
<th>DEQ Clean Fill Criteria</th>
<th>Soil Ingestion, Dermal Contact, and Inhalation</th>
<th>DEQ Risk-Based Concentrations (mg/kg)</th>
<th>Soil Volatilization to Outdoor Air</th>
<th>Soil Vapor Intrusion into Buildings</th>
<th>Soil Leaching to Groundwater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anthracene</td>
<td>&lt;0.00683</td>
<td>23,000</td>
<td>47,000</td>
<td>350,000</td>
<td>110,000</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Acenaphthene</td>
<td>&lt;0.00683</td>
<td>4,700</td>
<td>9,400</td>
<td>70,000</td>
<td>21,000</td>
<td>190,000</td>
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</tr>
<tr>
<td>Acenaphthylene</td>
<td>&lt;0.00683</td>
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<td>--</td>
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</tr>
<tr>
<td>Benzo(a)anthracene</td>
<td>0.000695</td>
<td>0.73</td>
<td>1.1</td>
<td>2.5</td>
<td>21</td>
<td>170</td>
<td>4,800</td>
</tr>
<tr>
<td>Benzo(a)pyrene</td>
<td>&lt;0.00937</td>
<td>0.11</td>
<td>0.11</td>
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<td>17</td>
<td>400</td>
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<tr>
<td>Benzo(k)fluoranthene</td>
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<td>1.1</td>
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<td>21</td>
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<tr>
<td>Benzo(a,h)pyrene</td>
<td>0.00164</td>
<td>25</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Chrysene</td>
<td>&lt;0.00683</td>
<td>11</td>
<td>25</td>
<td>210</td>
<td>1,700</td>
<td>49,000</td>
<td>--</td>
</tr>
<tr>
<td>Dibenz(a,h)anthracene</td>
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<td>0.11</td>
<td>0.25</td>
<td>2.10</td>
<td>17</td>
<td>400</td>
<td>--</td>
</tr>
<tr>
<td>Fluorene</td>
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<td>1,400</td>
<td>4,800</td>
<td>30,000</td>
<td>10,000</td>
<td>390,000</td>
</tr>
<tr>
<td>Fluoranthene</td>
<td>0.00683</td>
<td>3,100</td>
<td>6,300</td>
<td>47,000</td>
<td>14,000</td>
<td>390,000</td>
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</tr>
<tr>
<td>Indeno(1,2,3-cd)pyrene</td>
<td>&lt;0.0083</td>
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<td>1.1</td>
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<td>170</td>
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</tr>
<tr>
<td>Naphthalene</td>
<td>0.00345</td>
<td>0.077</td>
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<td>23</td>
<td>580</td>
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<tr>
<td>Phenanthrene</td>
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<td>--</td>
<td>--</td>
</tr>
<tr>
<td>Pyrene</td>
<td>0.00164</td>
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<td>1,800</td>
<td>3,600</td>
<td>23,000</td>
<td>7,500</td>
<td>210,000</td>
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<tr>
<td>1-Methylanthracene</td>
<td>0.0228</td>
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<td>--</td>
<td>--</td>
<td>--</td>
</tr>
<tr>
<td>2-Methylanthracene</td>
<td>0.0228</td>
<td>--</td>
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<td>--</td>
<td>--</td>
<td>--</td>
<td>--</td>
</tr>
</tbody>
</table>

Notes:
- < = constituent was not detected at a concentration greater than laboratory reporting limit shown
- -- = not applicable or not established

Oregon Department of Environmental Quality Risk Based Concentrations (RBRCs), Updated May 2018.
mg/kg = milligrams per kilogram
J = The analyte was detected below the method reporting limit, the reported value is an estimate
bgs = below ground surface
Res. = Residential
Urb. Res. = Urban residential
Occ. = Occupational
Const = Construction worker
Exc. = Excavator worker
Bold = Analyte was detected above the laboratory method detection limit
Clean Fill criteria are listed only for detected chemicals
### Table A-7

**Historical Soil Analytical Data - Polycyclic Aromatic Hydrocarbons**

#### Updated Risk Evaluation

595 Geary Street NE

Albany, Oregon

<table>
<thead>
<tr>
<th>Sample ID</th>
<th>947-K1.1.0</th>
<th>947-K1.4.0</th>
<th>947-K1.7.0</th>
<th>947-K1.1.2</th>
<th>DEQ Risk-Based Concentrations (mg/kg)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Soil Ingestion, Dermal Contact, and Inhalation</td>
<td>Soil Vaporisation into Outdoor Air</td>
<td>Soil Leaching to Groundwater</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Benzo(a)anthracene</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
<td>23,000</td>
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<tr>
<td>Benzo(a)pyrene</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
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<tr>
<td>Chrysene</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
<td>2.1</td>
</tr>
<tr>
<td>Fluoranthene</td>
<td>0.29</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
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<tr>
<td>Indeno(1,2,3-c,d)pyrene</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
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<tr>
<td>Naphthalene</td>
<td>0.37</td>
<td>&lt;0.07</td>
<td>&lt;0.07</td>
<td>&lt;0.06</td>
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<tr>
<td>Phenanthrene</td>
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</tbody>
</table>

### Notes:

- <= constituent was not detected at a concentration greater than laboratory reporting limit shown
- -- = not applicable or not established

Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.

mg/kg = milligrams per kilogram

Res. = Residential

Urb. Res. = Urban residential

**Bold** = Analyte was detected above the laboratory method detection limit.

Ratio indicates soil represented by sample has been excavated and removed from the site.
Table A-8
Historical Groundwater Analytical Data - Detected Volatile Organic Compounds
Updated Risk Evaluation
595 Geary Street NE
Albany, Oregon

<table>
<thead>
<tr>
<th>Sample ID</th>
<th>Sample Date</th>
<th>Benzene</th>
<th>μc&lt;sub&gt;4&lt;/sub&gt;-Butylbenzene</th>
<th>Ethylbenzene</th>
<th>Isopropylbenzene</th>
<th>n-Isopropyltoluene</th>
<th>Naphthalene</th>
<th>n-Propylbenzene</th>
<th>Toluene</th>
<th>1,2,4-Trimethylbenzene</th>
<th>1,3,5-Trimethylbenzene</th>
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</table>

DEQ Risk-Based Concentrations (µg/L)

<table>
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<th>Ingestion and Inhalation from Tapwater</th>
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<th>-</th>
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<th>1.5</th>
<th>--</th>
<th>--</th>
<th>--</th>
<th>0.17</th>
<th>--</th>
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<th>15</th>
<th>110</th>
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</thead>
<tbody>
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<td>0.72</td>
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<td>61</td>
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Notes:
< = constituent was not detected at a concentration greater than laboratory reporting limit shown
-- = not applicable or not established
Oregon Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018.
µg/L = micrograms per liter
Bold = Analyte was detected above the laboratory method detection limit.
### Table A-9

**Historical Groundwater Analytical Data - Polycyclic Aromatic Hydrocarbons**

**Updated Risk Evaluation**

595 Geary Street NE

Albany, Oregon

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<th>Sample Date</th>
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<th>Pyrene</th>
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#### Notes:

- < = constituent was not detected at a concentration greater than laboratory reporting limit shown
- -- = not applicable or not established
- ORDEQ Department of Environmental Quality Risk Based Concentrations (RBCs), Updated May 2018
- µg/L = micrograms per liter
- Bold = Analyte was detected above the laboratory method detection limit.
- RBCs are listed only for detected analytes.

0095-001-001

Page 1 of 1
HISTORICAL SAMPLE LOCATION FIGURES
INITIAL SITE CHARACTERIZATION

For the Evaluation of the Site
and the Nature of the Release

FORMER AMERICAN CEMWOOD PLANT
DEQ File Number 22-03-0199
595 Geary Street NE
Albany, Oregon 97321

Prepared for:
LYDON CONSTRUCTION, INC
3795 River Road North, Suite A
Keizer, Oregon 97303

Prepared by:
ASPEN ENVIRONMENTAL SERVICES, INC.
1977 Claxter Road NE
Salem, Oregon 97303
(503) 364-3558

RECEIVED
July 31, 2003
AUG - 1 2003
DEQ-SALEM OFFICE
SECTION VIEW

LOOKING NORTHEAST
(NOTE INFLATED VERTICAL SCALE)

SANITARY SEWER

EXCAVATION FLOORS

SANDY SILT
Silty Gravel
SG

BASED ON
(METHOD WELL ML13)

SAMPLE LOCATIONS - SECTION VIEW

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<th>NAME: FORMER AMERICAN CEMWOOD PLANT</th>
<th>SOIL SAMPLE LOCATIONS</th>
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<td>ADDRESS: 595 GEARY STREET NE IN ALBANY</td>
<td>FIGURE 3</td>
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<td>SCALES: H: 1 INCH = 42 FEET V: 1 INCH = 20 FEET</td>
<td>ATTACHMENT</td>
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ASPEN ENVIRONMENTAL SERVICES, INC.
1077 CLAXTER ROAD NE, SALEM, OR 97308
After recording, return to:

Willamette River View Holdings, LLC
3545 Deerfield Drive
Salem, OR 97302
Attn: Robyn & Patrick Morley

With a copy to:

Oregon DEQ
4026 Fairview Industrial Dr SE,
Salem, OR 97302
Attn: Anthony Chavez

FULL RELEASE OF EASEMENT AND EQUITABLE SERVITUDES

PARTIES

Willamette River View Holdings LLC,
an Oregon Limited Liability Corporation

And

The State of Oregon, acting by and through the Oregon Department of Environmental Quality ("DEQ")

RECITALS

A. DEQ is the Grantee and beneficiary of an Easement and Equitable Servitudes recorded December 19, 2007 in the official records of the Linn County Clerk's office, volume 2007, page 29188 between DEQ and Lydon-Albany, LLC ("2007 Easement").

B. Willamette River View Holdings, LLC, now owns the real property encumbered by the 2007 Easement, which is located at 595 Geary Street NE in Albany, Oregon, Tax Map #11S03W65BD, Tax Lot numbers 00200 and 00300, and further described in Exhibit A to this Full Release of Easement and Equitable Servitudes (together the "Encumbered Property"). The
Encumbered Property is referenced under the name American Cemwood, ECSI # 1262 in the files of DEQ’s Environmental Cleanup Program at DEQ’s Western Region office located at 4026 Fairview Industrial Dr SE, Salem, OR 97302.

C. The 2007 Easement placed restrictions for residential redevelopment and the use of groundwater at the Encumbered Property. Additionally, placement and maintenance of a soil cap was required for land use near the former cleanup area.

D. Subsequent investigation at the Encumbered Property as described in the Closure Request Report, dated April 2, 2019, and the DEQ Staff Memorandum, dated May 9, 2019, has demonstrated to the satisfaction of DEQ that the property is reasonably unlikely to pose an unacceptable threat to human health or the environment. It has further been demonstrated to the satisfaction of DEQ that the use of groundwater is not reasonably likely on or in the vicinity of the Encumbered Property.

RELEASE OF EASEMENT

For valuable consideration, receipt and sufficiency of which is hereby acknowledged, DEQ does hereby terminate and release the 2007 Easement on the Encumbered Property.

DATED this 11th day of July, 2019

State of Oregon,
Department of Environmental Quality

By: [Signature]
Michael E. Kucinski, Cleanup and Emergency Response Manager, Western Region

STATE OF OREGON   )
                    )
County of Lane   )

The foregoing instrument is acknowledged before me this 11th day of July, 2019, by Michael E. Kucinski of the Oregon Department of Environmental Quality, on its behalf.

[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: August 21, 2021

Exhibit A (Description of Encumbered Property)
For further information, please contact:
Oregon DEQ
Western Region Cleanup Program
4026 Fairview Industrial Dr SE,
Salem, OR 97302
Phone: (541) 378-8240
EXHIBIT "A"
Legal Description

Tract I:

Parcel I:

Beginning at a point which is North 01°35'00" West 155.00 feet from the Southwest corner of Block 3, WOODLE'S RIVERSIDE ADDITION to Albany, Linn County, Oregon, said point also being on the Easterly right of way of Geary Street; and running thence North 01°35'00" West, a distance of 411.30 feet to the right bank of the Willamette River; thence North 69°06'00" East along said right bank 150.16 feet; thence North 58°39'25" East 308.20 feet; thence North 71°07'17" East 187.83 feet to a point on the Northerly extension of the Westerly right of way of Alco Street; thence South 01°41'45" East along said extension 199.33 feet; thence South 85°04'40" West 162.73 feet; thence South 65°42'30" West 194.03 feet to the intersection of vacated portions of Chicago Street and River Avenue; thence South 01°46'45" East along the center line of a vacated portion of Chicago Street 253.00 feet to the Northerly right of way of Linn Avenue; thence South 88°16'30" West 30.00 feet to the Westerly right of way of Chicago Street; thence South 01°46'45" East 131.00 feet; thence South 87°54'45" West 218.89 feet to the true place of beginning.

Parcel II:

Beginning at the Southwest corner of Block 1 of WOODLE'S RIVERSIDE ADDITION to Albany, Linn County, Oregon; and running thence North 01°46'45" East a distance of 110.00 feet to the Northwest corner of Lot 5 in said Block; thence North 88°16'30" East 155.45 feet to the Northwest corner of Lot 8 in said Block; thence North 01°46'45" West 43.86 feet; thence North 84°13'35" East 146.38 feet to the Westerly right of way of Alco Street; thence North 01°41'45" West along said right of way and extension thereof 172.35 feet; thence South 85°04'40" West 162.73 feet; thence South 65°42'30" West 194.03 feet; thence South 01°46'45" East 253.00 feet to the Northerly right of way of Linn Avenue; thence North 88°16'30" East 30.00 feet to the true place of beginning.

Tract II:

The South 100 feet of Lots 3 and 4, Block 6, BURKHART PARK ADDITION to the City of Albany, Linn County, Oregon.

Tract III:

Beginning at a point which is North 01°41'45" West 100.00 feet from the Southeast corner of Block 6, BURKHART PARK ADDITION to Albany, Linn County, Oregon, said point also being on the Westerly right of way of Alco Street; and running thence South 88°09'10" West 90.80 feet to the West line of said Block 6; thence North 01°41'45" West 10.00 feet to the Northwest corner of Lot 4 in said Block 6; thence South 88°16'30" West 55.15 feet; thence North 01°46'45" West 43.86 feet; thence North 84°13'35" East 146.38 feet to said Westerly right-of-way; thence South 01°41'45" West 64.00 feet to the true place of beginning.
November 10, 2020

Melissa Anderson, Planner III
City of Albany Community Development
333 Broadalbin St SW
Albany, OR 97321

RE: Acknowledgement of Stipulated Acceptance of Pending Decision in SP-19-20, WG-02-20, and FP-04-20

Ms. Anderson:

The City of Albany ("City") issued to Willamette River View Holdings ("Applicant") concurrent approvals for site plan review, flood plain development, Willamette Greenway development approval under City File Nos. SP-01-19, WG-01-19, and FP-01-19 on July 5, 2019 (collectively the "Approvals"). Approvals remain valid for three years, i.e., July 5, 2022.

Applicant previously submitted applications under City File Nos. SP-10-20 and FP-01-20 to modify Approvals. On September 28, 2020, the City’s Planning Commission concluded such applications did not satisfy the criteria for a modification under ADC 1.226, and Applicant must submit the modification requests as new applications. Accordingly, Applicant submits City File Nos. SP-19-20, WG-02-20, and FP-04-20 (collectively the "New Applications") for review and approval, which are intended to replace the existing Approvals.

Within 10 days after the Planning Director’s notice of decision under the New Applications, Applicant will review the Director’s conditions of approval and provide notice if such conditions are acceptable to the Applicant. Applicant’s notice will then operate as a withdrawal of the original Approvals. The City may apply a condition of approval requiring Applicant to accept approval of New Applications in place of the prior Approvals. Unless appealed or withdrawn by the Applicant or another party with standing, such decisions become final decisions following the 10-day period and will supplant Applicant’s prior Approvals.

AKS is the Authorized Representative of Applicant, and Applicant has consented to the terms here. Please contact me with any questions.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP, Associate
3700 River Rd N, Suite 1, Keizer, OR 97303
(503) 400-6028 | pelzz@aks-eng.com
November 9, 2020
Melissa Anderson
Planner III
Community Development
City of Albany
333 Broadalbin St SW, Albany, OR 97321

RE: The Banks Land Use Application – Applicant’s Letter of Protest Regarding City Interpretation that new Floodplain Development Permit, Tree Felling Permit, and Willamette Greenway Use Permits are Required.

Ms. Anderson:

Please accept this letter into the City’s official record for our recent “The Banks” Site Plan Review and related applications, that were submitted to the City on October 1, 2020.

This letter is intended to clarify that Willamette River View Holdings II, LLC (Applicant) disagrees with the City’s decision that a new Site Plan Review application must be accompanied by new applications for a Floodplain Development Permit, Tree Felling, and Willamette Greenway Use. Applicant’s disagreement is based, in part, on the City’s approval of these permits in City Planning File Nos. SP-01-19, WG-01-19, and FP-01-19, which are valid until July 1, 2022. Moreover, the Site Plan application submitted on October 1, 2020, does not rely on revisions to the previously approved Floodplain Development-, Tree Felling-, and Willamette Greenway Use permits.

While we disagree with the City’s current position in this regard, Applicant desires to move forward with the application in a timely manner. Therefore, Applicant’s October 1, 2020 submittal package included a request for the four application types listed above and subsequently submitted payment of all corresponding fees. It is our hope that we can continue to work with City staff to resolve this dispute in the coming weeks.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP, Associate
3700 River Rd N, Suite 1, Keizer, OR 97223
(503) 400-6028 | pelzz@aks-eng.com

1 Additional argument was provided to City’s legal counsel by Applicant’s counsel in an October 21, 2020 email.
Site Plan Review, Floodplain, and Willamette River Greenway Permit

**Date:** October 2020

**Submitted to:** City of Albany  
333 Broadalbin Street SW  
Albany, OR 97321

**Applicant:** Willamette River View Holdings II, LLC  
3545 Deerfield Drive South  
Salem, OR 97302

**AKS Job Number:** 5805
# Table of Contents

I. Executive Summary .................................................................................................................2
II. Site Description/Setting ..........................................................................................................3
III. Applicable Review Criteria ......................................................................................................4
    CITY OF ALBANY DEVELOPMENT CODE ............................................................................................4
        ARTICLE 1 ADMINISTRATION AND PROCEDURES ...............................................................4
        APPLICATION PROCEDURES ...............................................................................................4
        ARTICLE 2 REVIEW CRITERIA ...............................................................................................5
        SITE PLAN REVIEW ..............................................................................................................5
        ARTICLE 3 RESIDENTIAL ZONING DISTRICTS .............................................................................7
        ZONING DISTRICTS ...................................................................................................................7
        SCHEDULE OF PERMITTED USES ...........................................................................................8
        DEVELOPMENT STANDARDS ...............................................................................................8
        SETBACKS ................................................................................................................................10
        OFF-STREET PARKING AND LOADING REQUIREMENTS ........................................................12
        OUTSIDE STORAGE ................................................................................................................12
        ARTICLE 5 MIXED USE ZONING DISTRICTS ...............................................................................12
        SETBACKS ................................................................................................................................12
        ARTICLE 6 NATURAL RESOURCE DISTRICTS .............................................................................13
        FLOODPLAIN ..........................................................................................................................13
        PROVISIONS FOR FLOOD HAZARD REDUCTION ..........................................................................16
        WILLAMETTE RIVER GREENWAY ..........................................................................................22
        ARTICLE 8 DESIGN STANDARDS .............................................................................................25
        MULTIPLE-FAMILY DEVELOPMENT ........................................................................................25
        ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS .......................34
        OFF-STREET PARKING ..............................................................................................................34
        LANDSCAPING ........................................................................................................................40
        TREE PROTECTION ....................................................................................................................42
        BUFFERING AND SCREENING .................................................................................................46
        ARTICLE 12 PUBLIC IMPROVEMENTS ....................................................................................47
        STREETS ....................................................................................................................................47
        SIDEWALKS .............................................................................................................................53
        BIKEWAYS ..................................................................................................................................53
        WATER ........................................................................................................................................53
        SANITARY SEwers ......................................................................................................................54
        STORM DRAINAGE ....................................................................................................................54
IV. Conclusion ...............................................................................................................................57
Exhibits

Exhibit A: Preliminary Plans
Exhibit B: City of Albany Application Forms
Exhibit C: Traffic Impact Analysis
Exhibit D: Hydraulics Report
Exhibit E: Arborist Letter
Exhibit F: Property Ownership
Exhibit G: Exterior Color Schedule
Exhibit H: Lighting Cut Sheets
Exhibit I: Neighborhood Meeting Summary
Exhibit J: Pre-Application Conference Summary
Exhibit K: Pre-Application Conference Waiver
Site Plan Review, Floodplain, and Willamette River Greenway Permit

Submitted to: City of Albany
            333 Broadalbin Street SW
            Albany, OR 97321

Applicant/Owner: Willamette River View Holdings II, LLC
            3545 Deerfield Drive South
            Salem, OR 97302

Applicant’s Consultant: AKS Engineering & Forestry, LLC
            3700 River Road N, Suite 1
            Keizer, OR 97303
            Contact(s): Zach Pelz, AICP
            Email: pelz@aks-eng.com
            Phone: (503) 400-6028

Site Location: 595 Geary Street NE

Linn County Assessor’s Map: 11S03W05BD; Tax Lot 300

Site Size: ±6.32 acres

Land Use Districts: RM – Residential Medium Density District
I. Executive Summary

AKS Engineering & Forestry, LLC, on behalf of Willamette River View Holdings II, LLC (Applicant—formerly Willamette River View Holdings, LLC), is submitting this application for Site Plan Review with Tree Felling, Floodplain Development, and a Willamette River Greenway Permit for The Banks multifamily residential development. The site is comprised of a single tax lot (Linn County Assessor’s Map 11S03W05BD, Tax Lot 300) the project is generally located at 595 Geary Street NE in Albany.

The project is planned to include the following improvements:
- 36 studio and one-bedroom living units
- 84 two and three-bedroom living units
- A ±3,356-square-foot clubhouse
- 218 parking spaces
- ±47,427 square feet of common space
- Multiuse path improvements along the Willamette River

The applicant received approval for a similar site configuration in 2019 but discovered that certain elements of that plan were not viable. In 2020, City staff approved a modification of the 2019 plan, however staff’s decision was reversed by the Planning Commission on appeal, after the Planning Commission found that the extent of the changes were not eligible for review under the modification criteria. This plan offers a number of improvements over SP-01-19 that will allow the Applicant to better address the City’s shortage of needed housing. The proposed increase in the number of homes will generate a necessary increase in rental income without unduly increasing the rental rates. This increase in revenue is necessary to help mitigate a substantial increase in project construction and operational costs. Greater standardization of building types in the site plan helps to significantly defray construction costs. A more standard building type and a smaller overall floor area for each new home also helps to reduce the overall building footprint and impervious area on the site. The result is more open space and common area for improved recreational and stormwater management outcomes. Another benefit of the new plan is greater opportunity for river view homes, which will ensure that more residents enjoy the visual benefit of the river. Table 1 provides a summary of the improvements included in this application compared to those approved under SP-01-19:
### Table 1: Site Plan Improvements

<table>
<thead>
<tr>
<th>Site Characteristic</th>
<th>Approved Site Plan SP-01-19</th>
<th>Current Site Plan</th>
<th>Net Change</th>
<th>Code Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Units</td>
<td>105</td>
<td>120</td>
<td>+15</td>
<td>158 (max.)</td>
</tr>
<tr>
<td>Density</td>
<td>17 Units/Acre</td>
<td>19 Units/Acre</td>
<td>+2 Units/Acre</td>
<td>25 Units/Acre (max.)</td>
</tr>
<tr>
<td>Building Height</td>
<td>39’</td>
<td>36’ 2”</td>
<td>-2’ 8”</td>
<td>45’ (max.)</td>
</tr>
<tr>
<td>Parking</td>
<td>217 spaces</td>
<td>218 spaces</td>
<td>+1 space</td>
<td>209 spaces (minimum)</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>44,772 SF</td>
<td>47,427 SF</td>
<td>+2,655 SF</td>
<td>30,548 SF (min.)</td>
</tr>
<tr>
<td>Lot Coverage of Building Pads</td>
<td>16.2%</td>
<td>16.5%</td>
<td>+0.3%</td>
<td>70% maximum (buildings and pavement)</td>
</tr>
<tr>
<td>Lot Coverage of Parking &amp; Driveways</td>
<td>28.4%</td>
<td>27%</td>
<td>-1.4%</td>
<td>70% maximum (buildings and pavement)</td>
</tr>
<tr>
<td>Total Lot Coverage</td>
<td>44.6%</td>
<td>43.5%</td>
<td>-1.1%</td>
<td>70% (maximum)</td>
</tr>
</tbody>
</table>

Additionally, this application is for “needed housing” as that term is defined in Oregon Revised Statute (ORS) 197.303(1), because it provides for attached and detached single family housing and is on buildable land. See Group B, LLC v City of Corvallis, ___ Or Land Use Board of Appeals (LUBA) ___ (LUBA No. 2015-019, August 25, 2016), holding that multifamily housing on buildable land is needed housing; See Walter v City of Eugene, ___; or LUBA___ (LUBA No. 2016 -024, June 30, 2016). ORS 197.307(4) requires a local government to apply only clear and objective standards, conditions, and procedures to needed housing applications. Clear and objective standards and conditions may not contain subjective, value-laden analyses. Rogue Valley Assoc. of Realtors v City of Ashland, 35 Or LUBA 139, 158, aff’d 158 Or App 1, 970 P2d 685(1999). The City has not taken an exception to needed housing under ORS 197.303(3). ORS 197.831 places the burden on local governments to demonstrate that standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner.

The Applicant may choose to accept discretionary standards. This application addresses all standards and conditions. The Applicant reserves the right to object to the application of standards or conditions other than those that are clear and objective and does not waive its right to assert that the needed housing statutes apply to this application.

### II. Site Description/Setting

The subject property is approximately ±6.32 acres in size (Linn County Assessor’s Map 11S03W05BD, Tax Lot 300). The property has ±96 feet of frontage on Geary Street NE, ±131 feet of frontage on Chicago Street NE, ±370 feet of frontage on Linn Avenue NE, and less than 100 feet of frontage on Alco Street NE. All abutting streets are classified as local streets where they are adjacent to the subject property, though Geary Street NE becomes a minor collector one block south of the site at Willamette Avenue NE. The site is zoned Residential Medium Density (RM), carries a Medium Density Residential Comprehensive Plan designation, and is within the Willamette River Greenway Overlay District. A portion of the site is in the Floodplain Development Overlay as defined by the 100-year floodplain.

The property is identified as the “Permawood Site” in the Albany Development Code (ADC). The site abuts public parks and open space to the east and the west. Eads Park is to the east of the site across Alco Street NE and is improved with playground equipment. Property to the north of Eads Park and abutting the site...
to the east is unimproved open space. Bowman Park is to the west and is improved with a public boat
launch. Property to the south of the site is in the RS-5 zoning district and is predominately characterized
by single family homes. The site is mostly undeveloped though there are two single family homes that are
located along the site’s Linn Avenue NE frontage. These homes are planned to be removed prior to the
construction of the multifamily homes that are the subject of this application.

While the site is currently zoned for residential use, past uses of the site included industrial uses, such as
a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. This application for
site plan review includes new multifamily homes that will help the City of Albany accommodate residential
population growth, in the manner prescribed in the City’s Comprehensive Plan and Zoning Map, and will
ensure enhanced complementarity between adjacent residential uses as compared with the former
industrial uses on this site.

III. Applicable Review Criteria

CITY OF ALBANY DEVELOPMENT CODE

ARTICLE 1 ADMINISTRATION AND PROCEDURES

APPLICATION PROCEDURES

1.200 Land Use Application Procedures.

(1) A land use application shall be processed under a Type I, I-L, II, III, or IV procedure,
as described in this Article.

(2) When there is a question as to the appropriate type of procedure, the Director shall
determine the type of procedure to be used based upon the most similar land use
application procedure specified by this Code or other established policy.

(3) When a proposal involves more than one application for the same property, the
applicant(s) may submit concurrent applications that shall be processed
simultaneously in accordance with the highest numbered procedure specified. When
concurrent applications are received and accepted as complete, the requirements of
Section 1.220(2) shall apply as if a single application had been made.

Response: Applications which include more than one permit type are reviewed and processed per
the highest numbered procedure specified. The Willamette River Greenway permit (Type
II) is the highest numbered procedure type in this consolidated application and therefore
the application will be processed per the City’s Type II process.

1.202 Pre-application Conference. The Director and the applicant or the applicant’s
authorized representative shall arrange a pre-application conference, unless the
applicant and Director agree that the conference is not needed. The purpose of the
conference is to acquaint the applicant with the substantive and procedural
requirements of this Code, and to identify any constraints on the proposed
development. Depending on the nature and size of the proposed development, a rough
sketch conceptual plan may be required for review in the pre-application conference.
Upon the applicant’s request, the Director shall provide the applicant with a written
summary of the conference including confirmation of the procedures to be used to
process the application, a list of materials to be submitted, and the criteria and
standards which may apply to the approval of the application.

Response: A pre-application conference for the project was held with the City of Albany on February
7th, 2018. The Director has waived the requirement for a second pre-application
conference for this application (see Exhibit K). This requirement is met.
1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective public participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors.

Response: A neighborhood meeting was held for the project on February 20th, 2018. A Neighborhood Meeting Summary is included in Exhibit I of this application. Another neighborhood meeting is scheduled for October 13, 2020. This requirement will be met.

ARTICLE 2 REVIEW CRITERIA

SITE PLAN REVIEW

2.430 Applicability. In general, Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain a legal nonconforming use will be processed in accordance with Section 2.350.

(1) Any development that requires Site Plan Review, unless specifically exempt in Section 1.070.

(2) A change of use or reuse of a building or site when the use is allowed through Site Plan Review, and that requires construction of three or more new parking spaces, additional loading areas, or that modifies site circulation or access.

(3) Building additions or use expansions greater than 2,000 square feet or greater than 50 percent of existing building area, whichever is less, or any expansion that requires three or more new parking spaces, additional loading areas, or modifies site circulation or access.

(4) New parking areas or expansions to existing parking areas greater than 1,000 square feet or modifications that change site circulation or access.

(5) Temporary placement of a manufactured home for: (a) night watchman; (b) business office space during construction or remodeling; (c) building

Response: This application for Site Plan Review involves new construction, parking areas, and other site improvements which meet the threshold for Site Plan Review as listed above.

2.450 Review Criteria. Site Plan Review approval will be granted if the review body finds that the application conforms with the Albany Development Code and meets all of the following criteria that are applicable to the proposed development.

(1) Public utilities can accommodate the proposed development.

Response: Albany Public Works confirmed at the pre-application conference that existing utilities are sufficient to accommodate the planned project. This criterion is met.

(2) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Response: The planned stormwater facilities shown on the Preliminary Composite Utility Plan in Exhibit A were prepared and stamped by a licensed civil engineer. These facilities are intended to comply with all applicable City of Albany stormwater standards. The on-site facilities will connect to a 24-inch pipe that will convey run-off to the Willamette River. This criterion is met.
(3) The transportation system can safely and adequately accommodate the proposed development.

Response: A Traffic Impact Analysis (TIA) was completed by DKS Associates and is included in Exhibit C of this application. The TIA concluded that the project will not negatively impact the operation of the transportation system serving the development. Therefore, the transportation system can safely and adequately accommodate the planned development. This criterion is met.

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

Response: The planned parking areas and access points are shown on the Site Plan in Exhibit A. The configuration of these areas and access points were reviewed in the TIA. The TIA concluded that the planned configuration is safe for vehicles and pedestrians and will avoid congestion. This criterion is met.

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

Response: As documented throughout this narrative and the supporting exhibits, all applicable standards pertaining to the subject application including, the RM Zone, the multifamily development standards, and the applicable standards of the Willamette River Greenway and Floodplain overlays continue to be met by the Site plan. These standards include provisions which promote architectural and environmental compatibility with neighboring land uses and development.

This application seeks approval for 120 new multifamily residential dwellings on the approximately 6.32-acre site. The project proposes a gross residential density on the subject site of approximately 19 dwelling units per acre. The planned density is approximately 24 percent less than the maximum density allowed in the City’s RM zoning district (25 units per acre) and is intended to balance the City’s need for housing while creating a harmonious transition between this site, the adjacent RM zoned land, and the predominately single-family residential neighborhoods nearby.

Impacts from the planned multifamily use are anticipated to be similar to impacts generated by single family homes nearby. Further, because multifamily housing is permitted outright in the City’s RM District, such impacts were anticipated and deemed appropriate for this site when the RM Designation was applied to this site by the City. Finally, as stated previously, traffic-related impacts are not anticipated to create safety problems on area roadways.

This criterion is met.

(6) 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: There are two special purpose districts on the site—the Floodplain Development Overlay District and the Willamette River Greenway Overlay District. The applicable criteria and
standards in those districts are addressed in Article 6 of this narrative. This criterion is met.

(7) The site is in compliance with prior land use approvals.

Response: With the exceptions of SP-01-19, WG-01-19, and FP-01-19, there are no previous land use approvals that apply to the site. This criterion is met.

(8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.

Response: The subject property does not include nonconforming features. This criterion does not apply.

ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

ZONING DISTRICTS

3.020 Establishment of Residential Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following residential zoning districts are established:

(5) RM—RESIDENTIAL MEDIUM DENSITY DISTRICT. The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre.

Response: This project involves multifamily residential dwellings, which are permitted in the RM Zone. The subject property is ±6.32 gross acres. Based on a maximum density of 25 units per gross acre, the site can accommodate a maximum allowed density of 158 units (±6.32 acres x 25 units per gross acre = 158 units). The application seeks approval for 120 new multifamily homes, which represents approximately 76 percent of the maximum allowed density for the site (120 planned units/158 allowed units = 0.759). This criterion is met.

3.030 Establishment of Special Purpose Districts. Special purpose districts are overlay districts that may be combined with a major zoning district. The regulations of a special purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special purpose district and the major zoning district shall all apply to any site that has both designations. Where the regulations and permitted uses of a major zoning district conflict with those of a special purpose district, the more restrictive standards shall apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

<table>
<thead>
<tr>
<th>Special Purpose District</th>
<th>Applicable Articles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Airport Approach</td>
<td>Article 4</td>
</tr>
<tr>
<td>Floodplain</td>
<td>Article 6</td>
</tr>
<tr>
<td>Hillside Development</td>
<td>Article 6</td>
</tr>
<tr>
<td>Significant Wetlands</td>
<td>Article 6</td>
</tr>
<tr>
<td>Riparian Corridors</td>
<td>Article 6</td>
</tr>
<tr>
<td>Wildlife Habitat</td>
<td>Article 6</td>
</tr>
<tr>
<td>Willamette Greenway</td>
<td>Article 6</td>
</tr>
<tr>
<td>Historic Overlay</td>
<td>Article 7</td>
</tr>
</tbody>
</table>

Response: The subject site is within the RM Zone and includes the Floodplain and Willamette River Greenway special purpose districts. This submittal includes applications for a Floodplain...
Development Permit and a Willamette River Greenway Permit and subsequently responds (see responses under the Article 6 heading of this narrative) to the applicable standards and approval criteria for these permits.

SCHEDULE OF PERMITTED USES

3.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions.

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions follow the schedule of uses, in Section 3.060.

### Schedule of Permitted Uses

<table>
<thead>
<tr>
<th>Uses allowed in Residential Zoning Districts</th>
<th>RM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Multi-Family</td>
<td></td>
</tr>
<tr>
<td>3 or More Single-Family Attached Units</td>
<td>S</td>
</tr>
<tr>
<td>3 or More Multi-Family Units</td>
<td>S</td>
</tr>
<tr>
<td>Residential: Miscellaneous</td>
<td></td>
</tr>
<tr>
<td>Accessory Buildings, Garages or Carports</td>
<td>Y/S</td>
</tr>
</tbody>
</table>

Response: The planned project includes multifamily and accessory buildings. The planned uses are permitted in the RM Zone. The use standards in the RM Zone are met.

DEVELOPMENT STANDARDS

3.190 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-family and multiple-family developments.

### TABLE 1: RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS

<table>
<thead>
<tr>
<th>Standard</th>
<th>RM</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Property Size or Land Requirements by Unit Type(1)</td>
<td></td>
</tr>
<tr>
<td>Multi-family, Studio and 1-bedroom units</td>
<td>2,000 sf/unit</td>
</tr>
<tr>
<td>2- and 3-bedroom units</td>
<td>2,400 sf/unit</td>
</tr>
<tr>
<td>4+ bedroom units</td>
<td>3,000 sf/unit</td>
</tr>
<tr>
<td>Minimum Lot Widths:</td>
<td></td>
</tr>
<tr>
<td>Detached S-F Attached Units</td>
<td>30 ft</td>
</tr>
<tr>
<td>20 ft</td>
<td></td>
</tr>
<tr>
<td>Minimum Lot Depth</td>
<td>60 ft</td>
</tr>
<tr>
<td>Setbacks (4):</td>
<td></td>
</tr>
<tr>
<td>Minimum Front (4)</td>
<td>15 ft</td>
</tr>
</tbody>
</table>
### Maximum Front Setback

#### Table

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum Front Setback</td>
<td>(14)</td>
</tr>
<tr>
<td>Minimum Interior: single-story (4)</td>
<td>10 ft (5)</td>
</tr>
<tr>
<td>Minimum Interior: two or more stories (4)</td>
<td>10 ft (5)(6)</td>
</tr>
<tr>
<td>Minimum Building Separation</td>
<td>(12)</td>
</tr>
<tr>
<td>Min. Garage or carport vehicle entrance (10)</td>
<td>20 ft (7)</td>
</tr>
<tr>
<td>Maximum Height (8)</td>
<td>45 ft</td>
</tr>
<tr>
<td>Maximum Lot Coverage (9)</td>
<td>70%</td>
</tr>
<tr>
<td>Minimum Open Space</td>
<td>(13)</td>
</tr>
<tr>
<td>Min. Landscaped Area</td>
<td>(3)</td>
</tr>
</tbody>
</table>

(1) Section 3.220 bonus provisions may reduce minimum lot size and area, such as alley access.

(2) All yards adjacent to streets.

(3) All yards adjacent to streets plus required open space.

(4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrosits are in Section 3.263; Zero-Lot Line standards are in Sections 2.365 and 2.370.

(5) Except for single-family homes (attached and detached) or duplexes, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings.

(6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-family developments must also meet the setbacks in Section 8.270(1).

(7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.

(8) See exceptions to height restrictions, Section 3.340.

(9) Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures.

(10) See Table 2 for garages with alley access.

(11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.

(12) The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings.

(13) Ten or more units require open space. See Section 8.220.

(14) See Section 8.240 for standards.

(15) When multiple-family developments abut a single-family use or zone, the setback shall be one foot for each foot of building height. See Section 8.270(1).

(16) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.

**Response:** The Site Plan in Exhibit A shows that the applicable density, setbacks, building separation, and lot coverage requirements are met in the RM Zone. The project includes 36 one-bedroom units, requiring 72,000 square feet of lot area (36 units X 2,000 square feet = 72,000 square feet) and 84 two- and three-bedroom units, requiring 201,600 square feet of lot area (69 units X 2,400 square feet = 201,600 square feet). The total lot area needed to accommodate the planned multifamily homes is 273,600 square feet (72,000 square feet + 165,600 square feet = 273,600 square feet). The total area of the site is 275,145
square feet. Therefore, the site has sufficient area to accommodate the homes shown in the site plan.

The subject property is irregular in shape and is between 590.18 feet and 620.18 feet in width. Therefore, the lot is greater than 20 feet in width and exceeds the minimum standard for attached units in the RM Zone. The lot is between 400.67 feet and 566.89 feet in depth. Therefore, the lot is greater than 60 feet in depth and exceeds the minimum standard in the RM Zone.

ADC 5.207 identifies the subject property as the “Permawood Site,” stating that the river shall be treated as a front lot line, establishing the minimum setback at 15 feet, and stating this setback shall be measured from the most inland of the property line along the river, or City multi-use path easement, or the top of the river embankment. The property line along the river, the multi-use path easement, and the top of the river embankment are shown on the Site Plan in Exhibit A. The inland edge of the realigned multi-use path easement is the most inland of the property line along the river, the multi-use path easement, or the top of the river embankment. The minimum dimension provided on the Site Plan shows that the northernmost parking area and buildings are set back 15 feet 7 inches from the inland edge of the realigned multi-use path easement. Therefore, the front setback exceeds the 15-foot minimum setback that applies to the “Permawood Site.”

The Site Plan shows that planned buildings and parking areas will be setback at least 10 feet from all other lot lines. The southwest corner of the site abuts the RS-5 zoning district but does not abut an existing single-family use. Based on observations made during site visits and recent imagery available from Google Earth, the nearest structure is a steel storage building that does not fit a definition of a dwelling unit or a single-family dwelling. In addition to this building, this portion of the abutting property is being used to store vehicles, boats, and possibly scrap metal and/or reclaimed building materials. The structures and uses observed on the portion of the neighboring property abutting the subject site do not fall under the definition of single-family use in Article 22 of the ADC. The multifamily buildings planned for the site are 2-stories and higher. Therefore, separation between all buildings is at least 20 feet. The Architectural Elevations in Exhibit A show that the tallest building is planned to be ±39 feet in height. Therefore, the 45-foot maximum height standard is met. Building foundations are planned to cover ±16.6 percent of the site and driveways and parking areas are planned to cover ±27 percent of the site, resulting in ±43.6 percent total lot coverage. The maximum 70 percent lot coverage standard is met. The project will provide ±122,190 square feet of living space requiring ±30,548 square feet of open space. Approximately 45,427 square feet of open space is provided on site. Therefore, the minimum open space standard is met. The areas of open space will be landscaped in addition to the yards adjacent to the street. Therefore, the minimum landscape standard is met.

SETBACKS

3.250 Parking and Other Restrictions in Setback or Yard Areas.
(1) Vehicles in daily use may not park in the front yard, except on the paved driveway leading to a garage, carport or a driveway that provides required parking spaces. Trailers, boats, campers, and other vehicles not in daily use may not park in the required front setback for more than 48 consecutive hours. Recreational vehicle, trailer and miscellaneous storage pads or buildings are not allowed in the required front setbacks. (See Section 22.400 for the definition of yard.)

(2) Required parking spaces, driveways or travel aisles for residential development shall not be located in a required front or interior setback except that circular driveways providing drop-off service to the front door and driveways providing access to garages and carports or driveways that serve as required parking for any residential development may be used to fulfill the requirements. For an area to count as required parking, each space must be a paved surface at least 10 feet wide and 20 feet long.

Response: The Site Plan in Exhibit A shows that the parking spaces are not planned in any front yard or front/interior setback. This standard is met.

3.260 General Exceptions to Setback Requirements. The following intrusions may encroach into required setbacks provided that the conditions and limitations indicated are adhered to:

(1) Depressed Areas. In any district, open work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls, may be located in required setbacks, provided that such devices are not more than 3-1/2 feet in height.

Response: This standard is understood.

(2) Projecting Building Features. The following building features may encroach up to five feet into the required front setback and up to two feet into the required interior setbacks:

(a) Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways).

(b) Chimneys and fireplaces provided they do not exceed eight feet in width.

(c) Porches, steps, platforms or landings, raised patios, decks or other similar structures over 30 inches in height. (Structures, patios or concrete pads 30 inches or less in height are not subject to setback provisions).

(d) Signs conforming to applicable ordinance requirements.

Response: The project does not involve any of the projecting building features described under this section. This standard is met.

3.270 Setbacks for Attached Single-Family Dwellings. The interior setback requirements for attached single-family units shall be zero where the units adjoin; however, all other setbacks shall conform to this Code.

Response: This application does not involve attached single-family dwellings. This standard does not apply.
3.310 Special Willamette River Setback & Height Restrictions. Except for water-related and water-dependent uses (see definitions Article 22); all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River shall not extend above a plane, which begins at the floodway line and extends directly south, unless the property is exempt in Section 5.207.

The angle of this plane shall be as follows:

1. For river-oriented uses, the angle shall be 30 degrees.
2. For non river-oriented uses, the angle shall be 15 degrees.

Response: The subject property includes the “Permawood Site”—identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) as well as Tax Lots 1001, 1100, 6805 (Map 11S03W05CA)—and is exempt from this standard under ADC Section 5.207. This standard does not apply.

OFF-STREET PARKING AND LOADING REQUIREMENTS

3.350 Minimum Space Requirements. Off-street parking shall be provided for all residential development in the amounts indicated in Article 9, Section 9.020, Table 1. All parking lots in residential districts must comply with applicable requirements in Article 9.

Response: Responses to the applicable parking requirements are provided in the responses in Article 9 of this narrative. This standard is met.

OUTSIDE STORAGE

3.380 General. In any district, outside storage or display of materials, junk, parts, or merchandise shall not be permitted in required front setbacks or buffer areas.

3.390 Screening of Refuse Containers. The following standards apply to all residential development, except for one- and two-family dwellings. Any refuse container or refuse disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring fence, wall or hedge at least 6 feet in height. All refuse materials shall be contained within the screened area. No refuse container or refuse disposal area shall be placed within 15 feet of a dwelling window.

Response: Screening of refuse containers will be provided as shown on the Trash Enclosure Elevations on the Site Landscape & Open Space Concept Plan in Exhibit A. The screening will be at least 6 feet high and is not planned to be located within 15 feet of a dwelling window. This standard is met.

ARTICLE 5 MIXED USE ZONING DISTRICTS

SETBACKS

5.205 Special Willamette River Setbacks Inside the Waterfront Zone. Setbacks for buildings south of the Willamette River shall meet the following minimum setbacks from the top of the river bank (Figure 5-1):

1. 35 feet for a building two stories or less, and
2. 45 feet for a building three or more stories.

Response: The subject property includes the “Permawood Site”—identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) as well as Tax Lots 1001, 1100, 6805 (Map 11S03W05CA)—and is exempt from this standard under ADC Section 5.207. These lots
have been subsequently consolidated into a single lot (Tax Lot 300). This standard does not apply.

5.207 Exceptions to the Willamette River Setback Standards. For the following properties, the language in Sections 5.200 and 5.205 shall not apply. Willamette River setback provisions for these properties are set forth below.

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Assessor’s Property Identification Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Willamette Seed Site</td>
<td>11S-03W-6DC #100</td>
</tr>
<tr>
<td>Permawood Site</td>
<td>11S-03W-5BD #200, #300 and 11S-03W-5CA #1001, #1100, #6805</td>
</tr>
<tr>
<td>“Buzzsaw”</td>
<td>Site 11S-03W-6CD #11500</td>
</tr>
</tbody>
</table>

For these properties, the minimum setback for buildings and parking on the river side of property along the river is:

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>West of Lafayette</td>
<td>5 feet</td>
</tr>
<tr>
<td>East of Lafayette</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The minimum setbacks outlined above will be measured from the most inland of the:

1. Property line along the river, or
2. City multi-use path easement, or
3. Top of the river embankment.

Fences on the river side of property along the river will be located south of the most inland of the:

1. Property line along the river, or
2. City multi-use path easement, or
3. Top of the river embankment.

**Response:** The subject property includes the “Permawood Site”—identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) as well as Tax Lots 1001, 1100, 6805 (Map 11S03W05CA). These lots have been subsequently consolidated into a single lot (Tax Lot 300). Therefore, the language in Sections 5.200 and 5.205 does not apply. The property is east of Lafayette. Therefore, the minimum setback for buildings and parking on the river side of property is 15 feet. The property line along the river, the realigned City multi-use path easement, and the top of the river embankment are all shown on the Site Plan in Exhibit A. The Site Plan shows that the realigned City multi-use path easement is the most inland of these three lines. Therefore, the minimum setback has been measured from this line. The Site Plan shows a minimum dimension of 15 feet 7 inches from the edge of the easement to the parking lot. This dimension exceeds the minimum 15-foot setback requirement. This standard is met.

**ARTICLE 6 NATURAL RESOURCE DISTRICTS**

**FLOODPLAIN**
6.093 Floodplain Development Permit Required. A Floodplain Development Permit is required prior to initiating floodplain development activities, as defined in Section 6.075, in the Special Flood Hazard Area. This Article cannot anticipate all development activities that may be located within the Special Flood Hazard Area. The floodplain development permit shall expire 180 days after issuance unless the permitted activity has been substantially begun and thereafter pursued to completion.

All development activities that require a Floodplain Development Permit shall be processed in accordance with ADC Section 1.200, Land Use Application Procedures. When ambiguity exists concerning the appropriate classification of a particular activity, the use may be reviewed as a conditional use when the Floodplain Administrator determines that the proposed activity is consistent with other activities allowable within the subject district due to similar characteristics and impacts. When a development proposal involves a combination of activities, the more restrictive provisions of this Code shall apply.

A. The following activities will be processed through a Type I procedure as established in ADC 1.320:

1. Any structure 200 square feet or more.
2. Any substantial improvement to an existing structure as defined in this code.
3. Placement of a recreational vehicle more than 180 consecutive days, as described in 6.124(2)-(3).
4. Solid fences and walls that require a permit as listed in Section 6.125.
5. Any site improvement for development in the floodplain pursuant to Section 6.110 that is not exempt under Section 6.094 and does not already require a permit elsewhere in this Section of the Code.

Response: This project involves structures more than 200 square feet in area, in addition to the other improvements within Flood Hazard Areas, as shown in the included exhibits and described in this narrative. However, the Floodplain Development Permit is being submitted with a Willamette River Greenway Permit that requires a Type II procedure. Therefore, these improvements are being reviewed under a consolidated Type II procedure.

B. The following activities will be processed through a Type I-L procedure as established in ADC 1.330:

2. Grading, excavation, fill, and paving pursuant to Section 6.111 that cumulatively impacts more than 50 cubic yards of the native elevation and contours of the site or that otherwise requires a permit per this Article, and any associated retaining walls.
3. Mining and drilling operations that result in sledge, slag, or other materials remaining in the Special Flood Hazard area will be considered fill for the purposes of this Article, and will be reviewed through the applicable criteria in Section 6.111.
4. Additions or expansions of Continuous Storage Operations pursuant to Section 6.112.
5. New Continuous Storage Operations pursuant to Section 6.112.
6. Land Divisions of 19 lots or less pursuant to Section 6.110.
Response: This project involves limited development in the floodway and limited grading as shown in the included exhibits and described in this narrative. However, the Floodplain Development Permit is being submitted with a Willamette River Greenway Permit that requires a Type II procedure. Therefore, these improvements are being reviewed under a consolidated Type II procedure.

C. The following activities will be processed through a Type II procedure as established in ADC 1.350:

(1) Any alteration of a Watercourse, pursuant to 6.101 and the applicable criteria in Section 6.111.

Response: As indicated above, the Floodplain Development Permit included in this application is being submitted with a Willamette River Greenway Permit that requires a Type II procedure. Therefore, these improvements are being reviewed under a Type II procedure.

D. The following will be processed through a Type III procedure as established in ADC 1.360:

(1) Land Divisions of 20 or more lots, Cluster Developments and Planned Developments pursuant to Section 6.110.

(2) Manufactured home parks pursuant to Section 6.110 will be reviewed through the Manufactured Home Park application process.

Response: This project does not involve a land division of more than 20 lots, a cluster development, planned development, or manufactured home park. This provision does not apply.

6.095 General Information Requirements. In addition to the information required in other sections of this code, the application for any development proposed in the Special Flood Hazard Area (100-year floodplain) must include the following information:

(1) Elevations of the original contours.

(2) Final elevations of proposed fills and excavations.

(3) Base flood (100-year flood) elevations of the site based on North American Vertical Datum (NAVD) 1988.

(4) Location of any designated floodway and base flood boundary. If no floodway is designated, estimate the location of the floodway boundary per Section 6.100

(5) Location of any designated wetlands and/or wildlife habitat (if applicable).

(6) Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable).

(7) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development (if applicable).

(8) If floodproofing is required, the proposed description and elevation of floodproofing.

(9) Elevation certificate. The base flood elevation shall be determined based on the applicable flood insurance study and flood profile. A copy of the flood profile with the base flood elevation identified on the flood profile shall be included with the elevation certificate as evidence for determining the base flood elevation.

Response: The submittal requirements under this section are included on the Preliminary Plans in Exhibit A, and the Hydraulics Report in Exhibit D. These documents have been prepared
and stamped by a licensed civil engineer. A final elevation certificate will be provided with final construction documents as necessary. These requirements are met.

PROVISIONS FOR FLOOD HAZARD REDUCTION

6.100  Floodway Restrictions. No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence prepared in accordance with standard engineering methodology approved by FEMA and certified by a registered professional engineer and upon documentation that one of the following criteria has been met:

(1)  The development does not involve the construction of permanent or habitable structures (including fences).

(2)  The development is a public or private park or recreational use or municipal utility use.

(3)  The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

For temporary storage of materials or equipment:

(4)  The temporary storage or processing of materials will not become buoyant, flammable, hazardous explosive or otherwise potentially injurious to human, animal or plant life in times of flooding.

(5)  The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

Response
The Site Plan in Exhibit A shows that a portion of the parking area is planned in the floodway. A Revised Hydraulics Report is included in Exhibit D which confirms that the planned improvements shown in the plans will not increase the base flood levels greater than one foot. This criterion is met.

6.101  Alteration of a Watercourse. A Watercourse is considered altered when any changes occur within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges.

(1)  No development shall diminish the flood-carrying capacity of a watercourse.

(2)  Subject to the foregoing regulation, no person shall alter or relocate a watercourse without necessary approval from the Floodplain Administrator.

(3)  Prior to approval, the applicant shall provide a 30-day written notice to the City, any adjacent community, the Natural Hazards Program of the Oregon Department of Land Conservation and Development, and the DSL.

(4)  The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Response:  This project does not involve the alteration of a watercourse. These standards do not apply.
6.110 Site Improvement, Land Division and Manufactured Home Park Standards. Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, “no actual development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).

In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards:

All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Response: The buildings included in the Preliminary Plans in Exhibit A will have a Finished Floor Elevation (FFE) more than one foot above the Base Flood Elevation (BFE) to minimize flood damage and keep the building sites safe from flooding. This standard is met.

All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

Response: Utilities will be placed on-site as shown on the Preliminary Composite Utility Plan in Exhibit A. These facilities will be placed underground and will not be susceptible to flood damage. This standard is met.

(3) On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.

Response: Planned sanitary sewer facilities are shown on the Preliminary Composite Utility Plan. The plan has been prepared and stamped by a licensed civil engineer. The facilities shown have been located and designed to avoid functional impairment or contamination during flooding. This standard is met.

(4) All development proposals shall have adequate drainage provided to reduce exposure to flood damage.

Response: The drainage management facilities shown on the Preliminary Composite Utility Plan in Exhibit A have been designed by a licensed civil engineer to provide adequate drainage as required by applicable City standards. This standard is met.

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

Response: This application does not involve the creation of new lots. This standard does not apply.

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

Response: This application does not involve a new public or private street. This standard does not apply.
(7) All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”

Response: The location of the 100-year flood contour is shown on the Site Plan in Exhibit A. The Flood Insurance Study elevation data is included in the Hydraulics Report in Exhibit D. The plat for Tax Lot 300 has been recorded. This standard is met.

(8) In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

Response: This project does not involve a manufactured home park. This standard does not apply.

6.111 Grading, Fill, Excavation, and Paving, A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable have been met:

(1) Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.

Response: The Hydraulics Report in Exhibit D confirms that the project will not increase flood levels during a 100-year flood. This standard is met.

(2) The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.

Response: The planned stormwater facilities are shown on the Preliminary Composite Utility Plan in Exhibit A. The plans are prepared and stamped by a licensed civil engineer and are consistent with the City’s adopted Public Works Engineering standards. This standard is met.

(3) The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.

Response: The Hydraulics Report in Exhibit D confirms that the project will not increase flood levels during a 100-year flood. Therefore, the planned development is not expected to have an impact on flood flows when compared to existing conditions. This standard is met.

(4) No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.

Response: The Hydraulics Report in Exhibit D confirms that the project will not increase flood levels during a 100-year flood. Therefore, the planned development is not expected to have an impact on flood flows when compared to existing conditions. This standard is met.
Response: The Preliminary Grading Plan in Exhibit A has been prepared and stamped by a licensed civil engineer. The grading shown is intended to preserve the service life, operation, and maintenance of existing utilities, and is intended to be consistent with Public Works standards. This standard is met.

(5) In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.

Response: The Hydraulics Report in Exhibit D of this application confirms that the project will not increase the water surface elevation of the base 100-year flood level. Therefore, the City can find that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community. This standard is met.

(6) The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).

Response: The project does not involve relocation of a watercourse. This requirement does not apply.

(7) All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.

Response: The on-site drainage facilities will connect to a 24-inch stormwater main to the west of the subject property, which will convey run-off to the Willamette River (the nearest practical watercourse). This standard is met.

(8) Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.

Response: The building pads shown are intended to be consistent with the applicable standards and can be reviewed with the building permit application. This standard can be met.

6.112 Continuous Storage Operations. The regulation of storage in the flood fringe focuses on long-term storage activities associated with continuous operations as defined in this Article.

A continuous storage operation is allowed if it can be shown that:

(1) The materials or equipment will not be flammable, hazardous, explosive or otherwise potentially injurious to human, animal, or plant life in times of flooding; and

(2) The materials or equipment are not subject to major damage by flood and are firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.
Response: Continuous storage operations are not planned for this project. These standards do not apply.

6.113 Critical Facility Standards. Construction of new critical facilities, and additions to critical facilities built after September 29, 2010, shall be, to the maximum extent feasible, located outside the limits of the Special Flood Hazard Area (100-year floodplain).

Construction of new critical facilities shall be permissible within the Special Flood Hazard Area if no feasible alternative site is available. Critical facilities constructed within the Special Flood Hazard Area shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that hazardous materials will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

Response: This project does not involve critical facilities. This criterion does not apply.

(***)

6.121 Flood Hazard Reduction Standards for Structures. All applicable flood hazard reduction measures are required and must be certified as required in 6.120 (1) and (10) above to at least meet the following standards (these standards do not apply to structures exempted in Section 6.122):

(1) In all structures that will not be floodproofed, as described in 6.121(2), fully enclosed areas below the lowest floor (crawls spaces, parking areas or building access) and lower than 1 foot above the 100-year flood level must meet or exceed the following criteria:

(a) At least two openings, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.

(b) The bottom of all openings shall be no higher than one foot above grade.

(c) Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

(d) The interior grade below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

(e) The height of the below-grade area, measured from the interior grade to the top of the foundation wall must not exceed four (4) feet at any point.

(f) There must be an adequate drainage system that removes floodwaters from the interior area. The enclosed area should be drained within a reasonable time after a flood event.

(g) It will be used solely for parking vehicles, limited storage, or access to the building and will never be used for human habitation.

(h) The property owner of the building shall sign and record on the title to the property a nonconversion agreement, guaranteeing not to improve, finish, or otherwise convert the enclosed area below the lowest floor and lower than 1-foot above the 100-year flood level and granting the City the right to inspect the enclosed area.
Response: All finished floor elevations are more than 1 foot above the 100-year flood level (BFE). The floodproofing measures described under this section are not necessary or included in this application. Therefore, these criteria do not apply.

(2) Nonresidential construction meeting the certification requirements of 6.120 (1) and (10) can have the lowest floor and attendant utility and sanitary facilities located lower than one foot above the 100-year flood elevation if all of the following is met:

(a) The structure is floodproofed so that areas lower than one foot above the 100-year flood level are watertight with walls substantially impermeable to the passage of water.

(b) The structure has structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(c) The applicant is notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level.

(d) The applicant files a certification by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. The certification shall be provided to the Building Official as set forth in 6.120(1).

(e) Applicants supply a Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

(f) Applicants supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

Response: This project does not involve nonresidential construction. This section does not apply.

6.122 Accessory Buildings. Accessory structures in Special Flood Hazard Areas (100-year floodplain) that represent a minimal investment are exempt from the standards of ADC 6.120 and 6.121. The following standards and all other regulations that apply to development in floodplain areas apply to those buildings. The definition of “minimal investment” for the purposes of this section is a building that costs less than $10,000 in labor and materials to construct. The value of a proposed building will be the value stated on the application for building permits.

(1) Accessory structures shall not be used for human habitation.

(2) Accessory structures shall be designed to have low flood damage potential.

(3) Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.

(4) Accessory structures shall be firmly anchored to prevent flotation that may result in damage to other structures.
(5) Service facilities such as electrical and heating equipment shall be elevated and/or floodproofed.

Response: This project does not involve accessory structures that represent minimal investment. This section does not apply.

WILLAMETTE RIVER GREENWAY

6.520 Procedure. Except for land use developments and uses exempted in Section 6.530 below, an application for development approval in the Willamette River Greenway District will be approved under the Type II procedure. Approval of a Willamette River Greenway use application will be granted only if the proposal complies with all applicable sections of this Code. In case of conflict between the provisions of this Article and the provisions of any other Article of this ordinance, the more restrictive provisions shall apply.

Response: A Willamette River Greenway use permit is included in this application and will be reviewed under a Type II procedure as provided above.

(***)

6.540 Criteria. An application for a Willamette River Greenway use development will be granted if the review body finds that the proposal conforms to the following applicable criteria:

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

Response: Property to the east and west of the site is designated on the Comprehensive Plan as Open Space; however, the subject property does not include lands designated as open space. Therefore, this project will not impact lands designated as Open Space in the Comprehensive Plan. This criterion is met.

(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: The Planning Commission, in their decision on SP-01-19, found that the Willamette River Greenway criteria (2) through (8) of ADC 6.540 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Willamette River Greenway criteria are met.

As discussed in the Site Description/Setting on Page 3 of this narrative, the property has been host to a variety of industrial uses, including a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. This Site Plan Review application will remove the remaining impacts of these prior uses and permit the site to be developed with residential uses as anticipated by the underlying RM Zone and consistent with the Medium Density Residential designation in the City of Albany Comprehensive Plan. Significant natural and scenic areas and viewpoints along the Willamette River will be enhanced by an improved multiuse pathway along the riverfront where it fronts the subject property. These improvements will provide an important connection between Bowman Park and Eads Park, located east and west of the subject site. All existing trees
within the vegetative fringe in good health will be preserved, with the exception of two that need to be removed for planned improvements. This criterion is met.

(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 Planning Commission, in their decision on SP-01-19, found that the Willamette River Greenway criteria (2) through (8) of ADC 6.540 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Willamette River Greenway criteria are met.

This application includes a Floodplain Development Permit. Responses to the approval criteria for that permit are provided in Sections 6.093 through 6.122 of this narrative and address the impacts within the floodplain. The Hydraulics Report in Exhibit D shows that the planned project will not increase the 100-year water surface elevation. Therefore, the planned site improvements will protect water retention, overflow, and other natural functions within the floodplain to the maximum extent possible. This criterion is met.

(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: This project does not include harvesting of timber. This criterion does not apply.

(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: The Planning Commission, in their decision on SP-01-19, found that the Willamette River Greenway criteria (2) through (8) of ADC 6.540 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Willamette River Greenway criteria are met.

(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 Planning Commission, in their decision on SP-01-19, found that the Willamette River Greenway criteria (2) through (8) of ADC 6.540 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Willamette River Greenway criteria are met.
As discussed in the Site Description/Setting on Page 3 of this narrative, the property has a history of industrial use, including a manufacturing facility for roof tiles, a warehouse, cabinet shop, and a cement plant. This project will remove the remaining impacts of these prior uses and permit residential development for the site as allowed under current zoning and as envisioned in the City of Albany Comprehensive Plan.

Open space abuts the property to the east and west along the river. Improvements to the multiuse path connecting these areas are included in the Site plan that will provide an important amenity to the nearby neighborhood. The planned improvements involve multifamily housing designed in accordance with the development standards in the RM Zone and the applicable design standards for multifamily development. These standards include strict requirements for landscaping and open spaces as well as setbacks, buffering, and screening standards that ensure compatibility with uses in the surrounding area.

The subject property includes the “Permawood Site”—identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) and Tax Lots 1001, 1100, 6805 (Map 11S03W05CA). Therefore, a special setback of 15 feet applies for buildings and parking from the realigned multi-use path along the river. As shown on the Site Plan in Exhibit A, this setback is provided and the maximum possible vegetation is planned to be preserved within that setback. As shown on the Site Plan, ±47,277 square feet of common open space are planned. This amount exceeds the minimum standard for multiple family development under ADC 8.220 (0.25 square feet for each 1.0 square feet of living space) by ±36 percent. Therefore, the maximum possible landscaped area, open space, or vegetation is provided between the activity and the river while allowing the site to be developed as allowed in the underlying RM Zone. This criterion is met.

(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 project does not involve the extraction of mineral deposits. This criterion does not apply.

(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.

Response: The Planning Commission, in their decision on SP-01-19, found that the Willamette River Greenway criteria (2) through (8) of ADC 6.540 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Willamette River Greenway criteria are met.

The multiuse path along the Willamette River is planned as a public recreational facility. The improved path will connect Bowman Park, to the west, with existing open space to the east. The recreational path is compatible with the existing recreational use in the adjacent parks and will not have an adverse affect on these adjacent properties. This criterion is met.
(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: The subject property includes the “Permawood Site” identified as Tax Lots 200 and 300 (Linn County Assessor’s Map 11S03W05BD) as well as Tax Lots 1001, 1100, 6805 (Map 11S03W05CA) that has been subsequently consolidated into a single tax lot (Tax Lot 300). As provided for in Section 5.207, the language in Sections 5.200 and 5.205 do not apply to this site. This criterion does not apply.

(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.

Response: As discussed in previous responses, the planned project includes improvements to the multiuse path along the Willamette River. As shown on the Site Plan in Exhibit A, an accessway on the north east portion of the site will connect the project to the multiuse path. Therefore, the project provides the appropriate public access to, and along, the river. This criterion is met.

ARTICLE 8 DESIGN STANDARDS
MULTIPLE-FAMILY DEVELOPMENT

8.200 Purpose. These sections are intended to set standards for quality designs in new multiple-family developments. Good design results when buildings are visually compatible with one another and adjacent neighborhoods and contribute to a residential district that is attractive, active and safe.

8.205 Applicability.

(1) Except as specified in ADC Section 8.110(2), the standards of ADC Sections 8.220 through 8.300 apply to the development of new Multiple Family residential buildings (accessory buildings are exempt).

Response: The project involves multiple-family residential buildings. It is understood that accessory buildings are exempt. Sections 8.220 through 8.300 apply.

(2) The standards of ADC Sections 8.220 through 8.300 apply to new buildings with Units Above or Attached to a Business (see ADC Section 22.310) as follows:

(a) Dwelling units located on the first story facing a street line are subject to all standards in this section that apply within the relevant zoning district.

(b) In addition, certain standards are applicable to the development of units above or behind a business, where noted.

Response: The project does not involve new buildings with dwelling units above a business. These standards do not apply.

(3) Except as required to meet building code, fire code, or other regulations, expansions, and modifications to existing buildings and sites must not decrease conformance with these standards.

Response: This project does not involve modifications to existing buildings. This standard does not apply.
(4) Unless otherwise specified, these standards apply in all zoning districts.

**Response:** This section is understood.

(***)

8.220 Recreation and Open Space Areas. In all new multiple family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. In larger developments, there should be a variety of common space activities.

(1) Common Space. For projects of 10 or more units, common open space shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space. In lieu of the common space standards below, new construction of ten or more units in the CB, HD, DMU, LE, WF and MUR zoning districts is subject to ADC Section 8.225.

**Response:** The project will connect to an improved Willamette River Greenway path in the northeast portion of the site as shown on the Site Plan in Exhibit A. The path and accessway will provide recreation area and connect to Bowman Park and Eads park to the west and east of the development. Therefore, the project qualifies for the 25 percent credit under ADC 8.220(1)(g). As shown in the open space calculations on the Landscape & Open Space Concept Plan in Exhibit A, ±30,548 square feet of common space are required for the planned ±122,190 square feet of living space. This credit would reduce the common space requirement by 25 percent (±7,637 square feet), resulting in ±22,911 square feet of common space required. As shown on the Open Space & Landscape Concept Plan, ±47,427 square feet of common space are proposed meaning the project provides approximately 207 percent of the required common space. This standard is met.

(a) Areas designated as common space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. The space shall be functional or protect natural features, and shall include one or more of the following types of uses:

- swimming pools, spas, and adjacent patios and decks
- developed and equipped adult recreation areas
- sports courts (tennis, handball, volleyball, etc.)
- community centers
- food and ornamental gardens
- lawn, deck or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed
- natural areas

**Response:** Common spaces are planned as shown on the Site Plan in Exhibit A. The areas shown are at least 500 square feet in size with no horizontal dimension less than 20 feet and include adult recreation areas, a community center, lawn, and natural areas with a variety of amenities. This standard is met.
(b) Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.

**Response:** Common spaces are planned as shown on the Site Plan in Exhibit A. The site plan shows a mix of passive and active recreational areas including adult recreation areas, a community center, lawn, walking paths, and natural areas with a variety of amenities. This standard is met.

(c) Indoor or covered recreational space may count towards 50 percent of the common open space requirement.

**Response:** Common space is planned as shown on the Site Plan in Exhibit A and includes calculations for the amount of common space provided. The amount of indoor recreational space in the Clubhouse Building (±2,000 square feet) is counted toward the common open space requirements included on the calculations. The indoor recreation space provided accounts for less than 50 percent of the common space provided on site. This standard is met.

(d) No more than 20 percent of the common space requirement shall be on land with slopes greater than 20 percent.

**Response:** There are limited areas on the site that have slopes greater than 20 percent. These areas are not included in the area used to meet the common space requirement shown on the Site Plan in Exhibit A. This standard is met.

(e) Areas Excluded. Streets and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied toward the minimum usable open space requirement. Required setback areas may be applied toward the minimum usable open space requirement, except active, noise-generating amenities must meet required setbacks.

**Response:** The common spaces shown on the Site Plan in Exhibit A are intended to be landscaped but are not needed to meet parking lot landscape standards. Active amenities are not planned in the required setbacks. This standard is met.

(f) Designated on Site Plan. Areas provided to satisfy the minimum common space requirement shall be so designated on the development site plan and shall be reserved as common space. Adult recreation areas shall not be allowed in any required setback and shall be centrally located.

**Response:** Common space is planned as designated on the Site Landscape & Open Space Concept Plan in Exhibit A. The adult recreation areas are not located in a required setback. This standard is met.

(g) Open Space and Recreation Area Credit. A credit, not to exceed 25 percent of the common space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple-family developments to an improved public park and recreation area or public school playground.

**Response:** The project will connect to an improved Willamette River Greenway path in the northeast portion of the site as shown on the Site Plan in Exhibit A. The path and accessway will
provide recreation area and connect to Bowman Park and Eads park to the west and east of the development. Therefore, the project qualifies for the 25 percent credit under ADC 8.220(1)(g). As shown in the open space calculations on the Landscape & Open Space Concept Plan in Exhibit A, ±30,548 square feet of common space are required for the planned ±122,190 square feet of living space. This credit would reduce the common space requirement by 25 percent (±7,637 square feet), resulting in ±22,911 square feet of common space required. As shown on the Site & Open Space Concept Plan, ±47,427 square feet of common space are proposed meaning the project provides approximately 207 percent of the required common space.

(h) Approved vegetated post-construction stormwater quality facilities are allowed in common open space areas.

Response: This project does not involve post-construction vegetated stormwater quality facilities. This section does not apply.

(2) Children’s Play Areas. Multiple family developments larger than ten units (excluding one-bedroom and studio units) shall designate one or more children’s play areas. Developments located in the CB, HD, DMU, LE, WF, and MUR zoning districts are exempt from this standard.

(a) Children’s play areas shall be placed within 300 feet of the units they are intended to serve. More than one play area may be needed in larger developments.

Response: Children’s play areas are planned as shown on the Site Plan in Exhibit A. One area is planned in the northwest corner of the site to serve Buildings 2, 3, and 4. One area is planned on the eastern side of the site to serve Buildings 5, 6, 7, 8, and 9. The children’s play areas are planned within 300 feet of the units they serve. This standard is met.

(b) No horizontal dimension of a children’s play area shall be less than 20 feet.

Response: Children’s play areas are planned as shown on the Site Plan in Exhibit A. The planned areas will not have a horizontal dimension less than 20 feet. This standard is met.

(c) Placement of children’s play areas shall not be allowed in any required setback and shall be centrally located.

Response: Children’s play areas are planned to be centrally located as shown on the Site Plan in Exhibit A. The areas are not planned within a required setback. This standard is met.

(d) Children’s play areas may be part of the common open space area but do not count toward the use requirement as outlined in Section 8.220(1)(a).

Response: Common space is planned as shown on the Landscape & Open Space Concept Plan in Exhibit A and includes calculations for the amount of common space provided. The amount of space for the children’s play areas counted toward the common open space requirements are included on the calculations. The common space provided exceeds 0.25 square feet per each square foot of living space. This standard is met.
8.230  Private Open Space. In all newly constructed multiple family developments except in the CB, HD, DMU, WF, and LE zoning district and assisted-living and nursing home developments, private open space shall be provided as follows:

(1)  At-Grade Dwellings. Dwellings located at finished grade, or within five feet of finished grade, shall provide at least 96 square feet of private open space per unit, with no dimension less than eight feet. Private open space for at-grade dwellings may be provided within interior courtyards created within a single building or cluster of buildings. Private open space for at-grade dwellings shall be screened from view from public streets.

Response: Private open space is planned as shown on the floor plans in Exhibit A. These documents include calculations for the amount of private open space provided for dwellings located at finished grade. Each at grade dwelling is planned with at least 96 square feet of private open space, with no dimension less than eight feet. This standard is met.

(2)  Above-Grade Dwellings. Dwellings located more than five feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than six feet. Private open space for units located more than six feet above grade may be provided individually, as with a balcony or collectively by combining into a larger area that serves multiple units.

Response: Private open space for the above-grade dwellings is planned as shown on the Floor Plans in Exhibit A and include calculations for the amount of private open space provided. Each above grade dwelling is planned with at least 80 square feet of private open space, with no dimension less than 6 feet. This standard is met.

(3)  Access to Private Open Space. All private open space shall be directly accessible from the dwelling unit through a doorway.

Response: Private open space will be provided with balconies attached to the upper floor units and patios attached to the ground floor units. These are accessed through doorways as shown on the floor plans in Exhibit A. This standard is met.

(4)  Privacy Requirements. Private open space, excluding front porches, shall be physically and visually separated from common open space.

Response: Private open space will be provided with balconies attached to the upper floor units and patios attached to the ground floor units. The balconies will be separated from common open space by elevation. Ground floor patios will be separated from common open space with hard surface materials. This standard is met.

8.240  Maximum Setbacks for Street Orientation. In all zoning districts except HD, CB, DMU, and WF, new multiple family developments shall meet the following maximum setback standards. New multiple-family development in the HD, CB, DMU and WF zoning districts is subject to maximum setback standards in ADC Section 5.120.

(1)  On sites with 100 feet or more of frontage on a collector or local public street, at least 50 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line. See Figure 8-6, Building A.

Response: The subject property has more than 100 feet of frontage on a public street. City staff has explained to us that the lot line abutting the Linn Avenue NE right-of-way is a front lot line and the length of this property line is this site width for the purpose of applying this standard. As shown on the Site Plan in Exhibit A, this lot line is ±371 feet long. Buildings
8, 9, and a portion of Building 7 are placed no further than 25 feet from the lot line and occupy ±211 linear feet of this frontage along Linn Avenue NE, resulting in ±56 percent (±211 / ±374 = 0.56) of the site width occupied by buildings placed no farther than 25 feet from this front lot line. This standard is met.

(2) On sites with less than 100 feet of frontage on a collector or local public street, at least 40 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line. See Figure 8-6, Building B.

Response: The project site has more than 100 feet of frontage on Linn Avenue NE (a local street). Therefore, this standard does not apply.

(3) As used in these standards, “site width” does not include significant natural resources as mapped by the City, delineated wetlands, slopes greater than 20 percent, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

Response: This section is understood.

8.250 Functional Design and Building Details. These standards are intended to promote functional design and building details in new construction that contribute to a high-quality living environment for residents and enhance compatibility with the neighborhood. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC Section 8.255.

(1) The design of new buildings shall avoid long, flat, uninterrupted walls or roof planes. Changes in wall plane and height, and the inclusion of elements such as balconies, porches, arbors, dormers, gables and other human-scale design elements such as landscaping should be used to achieve building articulation.

Response: Architectural elements showing the required building articulation are shown on the Architectural Elevations and Floors Plans in Exhibit A. Each of the buildings includes balconies, porches, and dormers. Long, flat, uninterrupted walls and roof planes are avoided. This standard is met.

(2) Buildings shall be massed so individual units or the common main entrance is clearly identifiable from the private or public street that provides access unless the units are located on upper floors above non-residential uses.

Response: The internal accessways will be constructed with a hard surface material that connects directly to the common main entrance of each building that will make the common entries clearly identifiable from the public street. This standard is met.

(3) Stairways shall be incorporated into the building design. External stairways, when necessary, should be recessed into the building, sided using the same siding materials as the building, or otherwise incorporated into the building architecture.

Response: As shown on the Architectural Elevations and Floor Plans and in Exhibit A, the stairways used to access the individual units will be incorporated into the building design with covered breezeways and recessed alcoves. This standard is met.

(4) Building facades shall be broken up to give the appearance of a collection of smaller buildings.

Response: The buildings utilize a perpendicular gable roof design to create the appearance of a collection of smaller buildings within each building façade. The building facades are
further broken up with elements such as balconies, patios, and breezeways shown in the architectural drawings in Exhibit A. This standard is met.

(***)

8.260 Building Orientation and Entries. These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries, and yards to public streets. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC 8.265.

(1) As many of the dwelling unit entries as possible shall face public local residential streets and along the internal street system of larger scale developments. Internal units may face a courtyard or plaza, but not a parking lot. The use of front porches or entry patios and terraces is encouraged.

Response: One entry is provided for Building 8 and one entry is provided for Building 9 where they face Linn Avenue NE (a local street). Please see the Architectural Elevations and Floor Plans in Exhibit A for more information. This standard is met.

(2) Building entries and entries to individual units shall be clearly defined, visible for safety purposes, and easily accessible. Arches, gateways, entry courts, and awnings are encouraged to shelter entries.

Response: A cover will be provided over the building entries to Building 8 and Building 9 where they face Linn Avenue NE as shown on the west exterior elevation for Building 9 in Exhibit A. This standard is met.

(3) Individual entries are encouraged; the use of long access balconies and/or corridors that are monotonous and impersonal are discouraged.

Response: One entry is provided for Building 8 and one entry is provided for Building 9 where they face Linn Avenue NE (a local street). Please see the Architectural Elevations and Floor Plans in Exhibit A for more information.

(4) The primary entrance(s) of ground floor units of residential building(s) located within 25 feet of a local street may face the street. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. No off-street parking or circulation shall be located between the front of the building and the street. The following exceptions to this standard are allowed:

- On corner lots, the main building entrance(s) may face either of the streets or be oriented to the corner.
- For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement.

Response: One entry is provided for Building 8 and one entry is provided for Building 9 where they face Linn Avenue NE (a local street). Please see the Architectural Elevations and Floor Plans in Exhibit A for more information. The primary entrances of the other multifamily buildings are oriented towards the internal circulation network. No off-street parking is planned between the front of the buildings and a street. This standard is met.
8.270 Transition to Lower Density Uses. The following design standards shall be incorporated into the design of multiple-family housing to create transitions between multiple-family developments and nearby, lower-density residential development, in order to reduce the impacts of building mass and scale. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to special interior setbacks in ADC Section 5.115.

(1) When abutting single-family homes, buildings shall be set back at least one foot for each foot in building height from the property line. Building height is measured from the average grade to the top of the wall facing the property line or to the top of the highest window or door, whichever is higher.

Response: The project does not abut a single-family home. This standard does not apply.

(2) Smaller-scale buildings should be sited in the area immediately adjacent to single-family zoning districts, and larger-scale buildings sited at the interior of the development or adjacent to other multiple-family developments.

Response: The southernmost property boundary is the only portion of the project that is immediately adjacent to a single-family zoning district (RS-5). The Site Plan in Exhibit A shows a single-story clubhouse building at this location that is smaller scale than the buildings located in the interior of the site. While this standard is aspirational and not mandatory, to the extent that it applies, this standard is met.

(3) Parking and maneuvering areas, driveways, active recreation areas, loading areas and dumpsters should not be located between multiple family buildings and abutting single-family homes.

Response: Single-family homes do not directly abut the site. The Site Plan in Exhibit A shows that the features described in this section are not planned between multiple-family buildings and single-family homes. While this standard is aspirational and not mandatory, to the extent that it applies, this standard is met.

8.280 Pedestrian Connections. Pedestrian circulation systems shall be designed to provide clear and identifiable connections within the multiple-family development and to adjacent uses and public streets/sidewalks.

(1) Each multiple-family development shall contain an internal pedestrian circulation system that makes clear, easily identifiable and safe connections between individual units and parking and shared open space areas. All pedestrian ways shall comply with the requirements of the Americans with Disabilities Act.

Response: Pedestrian connections are provided within the project areas as shown on the Site Plan in Exhibit A. The accessways shown are intended to comply with the provisions of the Americans with Disabilities Act. This standard is met.

(2) The pedestrian circulation system shall be designed to provide safe crossings of streets and driveways. Reflective striping should be used at crossings to emphasize the crossing under low light and inclement weather conditions.

Response: Pedestrian crossings of the internal accessways and driveways are shown on the Site Plan in Exhibit A and are planned with appropriate striping in accordance with the applicable City standards. This standard can be met.

(3) Safe, convenient, and attractive pedestrian connections shall be provided between the multiple-family development and adjacent uses such as parks,
schools, retail areas, bus stops, and other pedestrian ways. Connections shall be made to all adjacent streets and sidewalks at 200 to 300-foot intervals.

**Response:** A multipurpose path is provided that connects the project to Bowman Park and Eads Park. The Site Plan does not propose any change in this approved configuration. Pedestrian connections to adjacent public sidewalks are provided at Geary Street NE and along Linn Avenue NE at reasonable intervals. This standard is met.

8.290 Vehicle Circulation System. On-site circulation shall be clearly identifiable, safe, pedestrian-friendly and interconnected. Development in the HD, DMU, CB and WF zoning districts on sites under three acres is exempt from these standards.

(1) Internal vehicle circulation system of a multiple-family development shall be a continuation of the adjacent public street pattern wherever possible and promote street connectivity. Elements of the public street system that shall be emphasized in the internal circulation system include the block pattern, sidewalks, street trees, on-street parking and planter strips.

**Response:** The project site is located between Geary Street NE and Alco Street NE, near the terminus of these streets. There are no streets to the west or east of the site that need to be continued through the property. This standard does not apply to this project.

(2) The vehicle circulation system and building pattern shall mimic a traditional local street network and break the development into numerous smaller blocks with all of the public street system elements highlighted above. Private streets are acceptable unless a public street is needed to extend the public street grid. The connectivity and block length standards in Articles 11 and 12 apply to all public and private streets.

**Response:** This project does not involve new public or private streets. This standard does not apply.

(3) The streets that form the primary internal circulation system may include parallel parking and accessways to parking bays or courts but should not be lined with head-in parking spaces.

**Response:** This project does not involve new public or private streets. This standard does not apply.

(4) Interior roadways shall be designed to slow traffic speeds. This can be achieved by meandering the roadway, keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road.

**Response:** This project does not involve interior roadways. This standard does not apply.

8.300 Parking. Multiple-family development shall provide attractive street frontages and visual compatibility with neighborhoods by minimizing the placement of parking lots along public streets. See Article 9 for additional parking lot standards. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC Section 8.305.

(1) Parking lots, carports, and garages shall not be sited between multiple-family buildings and the public local street unless site size and configuration make this impossible. Where available, private access to parking is encouraged.

**Response:** The Site Plan in Exhibit A shows that parking is not sited between multiple-family buildings and public local streets. This standard is met.

(2) Parking areas shall be broken into numerous small parking bays and landscaped to minimize their visual impact. Large, uninterrupted rows of parking are prohibited. Required parking must be located within 100 feet of
the building entrance for each unit. The integration of garages into residential buildings is encouraged.

**Response:** As shown on the Site Plan in Exhibit A, parking areas are broken into bays of not more than 12 parking spaces and are intended to be landscaped in accordance with applicable City standards. This standard is met.

**ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS**

**OFF-STREET PARKING**

**9.020 Space Requirements.** Off-street parking and loading must be provided for all development in the amounts indicated in the table below subject to any applicable reductions permitted in this Article. All required parking must be developed in accordance with the standards in this Article.

1. **Calculating Floor Area for Parking.** The area measured is the combined floor area of each level of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas.

**Response:** Floor area for determining the parking requirements for the clubhouse has been calculated as required under this section. These calculations are shown on the Site plan in Exhibit A.

2. **Employees.** The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season.

**Response:** This project does not involve uses where parking requirements are based on number of employees. This standard does not apply.

3. **Fractional Space Requirements shall be counted to the nearest whole space; half spaces will be rounded up.**

**Response:** This section is understood, and parking requirements are calculated accordingly.

4. **Unspecified Uses and Alternative Standards.** When a use is not specifically listed in Table 9-1: Parking Requirements, the Director will determine if the use is similar to a listed use in terms of parking needs. When a use is not similar to a use listed in Table 9-1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation may include parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual.

**Response:** The uses planned for this project are specified in Table 9-1, and alternative standards for calculating the required parking are not necessary. This standard does not apply.

5. **Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities.**

**Response:** The off-street parking requirements are met for each use included in the project. This standard is understood.

6. **Downtown Assessment District.** Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of this
Article as Figure 9-2.) However, improvement of parking areas within this District must comply with the standards of this Article.

**Response:** This project is not within the Downtown Off-Street Assessment District. This standard does not apply.

(7) Maximum Parking in the ES, Elm Street Medical District. Parking provided with new development in the ES zone shall be only the minimum required. No additional off-street parking will be allowed for development in this district.

**Response:** This project is not within the ES Zone. This standard does not apply.

(8) Site Plan Review may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430.

**Response:** All applicable parking related standards are responded to in this narrative and are met.

(9) Temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet the standards in this section.

**Response:** This section is understood.

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<thead>
<tr>
<th>Table 9-1: PARKING REQUIREMENTS</th>
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<tr>
<td><strong>USE</strong></td>
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<tr>
<td>Multi-Family: Studio and 1-bedroom units</td>
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<td>Multi-Family: 2-bedroom units</td>
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<tr>
<td>Multi-Family: 3 or more bedroom units</td>
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<td>Multi-Family: Quad and quint units</td>
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**Response:** Parking is required to serve the site plan as follows:

- 36 studio and one-bedroom units require 36 spaces (36 units X 1 space per unit = 36)
- 72 two-bedroom units require 108 spaces (72 units X 1.5 spaces per unit = 108)
- 12 three-bedroom units require 24 spaces (12 units X 2 spaces per unit = 24)
- 30 spaces are required for visitors (120 total units X 0.25 spaces per unit = 30)
- 11 spaces are required for the clubhouse/recreation facility (3,217 square feet / 300 square feet = 10.72)
- 209 total spaces are required

The site plan provides 218 total spaces. Therefore, the minimum parking requirements are met.

9.090 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (See Section 8.120). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met.

(1) Delineation of individual parking spaces, including handicapped parking spaces.

(2) Loading areas and docks.
(3) Circulation area necessary to serve spaces.
(4) Location of bicycle and motorcycle parking areas.
(5) Access to streets, alleys, and properties to be served.
(6) Curb cuts.
(7) Type of landscaping, fencing or other screening materials.
(8) Abutting land uses.
(9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details.
(10) Location of lighting fixtures.
(11) Delineation of all structures and obstacles to circulation on the site.
(12) Specifications of signs and bumper guards.
(13) Location of planter bays when required.
(14) Proposed number of employees and amount of floor area applicable to the parking requirements for the proposed use.

Response:
Planned parking is shown on the Site Plan in Exhibit A and includes the applicable information required under this section. These requirements are met.

9.120 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards:

Response:
This standard is understood. Each of the applicable standards are addressed in the narrative responses that follow.

(2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.

Response:
The Site Plan in Exhibit A shows the parking areas conform to the applicable setbacks, clear vision requirements, and shows the required landscape areas. Full landscape plans will be submitted with the building permits. These requirements are met.

Response:
The surfaces of the required parking areas are planned with durable, dust-free surface of asphalt or cement concrete. This standard is met.

(4) Drainage. All parking lots must provide a drainage system to dispose of the runoff generated by the impervious surface. Post-construction stormwater quality facilities are required per Title 12 of the Albany Municipal Code when applicable. Provisions shall be made for the on-site collection of drainage water to eliminate sheet flow of such water onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works.
**Response:** Drainage is planned as shown on the Preliminary Composite Utility Plan in Exhibit A and is intended to comply with applicable City standards. This standard is met.

(5) **Perimeter Curb.** Perimeter curbing is required for protection of landscaped areas and pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas except those required in conjunction with a single- or two-family dwelling or approved overflow parking areas shall provide a curb at least 6 inches high along the perimeter of all parking areas. Exceptions may be allowed for connections to approved vegetated post-construction stormwater quality facilities.

**Response:** Curbs around the perimeter of the parking areas are planned and measure 6 inches in height. This standard is met.

(6) **Wheel Bumper.** All parking stalls fronting a sidewalk, alleyway, street or property line, except for those required in conjunction with a single- or two-family dwelling, shall provide a secured wheel bumper at least six inches high and at least six feet long, set back from the front of the stall at least 2-1/2 feet, but no more than three feet. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required.

**Response:** All parking stalls fronting sidewalks are more than 7 feet 6 inches wide as shown on the Site Plan in Exhibit A. Wheel bumpers are not required. This standard is met.

(7) **Turnaround.** Except for single-family and duplex dwellings, groups of more than two parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley.

**Response:** The site plan provides ample maneuvering area so that users will not be required to back into the street right-of-way. This standard is met.

(8) **Striping.** Lots containing more than two parking spaces must have all required spaces permanently and clearly striped. Stripes must be at least four inches wide. When motorcycle parking, compact, or handicapped parking spaces are provided, they shall be designated within the stall.

**Response:** Parking areas are planned to be striped with stripes at least 4 inches wide, as shown on the Site Plan in Exhibit A. This standard is met.

(9) **Connecting to Adjacent Parking Areas.** Where an existing or proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, any modifications to the parking areas must be designed to connect to the existing or future adjacent parking area. This requirement may be waived by the Director when it is deemed impractical or inappropriate due to the nature of the adjoining uses.

**Response:** All planned parking areas are planned to be connected as shown on the Site Plan in Exhibit A. This standard is met.

(10) **Parking Lot Landscaping.** Parking lots shall be landscaped according to the standards in Section 9.150.

**Response:** Full landscape plans will be submitted and reviewed as part of the building permit process. This standard is met.

(11) **Compact Car Parking.** No more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words “Compact Car Only.”
**Response:** Compact parking spaces are planned as shown on the Site Plan in Exhibit A. Two hundred eighteen (218) parking spaces are planned, meaning that no more than 87 spaces can be compact spaces (220 X 0.40 = 87.2). Thirty-seven (37) compact parking stalls are planned. Therefore, less than 40 percent of the provided parking spaces will be compact spaces. This standard is met.

(12) Parking Accessible to the Disabled. All parking areas must provide accessible parking spaces in conformance with the Oregon Structural Specialty Code.

**Response:** Parking accessible to the disabled is shown on the Site Plan in Exhibit A. These spaces are intended to comply with all applicable State and local building standards. This standard is met.

(13) Bicycle Parking. Bicycle parking space requirements are as follows:

(a) For multiple-family dwellings (three or more units) and units above or attached to a business – one space per four units.

**Response:** Bicycle parking is planned in the amounts shown on the Bicycle Parking Details (Sheet A1.3) in Exhibit A. The project includes 120 multiple-family dwellings requiring 30 bicycle parking spaces (120 / 4 = 30). Thirty (30) bicycle parking spaces are planned. This standard is met.

(***)

Bicycle parking spaces shall meet the following standards:

(c) Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants. Within the HD, CB, CMU, and WF zoning districts, bicycle parking may be located on a public sidewalk with approval from the City Engineer.

**Response:** Bicycle parking is planned in each building at the locations shown on the Bicycle Parking Details (Sheet A1.3) in Exhibit A. The bicycle parking is located as near as possible to the building entrances. This standard is met.

(f) Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.

**Response:** Bicycle parking is planned to be accommodated using “staple” style bicycle racks at the entries to the individual buildings and “wave” style bike racks in the clubhouse courtyard and in front of Building 6 as shown on the Bicycle Parking Details (Sheet A1.3) in Exhibit A. This standard is met.

(g) Bicycle parking areas must provide at least three feet of clearance around all three sides of a fully-loaded bicycle rack and have an overhead clearance of at least seven feet.

**Response:** The bicycle parking areas shown on the Bicycle Parking Details (Sheet A1.3) in Exhibit A include the required perimeter clearance. This standard is met.

(h) At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof.
overhang or a separate roof at least seven feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.

**Response:** Sheltersed bicycle parking is planned as indicated on the Bicycle Parking Details (Sheet A1.3) in Exhibit A. More than one-half of the bicycle parking spaces (20 of 30 total spaces) are planned to be sheltered. This standard is met.

(14) **Lighting.** Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent properties.

**Response:** Light will be contained on site as shown on the Site Area Lighting Plan (Sheet A1.4) in Exhibit A1.4. This standard is met.

(15) **Pedestrian Access.** Walkways and accessways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. All new public walkways and handicapped accessible parking spaces must meet the minimum requirements of the Oregon Structural Specialty Code.

**Response:** The pedestrian walkways and accessways are planned to connect parking areas to building entrances and public sidewalks as shown on the Site Plan in Exhibit A. The facilities shown are intended to comply with the applicable State standards for accessibility. This standard is met.

(16) **When employee parking is designated in new developments, parking for carpools and vanpools shall be provided and located near the employee entrances to buildings.**

**Response:** This is a residential project. Therefore, employee parking is not designated on the Site Plans. This standard does not apply.

(***)

9.130 **Off-Street Parking Lot Design.** All off-street parking lots must be designed in accordance with City standards for stalls and aisles as set forth in Table 9-2: Parking Lot Design and supplemental drawings. Stall dimensions are measured from inside the stripes.

(1) **Compact spaces shall be at least 8 feet wide by 16 feet long.**

**Response:** The compact parking spaces are planned to be as least 8 feet wide by 16 feet long, as shown on the Site Plan in Exhibit A. This dimensional standard is met.

(2) **Accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.**

**Response:** Dimensions of the accessible parking spaces are shown on the Site Plan in Exhibit A. This standard is met.

(3) **Stall Width.** Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide.
Response: The spaces shown on the Site Plan in Exhibit A are 8.5 feet wide or greater. This project does not involve parking stalls for grocery stores. To the extent this standard applies it is met.

(4) Minimum Aisle Widths. Aisles for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way aisles and one-way emergency vehicle access must be at least 20 feet wide.

Response: Aisles for two-way traffic at least 24 feet wide are provided as shown on the Site Plan in Exhibit A. This standard is met.

(5) The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

Response: This project does not involve commercial or industrial development. This standard does not apply.

LANDSCAPING

9.140 General Requirements. Landscaping requirements by type of use are listed below:

(1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:

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

Response: Full landscape plans will be submitted and reviewed as part of the building permit process. These standards can be met.

(***)

9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards:

(1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least ten feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
Response: The Site Plan in Exhibit A shows that the parking areas are divided into bays of not more than 12 parking spaces. The planter bays are intended to contain the required plantings. This project does not involve post-construction stormwater facilities. Full landscape plans showing the required plantings will be submitted and reviewed as part of the building permit process. The planter bays will not impede access to the sidewalks, paths, or accessible parking spaces. These standards can be met.

(2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.

Response: The Geary Street NE entrance will be bordered by a minimum 5-foot-wide landscape strip as shown on the Site Plan in Exhibit A. This standard is met.

(3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.

Response: Parking areas are planned to be separated from the buildings by a minimum five-foot-wide landscape strip or a pedestrian walkway as shown on the Site Plan in Exhibit A. This standard is met.

(4) Alternate Plan. An alternate plan may be submitted that provides landscaping of at least five percent of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.

Response: An alternate parking lot landscaping plan is not necessary or included in this application. This standard does not apply.

(***)

9.160 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit.

Response: Irrigation will be submitted with the landscaping plan as part of the building permit process. This standard can be met.

9.170 Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (8 inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations.

Response: Existing trees over 25 inches in circumference are identified on the Tree Preservation and Removal Plan in Exhibit A. This requirement is met.
9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans:

1. Single-family dwellings, duplexes, and triplexes.
2. Accessory buildings.
3. Changes internal to an existing structure.
4. Building additions involving less than 500 square feet.

Response: The Site Plan in Exhibit A demonstrates that the landscape coverage standards for the project can be met. Full landscape plans will be submitted and reviewed as part of the building permit process. This requirement can be met.

TREE PROTECTION

9.207 Applicability. Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. The following activities are exempt from site plan review if they meet the applicable requirements of the Significant Natural Resource overlay districts in Article 6:

1. The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.
2. Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
3. Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling.
4. Felling of trees planted as Christmas trees.
5. Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

Response: Tree felling is included with the Site Plan Review application.

9.208 Tree Felling Criteria. The following review criteria replace the Site Plan Review criteria found elsewhere in this code for the purpose of reviewing tree felling. A Site Plan Review for tree felling will be processed as a Type I-L land use decision.

1. The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report.

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or
further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met.

The tree tables on in the Preliminary Tree Preservation and Removal Plan in Exhibit A documents the condition of the existing trees on-site that being removed due to the poor condition of the tree. This requirement is met.

(2) For property where a site plan review, conditional use or land division application has been approved or is currently under review, the Community Development Director, City Forester, or his/her designee shall approve site plan review when the applicant demonstrates that all of the following review criteria are met:

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

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met.

Tree removal is planned for the project as shown on the Preliminary Tree Preservation and Removal Plan in Exhibit A. The plan shows trees that need to be removed in order to construct the planned site improvements. These include buildings to provide needed housing, parking areas, vehicular circulation areas, pedestrian accessways, common open space areas, and landscaping as required by the zoning and development standards in the ADC and plans adopted by City Council.

Approximately 18 trees are planned for removal near the south east corner of the site. The removal of these trees is necessary to construct the driveways, vehicle accessways, and pedestrian accessways necessary to serve Buildings 6 and 7, and along NE Linn Avenue according to the multifamily design standards in Sections 8.200-8.300 of the ADC. These units are needed housing as that term is defined in ORS 197.303(1), because they provide for housing on the buildable portion of the site as determined by the methodology for identifying buildable land in the City’s Buildable Lands Inventory (BLI), outside of the environmentally constrained land in the 100-year floodplain, that is designated as medium density residential land in the Albany Comprehensive Plan and zoned for multifamily use on City of Albany Zoning Map.

The multifamily design standard in ADC 8.260(1) states that “As many of the building entries as possible shall face public local residential streets”. ADC 8.260(4) states that “No off-street parking or circulation shall be located between the front of the building and the street”. The portion of the property along Linn Avenue NE provides the longest frontage on a public street, does not have the topographical constraints that Chicago Avenue has, and was previously developed with homes fronting the street. The Linn Avenue NE frontage provides the only logical place to meet the applicable standard for street orientation. Furthermore, off-street parking and vehicular circulation are not allowed
between the street and the buildings. Therefore, the required parking and vehicular access areas must be placed behind the units as shown on the plans, necessitating the removal of these trees. This criterion is met.

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

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met.

The removal of the trees shown on the Preliminary Tree Preservation and Removal Plan in Exhibit A is planned in accordance with the findings included in the Arborist Letter in Exhibit E. The findings in the report document that the proposed tree felling will not negatively impact the environmental quality of the area. This criterion is met.

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

Response: As described previously, this application is for “needed housing” as that term is defined in ORS 197.303(1), because it provides for attached and detached single family housing and is on buildable land. See Group B, LLC v City of Corvallis, ___Or LUBA___ (LUBA No. 2015-019, August 25, 2016) (Holding that multifamily housing on buildable land is needed housing); See Walter v City of Eugene, ___Or LUBA___ (LUBA No. 2016-024, June 30, 2016). ORS 197.307(4) requires a local government to apply only clear and objective standards, conditions, and procedures to needed housing applications. Clear and objective standards and conditions may not contain subjective, value-laden analyses. Rogue Valley Assoc. of Realtors v City of Ashland, 35 Or LUBA 139, 158, aff’d 158 Or App 1, 970 P2d 685(1999). ORS 197.303(3). ORS 197.831 places the burden on local governments to demonstrate that standards and conditions placed on needed housing applications can be imposed only in a clear and objective manner.

The Arborist Letter included in Exhibit E documents how the characteristics of the trees informed the decision for removal. All the species planned for removal are typical of the region and no unique trees were identified on site. As discussed previously, removal of these trees is necessary to construct needed housing as allowed in the RM Zone that complies with the applicable standards of the ADC. This criterion is met.

(d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or
further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met.

Responses to the approval criteria for development within the Willamette River Greenway are included in Article 6 of this narrative. The healthy trees along the river are planned to be preserved to the maximum extent possible, consistent with the approved tree felling permit. This criterion is met.

(3) For property where tree felling has not been approved as part of a site plan review, conditional use, or land division application, the Community Development Director or his/her designee shall approve a tree felling permit, if the review criteria above are met, and the following criteria are met:

(a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.

(b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.

(c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.

(d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.

(e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.

(f) Wooded areas along property lines shall be retained at a minimum width of ten feet to provide buffers from adjacent properties.

(g) The plan for tree felling shall be consistent with the preservation of the site’s future development potential and zoning.

Response: The tree removal planned for this project is being reviewed as part of a Site Plan Review. This criterion does not apply.

(4) The Director may attach conditions to the approval of the tree felling permit to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met.

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met.

(5) Precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.

(a) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.
(b) Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of 4 feet tall, secured with metal T-posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.

(c) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.

(d) No damaging attachment, wires, signs or permits may be fastened to any protected tree.

(e) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

(f) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in Table 9-3 below.

Response: The Planning Commission, in their decision on SP-01-19, found that the Tree Felling criteria ADC 9.208 contain ambiguous standards that cannot be the basis for a denial or further conditioning of this application. Nevertheless, responses to all applicable criteria are provided and demonstrate that the applicable Tree Felling criteria are met. Tress will be preserved and protected on-site as shown on the Preliminary Tree Preservation and Removal Plan in Exhibit A. The standards described under this section are aspirational. Nevertheless, they will be followed to the maximum extent possible. This criterion is met.

BUFFERING AND SCREENING

9.210 General Requirements/Matrix. In order to reduce the impacts on adjacent uses of a different type, buffering and screening are required in accordance with the matrix that follows Section 9.300. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required.

Response: A buffer 10 feet in width is provided between the planned clubhouse building in the southeast corner and the abutting single-family district, as shown on the Site Plan in Exhibit A. This standard is met.
9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, access ways or parking areas are allowed in a buffer area except where an access way has been approved by the City.

Response: Buildings, accessways, or parking areas are not planned in the buffer area. This standard is met.

9.240 Buffering. The minimum improvements within a buffer area consist of the following:

(1) At least one row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g., solar access).

(2) At least five five-gallon shrubs or ten one-gallon shrubs for each 1,000 square feet of required buffer area.

(3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

Response: A landscape plan with the required plantings will be submitted and reviewed as part of the building permit process. These standards can be met.

9.250 Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above:

(1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or

(2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or

(3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.

Response: Table 9-4 (Buffer and Screening Matrix) does not indicate that screening is required between multifamily uses and an abutting RS-5 Zone. The screening standards do not apply.

9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable.

Response: The buffer area does not conflict with any Clear Vision Areas. This standard is met.

9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.

Response: A landscape plan meeting the applicable buffering standards will be submitted and reviewed as part of the building permit process. This standard can be met.

ARTICLE 12 PUBLIC IMPROVEMENTS

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 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.

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

12.070 Creation of Streets. Streets are usually created by approval of a subdivision or partition plat. However, the City Council may also approve creation of a street by acceptance of a deed. If creating a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

Response: This project does not include the creation of new streets. Adjacent streets are planned to be improved to City standards as shown in the Preliminary Plans in Exhibit A. This criterion is met.

(***)

12.100 Access to Public Streets. With the exceptions noted in Section 1.070, 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.

Response: Access is planned for the project as shown on the Preliminary Plans in Exhibit A. The approaches and driveways will be paved, as shown, in accordance with Standard Construction Specifications. This standard is met.

(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 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. 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.
Response: A two-lane driveway greater than 24 feet in width is planned for the project at Geary Street NE, as shown on the Site Plan in Exhibit A. This standard is met.

(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.

Response: The driveway at Geary Street NE shown on the Site Plan in Exhibit A is more than 10 feet from the nearest intersection with a local street. This standard is met.

(4) The location, width, and number of accesses to a public street may be limited for developments that are subject to 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.

Response: The driveway at Geary Street NE shown on the Site Plan in Exhibit A is more than 10 feet from the nearest intersection with a local street. This standard is met.

(4) The location, width, and number of accesses to a public street may be limited for developments that are subject to 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.

Response: The Site Plan provides one access point off Geary Street NE. The Albany Fire District has stated that this second access is not necessary due to the plan to install fire suppression throughout the new dwellings and clubhouse. Access is not planned to an arterial street. The access points shown are the minimum necessary to serve the project and provide emergency access. Further limitations on the location, width, and number of accesses are not warranted.

(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.

Response: The Site Plan provides one access point off Geary Street NE. The Albany Fire District has stated that this second access is not necessary due to the plan to install fire suppression throughout the new dwellings and clubhouse. Access is not planned to an arterial street. The access points shown are the minimum necessary to serve the project and provide emergency access. Further limitations on the location, width, and number of accesses are not warranted.

(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.

Response: The Site Plan provides one access point off Geary Street NE. Access cannot be restricted any further.

(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.

Response: The Site Plan provides one access point off Geary Street NE. Access cannot be restricted any further. Consolidated access is not warranted for the project.

(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.

Response: The Site Plan provides one access point off Geary Street NE. Access cannot be restricted any further. Consolidated access is not warranted for the project.
(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.

Response: The approach grades planned for the Geary Street NE driveway do not exceed 10 percent slope within 20 feet of a public street. The project does not involve driveways for single-family residential development. This standard is met.

(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.

Response: This project does not involve access to designated state highways. This standard does not 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.

Response: The project is on property larger than 5 acres but does not involve access onto an arterial street or limited access highway. This standard does not apply.

(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.

Response: The project is on property larger than 5 acres but does not involve access onto an arterial street or limited access highway. This standard does not apply.

12.110 Street Location, Width and Grade. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. When location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance of or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, 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. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Response: This project does not involve the construction of new streets. This standard does not apply.

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.

Response: This project does not involve the construction of new streets. This standard does not apply.
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.

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 1.

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 2.

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 4.

**Response:** This project does not involve the construction of new streets. These standards do not apply.

12.140 Additional Rights-of-Way. A development project requiring land use 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) are subject to setbacks from future street rights-of-way as provided in Section 3.190.

**Response:** This project does not involve the construction of new streets. The existing streets abutting the subject property have right-of-way that meet the standard local street widths designated in Section 12.120. Additional right-of-way dedications are not necessary. This standard is met.

12.150 Future Extensions of Streets. When it is necessary to give access to or permit a future division of adjoining land, streets shall be extended to the adjoining tract. A barricade at the end of the street shall be installed and paid for by the property owners. It shall not be removed until authorized by the City Engineer.

**Response:** This project does not involve the construction of new streets and new streets are not necessary to access adjoining land. This standard does not apply.
12.160 Street Alignment. As far as practical, streets shall be dedicated and constructed in alignment with existing streets. Arterial and collector streets shall have continuous alignments without offset or staggered intersections. In no case shall streets be designed so that jogs of less than 300 feet are created as measured from the centerline of any intersection involving an arterial or collector street.

**Response:** This project does not involve the construction of new streets. This standard does not apply.

12.170 Intersections. Streets must intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than 75 degrees is not allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than two streets shall intersect at any one point.

**Response:** This project does not involve the construction of new streets. This standard does not apply.

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.

(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.

(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 12-4 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 6). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.

**Response:** Site improvements are not planned within the required Clear Vision Areas that will impede sight distances. These standards are met.

(***
12.200 Street Abutting New Development. Sections of existing streets that directly abut a new development and do not meet City standards shall be constructed to City standards. The City Engineer may approve construction of a partial-width street, provided the design is determined to be adequate to accommodate needed public facilities, storm drainage runoff, traffic volumes, and traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street. For purposes of this section, “development” does not include the construction of a single-family home or a duplex on an existing lot.

A future improvement assurance, as described in Section 12.600, may be accepted by the City when the City Engineer determines that the street improvement would not be timely.

Response: The streets abutting the project are planned to be improved to City standards, as shown in the Preliminary Plans in Exhibit A. This standard is met.

(***)

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.

Response: Sidewalks are planned as shown in the Preliminary Plans in Exhibit A. This standard is met.

(***)

BIKEWAYS


12.340 Provisions for Bikeways. Developments adjoining or containing proposed bikeways identified 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 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.

Response: The multiuse trail along the Willamette River is included in the Master Bikeways Plan as a medium-range project. The Master Bikeways Plan does not provide any detail on the intended design of this facility. The portion of the path fronting the project site will be improved as indicated on the Site Plan in Exhibit A. This standard is met.
WATER

12.410 When Public Water is Available. All new development, including a single-family residence, must extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.

Response: The Public Works Department indicated that the water system is sufficient to serve the project at the pre-application conference. The site plan does not change the water that is available to serve the project.

SANITARY SEWERS

12.470 When Public Sewer is Available. All new development must extend and connect to the public sewer system when service is available within 300 feet of the property.

Response: Public sewer is available to the site, and the site plan does not change the sewer that is available to serve the project. This standard is met.

(***)

12.490 Extension Along Property Frontage and Within Interior. Sewer collection mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. When private sanitary sewer services will exceed 100 feet long, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property.

Response: The project will connect to the existing sewer mains as shown on the Preliminary Composite Utility Plan in Exhibit A. Mains have already been extended through the project area as shown on the Existing Conditions Plan in Exhibit A. Further extension of the mains is not necessary. This standard has been met.

12.500 Sewer Plan Approval. Preliminary sewer plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

Response: Preliminary sewer facilities are shown on the Preliminary Composite Utility Plan in Exhibit A. This standard is met.

STORM DRAINAGE

12.535 Storm Drainage Plan Approval. Preliminary storm drainage management plans and systems must be submitted to the City Engineer as part of the Tentative Plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

Response: Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. This plan has been prepared and stamped by a licensed civil engineer. The facilities shown are feasible and are intended to comply with the applicable City Engineering standards. This standard is met.
12.540 Easements. When a subdivision is traversed by a watercourse, drainageway, channel or stream, a public storm water easement conforming substantially to the lines of the watercourse and further width as the City Engineer determines will be adequate for conveyance and maintenance shall be provided. Improvements to the drainage way, streets, or parkways parallel to watercourses may be required.

**Response:** This project does not involve a subdivision. This standard does not apply.

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 sound engineering principles, and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

**Response:** Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. This plan has been prepared and stamped by a licensed civil engineer. The facilities shown are intended to accommodate potential runoff from upstream drainage to comply with the applicable City Engineering standards. This standard is met.

12.560 Effect on Downstream Drainage Facilities. When the City Engineer anticipates that the run-off resulting from the development will overload or cause damage to an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement, or prevention, of said potential condition.

**Response:** Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. This plan has been prepared and stamped by a licensed civil engineer. The on-site facilities will connect to a 24-inch pipe that will convey run-off to the Willamette River and will have no impact on a downstream facility. This standard is met.

12.570 Storm Drainage Management Practices. Development must employ storm drainage management practices approved by the City Engineer that minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties. As required by Title 12 of the Albany Municipal Code, the development must also employ post-construction storm water quality management practices approved by the City Engineer that regulate the quality of the stormwater leaving the site. Drainage management practices must include, but are not limited to, one or more of the following practices:

1. Temporary and permanent ponding or detention of water;
2. Post-construction stormwater quality facilities;
3. Minimization of impervious surfaces;
4. Emphasis on natural drainageways;
5. Prevention of uncontrolled water flow from the development;
6. Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
(7) Collection of runoff from impervious surfaces and transportation to a natural drainage facility with sufficient capacity to accept the discharge; and

(8) Other practices and facilities designed to transport storm water and improve water quality.

Response: Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. This plan has been prepared and stamped by a licensed civil engineer. The on-site facilities will connect to a 24-inch pipe that will convey run-off to the river. Therefore, the drainage management plan is consistent with practice (7) described above. This standard is met.

12.575 Extension Along Property Frontage and Within Interior. Storm mains must be extended along the full length of the property’s frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion.

Response: Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. The on-site facilities will connect to a 24-inch main to the west of the property that will convey run-off to the river. Therefore, the storm main has been extended along the full length of the property. This standard has been met.

12.580 Design Requirements for New Development. All new development within the City must, when appropriate, provide for the continuation or appropriate projection of existing storm drain lines or drainageways serving surrounding areas. Extensions may be required through the interior of a property to be developed when the City Engineer determines that the extension is needed to provide service to upstream properties.

Response: Storm drainage management is planned as shown on the Composite Utility Plan in Exhibit A. The on-site facilities will connect to a 24-inch main to the west of the property that will convey run-off to the river. The surrounding area is substantially developed and served by the existing system. Therefore, further extension of this system is not necessary for this project. This standard does not apply.

12.581 Restriction of Development. The review body may restrict development approvals where a deficiency exists in the storm water system or portion thereof that cannot be corrected as part of the development improvements.

Response: There are no known deficiencies in the storm water system that need to be corrected as part of this project. Nevertheless, this section is understood.

12.535 Storm Drainage Plan Approval. Preliminary storm drainage management plans and systems must be submitted to the City Engineer as part of the Tentative Plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City’s Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

Response: This site plan involves minor changes to the approved storm drainage management plan. The on-site facilities will connect to a 24-inch pipe that will convey run-off to the Willamette River and will have no impact on a downstream facility. This plan has been prepared and stamped by a licensed civil engineer. The provisions of this chapter are met.
IV. Conclusion

The required findings have been made, and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the Albany Development Code. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this application for a Site Plan Review, Willamette River Greenway, and Flood Plain Development Permit.
Exhibit A: Preliminary Plans
UN-COVERED OUTDOOR BIKE PARKING
CLUBHOUSE COURTYARD
OUTDOOR IN FRONT OF

BUILDING 1

BUILDING 7

COVERED BIKE PARKING REQUIRED:
UN-COVERED BIKE PARKING REQUIRED:

TOTAL BIKE PARKING PROVIDED:

TOTAL NUMBER OF BICYCLES (A) + (B) + (C):

(5) STALLS X 1 BIKE STALL + 1 BIKE STALL = (6) COVERED BIKE STALLS PROVIDED

(10) COVERED BIKE STALLS REQUIRED

(5) COVERED BIKE STALLS PROVIDED

TOTAL BIKE PARKING PROVIDED:

CLUBHOUSE: (5) STALLS
Exhibit B: City of Albany Application Forms
COMMUNITY DEVELOPMENT
333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0414 | BUILDING 541-917-7553 | PLANNING 541-917-7550

PLANNING APPLICATION

APPLICANT/OWNER & AUTHORIZING SIGNATURES

To be included with ALL City of Albany planning submittals
Send completed application and checklist(s) to eplans@cityofalbany.net

Location/Description of Subject Property(ies)

Site Address(es): 595 Geary Street NE
Assessor's Map No(s): 11S03W05BD
Comprehensive Plan designation: Medium Density Residential
Zoning designation: RM
Size of subject property(ies): 6.32
Related Land Use Cases:
Project Description: Multi-family housing project with associated parking, landscaping, common open space, and vehicle use areas.

Applicant Information (must be signed)

Name: Willamette River View Holdings II, LLC
Signature:
Date: 10-1-20
Mailing Address: 3545 Deerfield Drive South
City: Salem
State: OR
Zip: 97302
Phone #: Contact applicant's consultant
Fax #: Contact applicant's consultant
Email: Contact applicant's consultant

File #: Pre-App File #: Date Fee & Application Received:
Pre-App Meeting Date:
Amount Paid: Received By:

Rev. January 20
**Property Owner Information (must be signed)**

- **Name:** Willamette River View Holdings II, LLC
- **Signature:** [Signature]
- **Mailing Address:** 3545 Deerfield Drive South
- **Date:** 10/1/20
- **City:** Salem
- **State:** OR
- **Zip:** 97302
- **Phone #:** Contact applicant's consultant
- **Fax #:** Contact applicant's consultant
- **Email:** Contact applicant's consultant

**Authorized Agent or Representative (must be signed, if applicable)**

- **Name:** Zach Pelz, AICP - AKS Engineering & Forestry, LLC
- **Signature:** [Signature]
- **Mailing Address:** 3700 River Road N, Suite 1
- **Date:** 10/1/2020
- **City:** Keizer
- **State:** OR
- **Zip:** 97303
- **Phone #:** (503) 400-6028
- **Fax #:** [Fax]
- **Email:** pelzz@aks-eng.com
- **Relationship to property owner(s):** Planning consultant

**Electronic Plans Representative (if different from applicant)**

- **Name:** Paige Luehrs - AKS Engineering & Forestry, LLC
- **Signature:** [Signature]
- **Mailing Address:** 3700 River Road N, Suite 1
- **Date:** 10/1/2020
- **City:** Keizer
- **State:** OR
- **Zip:** 97303
- **Phone #:** (503) 400-6028
- **Fax #:** [Fax]
- **Email:** luehrsp@aks-eng.com

**Other Representative (must be signed, if applicable)**

- **Name:** [Name]
- **Signature:** [Signature]
- **Mailing Address:** [Address]
- **Date:** [Date]
- **City:** [City]
- **State:** [State]
- **Zip:** [Zip]
- **Phone #:** [Phone]
- **Fax #:** [Fax]
- **Email:** [Email]
Site Plan Review
Checklist & Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees *(subject to change every July 1)*: staff will contact you for payment after submittal.
  - Change of Use, Temporary or Minor Developments
  - Manufactured Home Parks
  - Modify Existing Development
  - New Parking Areas or Expansions > 1,000 sq. ft.
  - New Construction:
  - If Traffic Report Required: Additional fee of
  - If Design Standards Apply (Albany Development Code (ADC) Article 8): Additional fee of

  Construction Cost: $10,000,000

1) Applies to temporary businesses operating 31 to 120 days, temporary subdivision sales offices, and other minor developments not exempt from Site Plan Review or specified herein.

2) Additions or expansions > 2,000 sq.ft. or 25% of existing building area, whichever is greater, allowed use or expansions that require 3 or more parking spaces, add loading areas, or change site circulation or access. (See ADC 2.430.)

3) This valuation is composed of the estimated cost of all improvements to the land related to the proposed site plan review project, but not the cost of the land itself. Building valuation is computed either from the Building Valuation Table used by the City of Albany’s Building Division, or an actual construction bid submitted by the applicant. If the two valuations are different, the highest valuation will prevail. Land improvements include, but are not limited to, patios, decks, sidewalks, parking areas, and landscaping.

- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.

- Email all materials to eplans@cityofalbany.net. Please call 541-917-7550 if you need assistance.

- Depending on the complexity of the project, paper copies of the application may be required.

- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.
SITE PLAN REVIEW SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES
- NEIGHBORHOOD MEETING SUMMARY (If required)
- REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES

On separate sheets of paper, prepare detailed written responses, using factual statements (called findings of fact), to explain how the proposed Site Plan complies with each of the following review criteria [ADC 2.450]. Each criterion must have at least one finding of fact and conclusion statement. (See example on page 9.)

1. Public utilities can accommodate the proposed development.
2. The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
3. The transportation system can safely and adequately accommodate the proposed development.
4. Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
5. The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
6. 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.
7. The site is in compliance with prior land use approvals.
8. Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

In addition to the Site Plan review criteria, the proposed development must meet all applicable standards found in the ADC. Include findings for each the following applicable Articles of the ADC:

1. The proposed project meets applicable development standards of the appropriate zoning category: Article 3 – Residential; Article 4 – Commercial and Industrial; or Article 5 – Mixed Use Village Center.
2. Design Standards; multiple-family, commercial, or telecommunication facility projects must meet applicable design standards found in Article 8. You must address each standard with findings.
3. The proposed project meets applicable off-street parking, landscaping, tree felling, buffering and screening, and environmental standards found in Article 9.
4. Manufactured home park projects must meet applicable standards found in Article 10.
5. If the project is a CLUSTER DEVELOPMENT, attach written findings of fact that demonstrate how this project meets ADC 11.400 through 11.510.

The approval authority may designate conditions in order to assure conformance with applicable review criteria and development standards.

- SITE PLAN. Refer to pages 4 – 5 for information that needs to be included on the Site Plan.
- ELEVATION DRAWINGS. Fully dimensioned drawings of each elevation of each building. Include building height, materials, and colors to be used.
- FLOOR PLAN DRAWINGS. Floor plans shall include dimensions and square footages.
CONCEPTUAL LANDSCAPE AND IRRIGATION PLANS. The Site Plan may show locations where landscaping will be provided, including any vegetated post-construction stormwater quality facilities. Before occupancy or final inspection of the development, a final landscape plan must be submitted for review and approval. That plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants.

PUBLIC UTILITY PLANS. Submit full-sized copies of preliminary water, sewer and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City’s Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

- Preliminary Water Plans
- Preliminary Sanitary Sewer Plans
- Preliminary Storm Sewer Plans. Include detention calculations that demonstrate that the proposed detention facility is correctly sized and show how the Storm Drain Control structure will function.

OTHER PERMITS, APPLICATIONS, PLANS, OR REPORTS THAT MAY BE REQUIRED:

- Floodplain Development Permit. If any of the property is within the Floodplain Development (FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required. (Fee depends on the level of review.)

- Geotechnical Hillside Development Report. If any of the property is within this Hillside Development (HD) overlay, refer to ADC Sections 6.170-6.230 to determine if Hillside Development Standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards; and provide a geotechnical report on the site. (Additional fee applies)

- Natural Resources Impact Review. If any of the property is within one of Albany’s Significant Natural Resource (SW, RC, HA) overlay districts, refer to ADC Sections 6.290-6.300 to determine if a Natural Resource Impact Review may be required. (Additional fee applies.)

- Mitigation Plan. If the project is proposed within any of Albany’s Significant Natural Resources overlay districts, a mitigation plan may be required. See ADC Sections 6.400 -6.410. (Additional fee applies.)

- Historic Review. If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, please refer to Article 7 to determine if a historic review is required.

SUPPLEMENTAL APPLICATION INFORMATION

Gross land area of the site to be developed ±6.32 acres

Net land area (gross land minus land to be dedicated to the public) ±6.32 acres (no dedications)

Describe and show on the site plan the location of any existing structures, private wells, septic tanks, drain fields located on the site and indicate whether or not they will remain: Two homes and a shed along Linn Avenue NE to be removed

Current use(s) of the property Two homes and a shed. Otherwise vacant.

Site Zoning: RM Comprehensive Plan designation: Medium Density Residential
Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

<table>
<thead>
<tr>
<th>North</th>
<th>Current Uses</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Willamette River</td>
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</table>

<table>
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<tr>
<th>South</th>
<th>Current Uses</th>
<th>Zoning</th>
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<tr>
<td></td>
<td>Single-family homes</td>
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</table>

<table>
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<tr>
<th>East</th>
<th>Current Uses</th>
<th>Zoning</th>
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<tbody>
<tr>
<td></td>
<td>Open space / public park</td>
<td>OS, RM</td>
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</table>

<table>
<thead>
<tr>
<th>West</th>
<th>Current Uses</th>
<th>Zoning</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Public park</td>
<td>OS</td>
</tr>
</tbody>
</table>

Lot Coverage: Percent lot coverage allowed: 70% Proposed lot coverage percent: 43.5%

Net land area of the site: ±6.32 acres Square footage of all building pads: ±45,345

Square footage of all parking/access areas: ±74,445

Parking Calculations. Indicate the square footage of each use within the proposed structure(s) and the amount of parking provided for each use. Refer to ADC Article 9 for parking standards.

Number of bicycle parking spaces required and provided [see ADC Section 9.120(13)]:

- Multiple-family projects only: Fill out the Supplemental Information Sheet on page 8.
- Is there a phasing plan? No If yes, indicate how many phases here and clearly outline and label the boundaries of the phases on the site plan. Number of Phases: Single phase
- Are you applying the Cluster Development overlay district provisions to this project? No

FIRE DEPARTMENT SUPPLEMENTARY QUESTIONNAIRE

1. Does the business plan to STORE hazardous materials? Yes ____ No ☑
2. Does the business plan to USE hazardous materials? Yes ____ No ☑
3. Does the business GENERATE hazardous materials or hazardous waste? Yes ____ No ☑
4. Is the business currently reporting hazardous substances to the State Fire Marshal’s Office? Yes ____ No ☑

NOTE: Hazardous materials are materials that pose a potential threat to fire and life safety. Examples include paints, solvents, compressed gases, pesticides, poisons, gasoline, propane and laboratory chemicals. Please call the Albany Fire Marshal if you have questions about this section. 541-917-7700.

SITE PLAN REQUIREMENTS

The Site Plan must be labeled as such and label and show the following information. If any listed item below is not provided, please include a written explanation why it should not be applicable to this development.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the site
- Names and addresses of the property owner(s), applicant(s), developer(s), surveyor and engineer, as applicable
Date plan was drafted and a north arrow

Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable and fully dimensioned.

Total gross and net land areas of the entire site. (“Net” is minus the square footage of any land proposed for dedication to the public, not including easements.)

Percentage of the site covered by existing and proposed structures and paved areas. Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.

Lengths of all existing property lines of the development site

Zoning designations and boundaries, property boundaries, land uses, and approximate building locations of all adjacent properties

Area and square footage of any land to be dedicated to the public; include its intended purpose (e.g. right-of-way, parkland, conservation easement, etc.)

Locations and construction/surface type of all existing and proposed driveways

Locations of all existing and proposed structures, wells, septic tanks and drain fields, the distances between them and the existing property lines and each other. Indicate what is to be removed, relocated, and/or retained. If relocated on the site, show and label the new location.

Locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities)

Locations and sizes of all existing and proposed public sewer and water mains and private service lines from the main to the site; culverts, ditches, and drain pipes, and electric, gas, and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way. Include invert elevations of sewer lines at points of proposed connections.

All existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns and existing and proposed swales, ditches, or other drainage ways

Location, size, type, and capacity of the existing and proposed drainage system including pipe size, slope, and detention facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, type, and capacity of the downstream drainage system that would serve the proposed development. Also, provide any supporting calculations.

Location, size, type and capacity of all existing and proposed post-construction stormwater quality facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.

Locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as City boundary lines.

Locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any City approved plan or proposed with this application.

Locations, dimensions, ownership, and purpose of all existing and proposed easements on the site and on adjacent properties.

Existing and proposed contour (topography) lines drawn at one-foot intervals, or at a larger interval if approved by the City Engineer. Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.

Show the typical cross sections at adjacent property boundaries showing pre- and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
Locations and species of trees with individual trunks or multiple trunks that when combined, are larger than 25 inches in circumference measured at 4½ feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences, which are greater than 6 inches in circumference. Identify any trees proposed for protection and the method of protection. Indicate which, if any, you propose to remove. (A tree felling application may also be required. See ADC 9.205 for tree felling regulations.)

N/A □ Locations and dimensions of all delivery and loading areas
□ Locations and dimensions of all parking and circulation areas
□ Location and dimensions of all vision clearance areas per ADC 12.180
□ Locations and dimensions of all trash disposal areas. Include elevation drawing of trash enclosure

N/A □ Locations of all proposed signs. (Sign permits are issued separately from this review.)
□ Location, design, and illumination detail of proposed site and building lighting
□ Location and type of proposed pedestrian amenities and common areas (when applicable)
□ Location and design drawings of all proposed utility vaults and mailboxes

Additional plan information. The following may not apply to every site. Please label and show all applicable information on the proposed site plan. Write “NA” in the box and attach a short explanation as to why it does not apply to this development proposal.

N/A □ Width, direction, and flow of all watercourses on the site
□ Areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.

N/A □ Location of the following significant natural resources: 1) significant wetlands and waterways identified on the city’s Significant Wetland and Waterway overlay district; 2) significant riparian corridors on the city’s Riparian Inventory; 3) significant wildlife habitat, if known; 4) existing channels as shown on the most current version of the Albany Storm Water Master Plan; and 5) slopes greater than 12 percent.

N/A □ Location of the following natural features: 1) all jurisdictional and non-significant wetlands identified on the city’s Local Wetlands Inventory (see also Comprehensive Plan Plate 6) and National Wetland Inventory; 2) wooded areas with 5 or more trees over 8 inches in diameter measured 4½ feet from the ground; and 3) springs.

N/A □ Location of airport height restrictions
□ Location of Willamette Greenway and the top of the bank

N/A □ Location of historic districts, structures, and sites on the City’s adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.
SUPPLEMENTAL INFORMATION FOR MULTIPLE FAMILY DEVELOPMENTS

(Additions to existing development or completely new development)

1. **Net land area** (gross land minus public dedications/undevelopable areas like water bodies and open spaces):
   - Gross land area of the site: \( \pm 275,145 \) sq. ft.
   - Right-of-way or public dedications and undevelopable areas: 0 sq. ft.
   - \( \pm 275,145 \) NET sq. ft. of land area

2. **Lot coverage**: maximum allowable by the ADC for this zone is \( \frac{70}{100} \)% [See Article 3, Table 1.]
   Lot coverage includes parking, driveway and building pad areas; it does not include patios or internal pedestrian walkways. **Analysis for this application**:
   - All building foundation coverage is \( \pm 45,345 \) sq. ft. = \( \frac{16.5}{100} \)% of total net site
   - All parking and driveway areas are \( \pm 74,445 \) sq. ft. = \( \frac{27}{100} \)% of total net site

3. **Density calculation analysis for the RM Zoning District.**
   [See ADC, Section 3.190, Table 1 for the minimum land area required per dwelling unit.]
   - 0 Single-family dwelling units @ \( \frac{275,145}{100} \) sq. ft. per unit = \( \frac{275,145}{100} \) sq. ft.
   - 0 Duplex units @ \( \frac{275,145}{100} \) sq. ft. per duplex = \( \frac{275,145}{100} \) sq. ft.
   - 36 Two or more attached single-family @ \( \frac{275,145}{100} \) sq. ft. per unit = \( \frac{275,145}{100} \) sq. ft.
   - 84 Three or more 1-bedroom units @ \( \frac{275,145}{100} \) sq. ft. per unit = \( \frac{275,145}{100} \) sq. ft.
   - Total = \( \frac{275,145}{100} \) sq. ft. (This total should be no greater than the net land area in 1 above.)

   If the net land area does not support the number of dwelling units, the site must qualify for density bonuses (see Sections 3.200-3.220). **On a separate sheet(s) of paper identify any bonus(es) being requested;** explain how this project qualifies, and submit the percentage for each and recalculated density based upon the bonus(es).

   **Maximum density for base zone is:** \( \frac{25}{100} \) units/acre, regardless of density bonuses (per ADC Section 3.020. Proposed number of units per net acre: \( \frac{19}{1} \)).

4. **Common Space calculations** [See ADC 8.220 (1) and (2).] Common open space is required for projects of 10 or more units at 0.25 sq.ft. for each 1.0 sq.ft. of living area. Total square feet in living space: \( \frac{122,190}{100} \).

   - Common space required: \( \frac{30,548}{\text{sq. ft.}} \)
   - Common space provided: \( \frac{47,427}{\text{sq. ft.}} \)

   Please identify all common areas on the Site Plan and dimensions of each area.

5. **Parking analysis**: Parking spaces must be shown and dimensioned on the site plan. [See Article 9 for design standards.] Note: There are other categories of parking for special uses. If any pertain to this application, list the use(s) and the parking requirement in the following format:

   - 36 Studio and 1-bedroom units @ 1 space/unit \( = \frac{36}{1} \) spaces
   - 72 2-bedroom units @ 1.5 spaces/unit \( = \frac{108}{1} \) spaces
   - 12 3-4-bedroom units @ 2 spaces/unit \( = \frac{24}{1} \) spaces
   - 120 Total number of units divide by 4 \( = \frac{30}{1} \) visitor spaces

   **Total # of required parking spaces:** \( \frac{209}{1} \) **Total # space provided on plan:** \( \frac{218}{1} \)
6. **Bicycle parking analysis:** Multiple-family developments must provide one bicycle parking space per 4 dwelling units. [See ADC 9.120(13).] Required bicycle parking spaces: ______ # provided: ______

7. **Building separation and setbacks:** A 10-foot separation is required between single-story multi-family buildings and 20-foot is required between buildings 2 or more stories. When multi-family developments abut single-family uses or zones, the setback shall be at least 1 foot for each foot of building height. See ADC Section 8.270 for specific standards. Please clearly indicate on the elevation drawings the height, setback of EACH building on the elevation drawings and building separation between each multi-family dwelling building.

---

**SITE PLAN REVIEW – PURPOSE AND PROCEDURE**

Site Plan Review is intended to promote functional, safe, and attractive developments compatible with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. Site Plan Review is not intended to evaluate the proposed use or structural design. Rather, the review focuses on the layout of a development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

The Director acts as the review body for a Site Plan Review application. The application is processed under the Type I-L limited land use procedure unless filed with a concurrent application that requires a public hearing. The City sends a written Notice of Filing of the proposed development to owners of property located within 300 feet of the boundary of the proposed development. At the Director’s discretion, the notification area may be increased up to 1,000 feet due to land use or transportation patterns or an expected level of public interest.

Notice is also provided to any neighborhood or community organization recognized by the City Council whose boundaries include the subject site and is located within 300 feet of the site. Those notified have 14 days from the date of the Notice of Filing to submit written comments about the proposal to the Planning Division.

Oregon statutes require that land use decisions be made within 120 days from the date the application is deemed complete. However, unless the project is complex, or a large number of applications have been submitted for review, the City typically is able to issue a decision within a shorter time.

The City’s decision on projects that did not require a neighborhood meeting may be appealed by filing a Notice of Intent to Appeal to the State Land Use Board of Appeals (LUBA) not later than 21 days after the date of the decision. In order to be able to appeal to LUBA, an affected party must have raised an issue in writing before the date given in the Notice of Filing. The City’s decision on projects that required a neighborhood meeting may be appealed to the Planning Commission within 10 days of the Notice of Decision.
EXAMPLE OF FINDINGS OF FACT

CRITERIA FOR FINDINGS OF FACT:

Site Plan Review approval will be granted if the approval authority finds the application conforms to the criteria found in Article 2.450 of the ADC, and to applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.

2. An explanation of how those facts result in a conclusion supporting the criterion.

EXAMPLE:

Criterion: 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.

Facts: The area around the site is surrounded by Community Commercial zoning on all four sides. This proposed indoor recreation use will be generally consistent with the operating characteristics of the Community Commercial zone as well as other nearby office and commercial development. A noted exception, however, is that the facility will be operational 24 hours a day. The only other businesses in the immediate area that serves customers 24 hours a day are two motels to the north and east of the property. There are no residential dwellings in the vicinity of this project. Onsite landscaping meeting requirements of Article 9 will be installed and provided irrigated as shown on the attached plan.

Conclusion: The proposed use will be compatible with the existing uses in the area.
Site Plan Review - Tree Felling Application Supplement

Checklist & Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee *(subject to change every July 1)*: staff will contact you for payment after submittal.
  - Concurrent with a Development Proposal:
  - Not Concurrent with a Development Proposal:

- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.

- Email all materials to eplans@cityofalbany.net. Please call 541-917-7550 if you need assistance.

- Depending on the complexity of the project, paper copies of the application may be required.

- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

SITE PLAN REVIEW – TREE FELLING CHECKLIST

- ✔ PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES
- ✔ SUPPLEMENTAL APPLICATION INFORMATION *(see below)*
- ✔ REVIEW CRITERIA *(see below)*
- ✔ SITE PLAN AND TREE INVENTORY *(see below)*
- ✔ TREE PRESERVATION PLAN *(see below)*
SITE PLAN REVIEW - TREE FELLING OVERVIEW
ALBANY DEVELOPMENT CODE SECTIONS 9.205-9.208

Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property. When Tree Felling Approval is Required:

In any zoning district to fell five or more trees that have a trunk that is larger than 25 inches in circumference when measured 54 inches from the base of the tree and that are located on a property (or properties under single ownership) that are larger than 20,000 square feet in area.

Definitions: for the purposes of this application, these definitions apply:

1. Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.

2. Tree: A living, standing, woody plant.

3. Tree Circumference: The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.

Exemptions: The following activities are exempt from site plan review:

1. The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service, or to reopen a public street to traffic.
2. Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
3. Felling necessary to maintain streets or utilities within a public right-of-way or utility easement, provided the Tree Commission or City Forester approved the proposed tree felling.
4. Felling of trees planted as Christmas trees.
5. Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

A pre-application meeting is held for all applications, unless the Director determines one is not necessary. The meeting provides for an exchange of information about Development Code and Comprehensive Plan requirements and provides technical and design assistance to the applicant.

The Director acts as the review body for a Tree Felling application (Type IL procedure) unless it is filed with a concurrent application that has a higher review level. In that case all concurrent applications are reviewed together at the highest level. Notice of the application is sent to neighbors, residents, and neighborhood associations, if applicable, within a 100 foot boundary of the subject properties where the trees are located. The Director may increase the notice area. Written comments from affected parties are considered when making the decision.

Oregon statutes require that land-use decisions be made within 120 days from the date the application is deemed complete. However, unless the project is complex, or a large number of applications have been submitted for review before your application is submitted, the City typically is able to issue a decision within a shorter time.

Persons with standing may appeal the City’s decision filing a Notice of Intent to Appeal to the State Land Use Board of Appeals (LUBA) not later than 21 days after the date of the decision is mailed. In order to be able to appeal to LUBA, an affected party must have raised an issue in writing before the date given in the Notice of Filing.
Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

SUPPLEMENTAL APPLICATION INFORMATION

Describe in detail, here or on a separate sheet of paper, the proposed tree felling project. Include the total number of existing regulated trees on the site, and of those, the total number proposed for removal.

96 regulated tree on sites. 84 proposed fro removal. Please refer to the Arborist Letter in Exhibit G and the Preliminary Tree Preservation and Removal Plan in Exhibit B for detailed information.

Which type of situation is applicable to this request: ADC 9.208 (1), (2) or (3)? __________________

Size of the subject properties ±6.32 acres

Does the site contain any existing structures, private wells, septic tanks, drain fields? Yes

If yes, describe: Two homes and a shed.

(Show the location of these features on the accompanying site plan, and if they are to be removed.)

Current use of the subject property Two homes and a shed. Otherwise vacant.

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

<table>
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<tr>
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<td>OS</td>
</tr>
</tbody>
</table>

Is there a phasing plan? No

If yes, describe here and show the phase lines on the site plan.

To assess whether the City will need additional information and/or whether you must obtain additional permits or applications from other agencies or departments, please answer the following questions.

Will the tree removal:

a) Require removal or demolition of any existing structure(s)? Yes __ No ✔

b) Affect historic structures or historically significant features? Yes ✔ No

c) Be located within a 100-year floodplain? Yes ✔ No

d) Be located within the designated Willamette Greenway? Yes ✔ No

e) Affect an identified wetland? Yes __ No ✔

f) Require a Variance or Adjustment from a development standard? Yes __ No ✔

g) Involve fill or removal of contaminated soils or hazardous material? Yes __ No ✔
h) Involve grading/fill: within the 100-year floodplain or a watercourse, as shown on the City’s Drainage Master Plan; over an existing public storm drain, sanitary sewer or waterline; or more than 50 cubic yards in areas that have an average slope of 12% or greater? Yes ☑ No ______

i) Involve land that has a current average slope of 12% to 25%? Yes ☑ No ______

j) Involve removal of vegetation or trees? Yes ☑ No ______

If you answered yes to any of the above, contact the Planning Division before submitting your application.

**TREE FELLING REVIEW CRITERIA (ADC 9.208)**

Requests for tree felling will be approved if the review body finds that the application meets all of the criteria applicable to this application either outright or with conditions that bring the proposal into compliance with the criteria.

☐ This application either falls under Situation A, B and/or C as outlined below. Identify which is applicable to your situation and on a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Tree Felling complies with each of the review criteria that are applicable to this application. Each criterion must have at least one finding of fact and conclusion statement. Detailed responses to the applicable are provided in the included narrative.

**Situation A:** The Community Development Director shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director may require the applicant to provide a Certified Arborist’s report.

**Situation B:** For property where a Site Plan Review, Conditional Use, or Land Division application has been approved or is currently under review, the Community Development Director or City Forester shall approve a Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:

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

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

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

4. Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.
**Situation C:** For property where tree felling has not been approved as part of a Site Plan Review, Conditional Use, or Land Division application, the Community Development Director shall approve a site plan review application for tree felling, if the review criteria above in Situation B are met, **AND** the following criteria are met:

1. Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
2. Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
3. Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
4. Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
5. Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
6. Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
7. The plan for tree felling shall be consistent with the preservation of the site’s future development potential and zoning.

The Director may attach conditions to the approval to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure that all conditions are met.

**SITE AND TREE INVENTORY PLAN REQUIREMENTS**

The map must include all of the following.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed tree felling site.
- Names and addresses of the owner(s), developer(s), surveyor and engineer, as applicable.
- Date map was drafted and north arrow.
- Scale of map. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) Map must be clearly readable and measurable and fully dimensioned. \(1'' = 40\) feet
- Total land area of the entire site.
- Show the location of all existing structures, infrastructure, property lines, public and private easements, existing contours, and if applicable, proposed grading.
- **If there is a concurrent development plan, in addition,** show all proposed structures, public and private easements, and proposed contours after grading.
- Tree Location/Identification. For each tree on the property that has a trunk larger than 25 inches in circumference: assign it an identification number, and show its location on the property, trunk dimension, species, drip line of its canopy and the square footage of the canopy. (For a tree with multiple trunks, to arrive at total trunk circumference, add together the individual trunks that have a circumference larger than six inches.)
Optional: You may find it helpful to provide the inventory information in table form.

Example:

<table>
<thead>
<tr>
<th>Tree ID Number</th>
<th>Species</th>
<th>Trunk circumference*</th>
<th>Canopy (sq. ft.)</th>
<th>Retain/Remove</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Cottonwood</td>
<td>12</td>
<td>400</td>
<td>Remove</td>
</tr>
<tr>
<td>2</td>
<td>Oregon White Oak</td>
<td>15</td>
<td>600</td>
<td>Retain</td>
</tr>
</tbody>
</table>

* Measured 4.5 feet above mean ground level of the tree.

Identify any “significant” trees located on the site. A significant tree is a tree with a trunk diameter of 25 inches or greater, measured four and one-half feet above the base of the tree.

Identify which trees are proposed for removal. (It is assumed all others will remain.)

**TREE PRESERVATION PLAN FOR REMAINING TREES [ADC 9.208(5)]**

Precautions shall be made to protect the residual trees and tree roots from damaging agents during and after the removal process. **In addition to the above plans**, using the following tree protection specifications to the maximum extent feasible, provide a plan that shows how the remaining existing trees will be protected.

1. Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.

2. Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of 4 feet tall, secured with metal T-posts, no closer than 6 feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. [Ord. 5764, 12/1/11]

3. During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.

4. No damaging attachment, wires, signs or permits may be fastened to any protected tree.

5. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

6. The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the table below.

<table>
<thead>
<tr>
<th>Tree Diameter at Breast Height (inches)</th>
<th>Auger Distance from Face of Tree (feet)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8-9</td>
<td>5</td>
</tr>
<tr>
<td>10-14</td>
<td>10</td>
</tr>
<tr>
<td>15-19</td>
<td>12</td>
</tr>
<tr>
<td>Over 19</td>
<td>15</td>
</tr>
</tbody>
</table>
**Additional plans.** The following may not apply to every site. If an item does apply, show the information on the proposed site plan map and check the box. *Write “NA” in the box if the item does not apply to this proposal, and attach a short explanation.*

- N/A □ Label and show the width, direction, and flow of all watercourses on the site.
- [ ] Label and show areas within the 100-year floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- N/A □ Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and Local Wetland Inventory maps. Land not on these maps still may contain wetlands.
- N/A □ Label and show the locations of all natural features, such as rock outcroppings, marshes, wooded areas, and trees that are 8 inches in diameter measured 54 inches above the tree base.
Willamette River Greenway Use

Checklist & Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees *(subject to change every July 1)*; staff will contact you for payment after submittal.
  - If Natural Resource Impact Review required: additional
  - If Mitigation required: additional
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to eplans@cityofalbany.net. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

**Willamette River Greenway Use Submittal Checklist**

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES
- REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Willamette River Greenway Use complies with each of the following review criteria (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 an adjacent to the 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.

Rev. 07/2017
5. The harvesting of timber will be done in a manner which ensures that wildlife habitat and the natural scenic qualities of the 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 in 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.

**FLOOR PLANS.** Floor plans shall include dimensions and square footages.

**CONCEPTUAL LANDSCAPE, IRRIGATION PLANS.** The Site Plan may show locations where landscaping will be provided. Before occupancy or final inspection of the development, a final landscape plan must be submitted for review and approval. That plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants. See ADC 6.410 for mitigation plan requirements.

**ELEVATION DRAWINGS.** (If applicable) Submit drawings of each elevation of each applicable building. Include building heights and materials, and colors to be used.

**SITE PLAN.** Submit an accurate site plan, drawn to scale, to determine if the proposed Greenway Use application complies with Albany Development Code standards.

The Site Plan must be labeled as such and include the following information. If any listed item below is not provided, please include a written explanation why it should not be applicable to this development.

- Scale of drawing, north arrow, name of drafter. Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable and fully dimensioned.

- Locations of all existing and proposed structures, including minimum distances to lot lines

- Locations of all existing or proposed improvements on the site, including driveways, sidewalks, and patios

- Location and species of trees larger than 8 inches in diameter measured 54 inches above the ground.

- Contour lines at two-foot intervals

- Natural drainage patterns

- North arrow and direction of maximum passive solar gain potential (usually due south depending on site features and building design)

- Assessor’s map and tax lot numbers and lot and block description or other legal description

- Lot dimensions and total lot area

- Abutting streets, whether public or private

- Locations, dimensions, and nature of all easements
Adjacent zoning designations and land uses, including approximate locations of buildings

**OTHER PERMITS, APPLICATIONS, PLANS, OR REPORTS THAT MAY BE REQUIRED:**

- **Floodplain Development Permit.** If any of the property is within the Floodplain Development (FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required. *(Fee depends on level of review.)*  
  - N/A

- **Geotechnical Hillside Development Report.** If any of the property is within this Hillside Development (HD) overlay, refer to ADC Sections 6.170-6.230 to determine if Hillside Development standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards; and provide a geotechnical report on the site. *(Additional fee applies)*  
  - N/A

- **Natural Resources Impact Review.** If any of the property is within one of Albany's Significant Natural Resource (SW, RC, HA) overlay districts, refer to ADC Sections 6.290-6.300 to determine if a Natural Resource Impact Review may be required. *(Additional fee applies)*  
  - N/A

- **Mitigation Plan.** If the project is proposed within any of Albany’s Significant Natural Resources overlay districts, a mitigation plan may be required. See ADC Sections 6.400-6.410. *(Additional fee applies)*  
  - N/A

- **Historic Review.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, please refer to Article 7 to determine if historic review is required.  
  - N/A

*Note:* Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

**SUPPLEMENTAL APPLICATION INFORMATION**

- Submit answers to the following proposal questions (separately or on this sheet): See included

  Total land area involved in the application: ±6.32 acres

  Current use of site: Two homes and a shed. Otherwise vacant.

  Are there any existing structures on the site? Two homes and a shed

  If yes, will any of these structures be removed? Yes

  (Before you demolish or remove any structure, you must obtain a demolition/moving permit from the City of Albany Building Division.)

  Are there any historic structures or historically significant features as identified on the City’s Historic Inventory? Yes ☑️ No ☒

  If yes, what are they? (This information may be acquired from the Albany Planning Division.)

  What is the anticipated time of development? Summer/Fall of 2019

  What additional public facilities and private utilities will be needed for the proposed development? See Preliminary Composite Utility Plan in Exhibit B.

  Indicate at what level (i.e., size of sanitary sewer, storm sewer, street width, etc.) these public facilities will be needed to serve the proposed development. Also indicate the approximate dates when these public facilities will be needed.
Streets: Size ___________________________ Approximate date needed ______________

Sanitary Sewer: Size ___________________________ Approximate date needed ______________

Storm Sewer: Size ___________________________ Approximate date needed ______________

Power and water: Size ___________________________ Approximate date needed ______________

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

<table>
<thead>
<tr>
<th>Current Uses</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Willamette River</td>
</tr>
<tr>
<td>South</td>
<td>Single-family homes RS-5</td>
</tr>
<tr>
<td>East</td>
<td>Open space / public park OS, RM</td>
</tr>
<tr>
<td>West</td>
<td>Public park OS</td>
</tr>
</tbody>
</table>

Is there a phasing plan? ___________

If yes, indicate how many phases here and clearly outline and label the boundaries of the phases on the site plan. **Number of Phases:** ___________

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**WILLAMETTE RIVER GREENWAY USE - PURPOSE AND PROCEDURE**

The Willamette River Greenway district is intended to guide development along the Willamette River to preserve the existing scenic, use, and natural features. The following developments and uses are not subject to the provisions of Article 6 of the Albany Development Code, but must comply with other applicable provisions of the Code:

1. Customary dredging and channel maintenance conducted under a permit from the State of Oregon.
2. Gravel removal from the bed of the Willamette River conducted under a permit from the State of Oregon or a seasonal increase in gravel operations.
3. The placing by a public agency of signs, markers, aids, to serve the public.
4. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical, and natural uses of public lands; except that a substantial increase in the level of development of existing public recreational, scenic, historical, or natural uses on public lands shall require review as provided by this Article.
5. Agriculture as allowed within the subject major zoning district.
6. Reasonable emergency procedures necessary for the safety or protection of property and not in conflict with the provisions of this Code.
7. Maintenance and repair usual and necessary for the continuance of an existing use.
8. Landscaping, construction of driveways, repair or maintenance of existing structures, and the construction or placement of accessory structures less than 250 square feet, provided that such activities are conducted in conjunction with uses already existing on the same property and that they are accomplished in a manner compatible with the purpose of this Article (ADC 6.340).

**Special Notification.** Notification regarding requests for Use Permits will be sent to the Oregon State Parks and Recreation Department. Notification of the Oregon State Parks and Recreation Department will be given by certified mail (return receipt requested) and sent within seven days of the receipt of the application for the Willamette River Greenway use. Notice of the decision on the Willamette River Greenway use permit application will be mailed to the Oregon State Parks and Recreation Department within ten days of such decision.
The City may designate conditions of approval to ensure conformance with the Albany Development Code. The City may require guarantees and evidence of compliance with such Conditions.

Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.
## Floodplain Development Land Use Review Application Information Checklist & Review Criteria

### Information and Instructions

⊕ See fee schedule for filing fees *(subject to change every July 1)*: staff will contact you for payment after submittal.

### Type I

- ☐ Site Plan Review in the Floodplain: **Fee** in addition to the relevant land use application.

### Type I-L

- ☐ Development in the floodway: **Fee** in addition to the relevant land use application, plus pass-through cost for third-party review.

- ☐ Grading, excavation, fill, paving, mining, and drilling: **Fee** plus pass-through cost for third-party review.

- ☐ Continuous storage operation: **Fee** in addition to the relevant land use application, plus pass-through cost for third-party review.

### Type II

- ☐ Alteration of a watercourse: **Additional fee** plus pass-through cost for third-party review.

### Type III

- ☐ Land divisions and manufactured home parks: **Additional fee** plus pass-through cost for third-party review.

**Pass-through costs:** Some projects require third-party engineering review by a specialist in hydrologic and hydraulic analyses. Each project varies in scope and complexity.

⊕ Email all materials to [eplans@cityofalbany.net](mailto:eplans@cityofalbany.net). Please call 541-917-7550 if you need assistance.

⊕ Depending on the complexity of the project, paper copies of the application may be required.

⊕ Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.
Floodplain Development Application Information Checklist

- **Planning Application Form with Authorizing Signatures**

- **General Information Requirements.** The application for any development proposed in the Special Flood Hazard Area (100-year floodplain) must include the information below. Elevation information must be provided based on the North American Vertical Datum of 1988:
  - Site plan drawn to scale with dimensions, which includes:
    - Location of existing and proposed development
    - Location of existing and proposed utilities
    - Location of existing and proposed storm drainage systems
    - Elevations of the original contours
    - Final elevations of proposed fills and excavations
    - Base flood (100-year flood) elevations of the site
    - Location of any designated floodway and base flood boundary. If no floodway is designated, estimate the location of the floodway boundary per Section 6.100

  N/A  Location of any riparian corridors, designated wetlands and/or wildlife habitat (if applicable)

  N/A  Location and extent of temporary and/or permanent storage areas

  - Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures (if applicable)

  N/A  Proposed description and elevation of flood-proofing (if applicable)

  N/A  Description of the extent to which a watercourse will be altered or relocated as a result of proposed development with engineer’s report (if applicable)

  - For grading, excavation, fill and/or paving, provide lot size, lot area within the floodplain, lot area impacted within the floodplain, total cubic yards impacted and engineer’s report

  - No-rise analysis prepared by a certified registered professional engineer (if applicable)

  - List of Federal or State permits that are required for the proposal, and a copy of the permit application or final permit if approved

- **Review Criteria and Development Standards Responses.**

  On a separate sheet of paper, prepare detailed written responses, using factual statements (called findings of fact), to explain how the proposal complies with applicable floodplain review criteria. Each criterion must have at least one finding of fact and conclusion statement. See Attachment A for an example of findings of fact and Attachment B for various review criteria that may be applicable; only those review criteria that apply to the application must be addressed.
Attachment A

Example of Findings of Fact and Conclusions

Criteria for Findings of Fact

A floodplain development land use review application will be approved if the approval authority finds the application conforms to all applicable review criteria and with applicable development standards found in Article 6 of the ADC. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed because it is an incomplete application.

Format for Findings of Fact

Statements addressing each individual criterion must be in a “finding of fact” format. A finding of fact consists of two parts:

1. Factual information such as the location and description of proposed development, source of flood water (e.g. Willamette River), base flood elevation, ground elevation, storm water facilities, etc. Facts should reference their source such as the site plan, flood insurance rate map, flood insurance study, etc.

2. An explanation of how those facts result in a conclusion supporting the criterion.

Example:

Criterion: All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

Findings of Fact:

The National Flood Insurance Program (NFIP), Flood Insurance Rate Map (FIRM) Community Panel Number 41043C0213G, dated September 29, 2010, shows the subject property to be located within Zone AE, an area determined to be within the Special Flood Hazard Area (SFHA), commonly referred to as the 100-year floodplain, with a Base Flood Elevation (BFE) of 205.4 feet North American Vertical Datum of 1988 (NAVD ’88).

A permit to place fill in the floodplain was approved for the subject property under planning file FP 03-13, bringing the ground elevation up to or above the BFE. Based on the pre-construction elevation certificate submitted by the applicant, the top of the bottom floor will be one foot above the BFE at an elevation of 206.4 feet (NAVD ’88).

Conclusions

The subject property is located within the floodplain; however, based on a previously approved fill and by raising the bottom floor above the base flood elevation, the structure will be reasonably safe from flooding.
Attachment B

Floodplain Review Criteria

ONLY THOSE CRITERIA THAT APPLY TO THE PROJECT MUST BE ADDRESSED IN THE FLOODPLAIN DEVELOPMENT

Floodway Restrictions (ADC 6.100) No development is allowed in any floodway except when the review body finds that the development will not result in any increase in flood levels during the occurrence of the 100-year flood. The finding shall be based upon applicant-supplied evidence certified by a registered professional engineer and upon documentation that one of the following criteria has been met:

⊕ ATTACH NO-RISE ANALYSIS
⊕ The development does not involve the construction of permanent or habitable structures (including fences).
⊕ The development is a public or private park or recreational use or municipal utility use.
⊕ The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.

For temporary storage of materials of equipment:

⊕ The development is a water-dependent structure such as a dock, pier, bridge, or floating marina.
⊕ The temporary storage of material or equipment are not subject to major damage by floods and is firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

NOTE: If a floodway boundary is not designated on an official FEMA map available to the City, the floodway boundary can be estimated from available data and new studies. Proposed development along the estimated floodway boundary shall not result in an increase of the base flood level greater than one foot as certified by a registered professional engineer.

Alteration of a Watercourse (ADC 6.101) A Watercourse is considered altered when any changes occur within its banks, including installation of new culverts and bridges, or size modifications to existing culverts and bridges.

⊕ ATTACH ENGINEER’S REPORT
⊕ No development shall diminish the flood-carrying capacity of a watercourse.
⊕ Subject to the foregoing regulation, no person shall alter or relocate a watercourse without necessary approval from the Floodplain Administrator.
⊕ Prior to approval, the applicant shall provide a 30-day written notice to the City, any adjacent community, the Natural Hazards Program of the Oregon Department of Land Conservation and Development, and the DSL.
⊕ The applicant shall be responsible for ensuring necessary maintenance of the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

Site Improvement, Land Division, and Manufactured Home Park Standards (ADC 6.110) Site improvements, land divisions, and manufactured home parks in the Special Flood Hazard Area (100-year floodplain) shall be reviewed by the Planning Division as a part of the land use review process. An application to develop property that has floodplain on it, but where no development is proposed in that floodplain will be processed as otherwise required in this Code. In the case of a land division, “no actual development” means the floodplain area has been excluded from the land division. This can be done by setting the property aside for some other purpose than later development (for example, as a public drainage right-of-way).

In addition to the general review criteria for site improvements, land divisions and manufactured home parks, applications that propose actual development within the Special Flood Hazard Area shall also be subject to the following standards:

⊕ All proposed new development and land divisions shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.
⊕ All new development and land division proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
⊕ On-site waste disposal systems shall be located and constructed to avoid functional impairment, or contamination from them, during flooding.
⊕ All development proposals shall have adequate drainage provided to reduce exposure to flood damage.
⊕ Any lot created for development purposes must have adequate area created outside of the floodway to maintain a buildable site area meeting the minimum requirements of this Article.
⊕ Any new public or private street providing access to a residential development shall have a roadway crown elevation not lower than one foot below the 100-year flood elevation.
⊕ All development proposals shall show the location of the 100-year flood contour line followed by the date the flood elevation was established. When elevation data is not available, either through the Flood Insurance Study or from another authoritative source, and the development is four or more acres or results in four or more lots or structures, the elevation shall be determined and certified by a registered engineer. In addition, a statement located on or attached to the recorded map or plat shall read as follows: “Development of property within the Special Flood Hazard Area as most currently established by the Federal Emergency Management Agency or City of Albany may be restricted and subject to special regulations by the City.”
⊕ In addition to the general review criteria applicable to manufactured home parks in Article 10, applications that propose actual development within a Special Flood Hazard Area shall include an evacuation plan indicating alternate vehicular access and escape routes.

**Grading, Fill, Excavation, and Paving (ADC 6.111)** A floodplain development permit is required for grading, fill, excavation, and paving in the Special Flood Hazard Area (100-year floodplain), except activities exempted in Section 6.094 of this Article. No grading will be permitted in a floodway, except when the applicant has supplied evidence prepared by a professional engineer that demonstrates the proposal will not result in any increase in flood levels during the occurrence of the 100-year flood. The permit will be approved if the applicant has shown that each of the following criteria that are applicable has been met:
⊕ **ATTACH ENGINEER’S REPORT**
⊕ Provisions have been made to maintain adequate flood-carrying capacity of existing watercourses, including future maintenance of that capacity.
⊕ The proposal will be approved only where adequate provisions for stormwater runoff have been made that are consistent with the Public Works Engineering standards, or as otherwise approved by the City Engineer.
⊕ The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.
⊕ No grading, fill, excavation, or paving will be permitted over an existing public storm drain, sanitary sewer, or water line unless it can be demonstrated to the satisfaction of the City Engineer that the proposed grading, fill, excavation, or paving will not be detrimental to the anticipated service life, operation and maintenance of the existing utility.
⊕ In areas where no floodway has been designated on the applicable FIRM, grading will not be permitted unless it is demonstrated by the applicant that the cumulative effect of the proposed grading, fill, excavation, or paving when combined with all other existing and planned development, will not increase the water surface elevation of the base flood more than a maximum of one foot (cumulative) at any point within the community.
⊕ The applicant shall notify the City of Albany, any adjacent community, and the Natural Hazards Mitigation Office of the Oregon Department of Land Conservation and Development of any proposed grading, fill, excavation, or paving activity that will result in alteration or relocation of a watercourse (See Section 6.101).
⊕ All drainage facilities shall be designed to carry waters to the nearest practicable watercourse approved by the designee as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive down spouts and diffusers or other devices.
⊕ Building pads shall have a drainage gradient of two percent toward approved drainage facilities, unless waived by the Building Official or designee.
Continuous Storage Operations (6.112): The regulation of storage in the flood fringe focuses on long-term storage activities associated with continuous operations as defined in this Article.

A continuous storage operation is allowed if it can be shown that:

- The materials or equipment will not be flammable, hazardous, explosive or otherwise potentially injurious to human, animal, or plant life in times of flooding; and
- The materials or equipment are not subject to major damage by flood and are firmly anchored to prevent flotation or is readily removable from the area within the time available after flood warning.

Critical Facility Standards (6.113): Construction of new critical facilities, and additions to critical facilities built after September 29, 2010, shall be, to the maximum extent feasible, located outside the limits of the Special Flood Hazard Area (100-year floodplain).

Construction of new critical facilities shall be permissible within the Special Flood Hazard Area if no feasible alternative site is available. Critical facilities constructed within the Special Flood Hazard Area shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Flood-proofing and sealing measures must be taken to ensure that hazardous materials will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
Exhibit C: Traffic Impact Analysis
MEMORANDUM

DATE: January 21, 2020

TO: Robyn Morley | Willamette River View Holdings

FROM: Scott Mansur P.E., PTOE | DKS Associates
Jenna Hills, E.I | DKS Associates

SUBJECT: Geary Street Apartments – Trip Generation Comparison and Transportation Impacts

Willamette River View Holdings previously submitted a site plan for the Geary Street Apartments for 105 mid-rise apartments. Since that time, the site plan has been modified to consist of a total of 120 mid-rise apartments. The purpose of this memo is to compare the trip generation of the most recent development plan (120 mid-rise units) to both the previous plan (105 mid-rise units) and the original Geary Street Apartment Transportation Impact Study¹ (TIA) which assumed 100 low-rise units. These comparisons will establish that there is no change to the transportation analysis and safety results.

TRIP GENERATION COMPARISON

The most recent application for the Geary Street Apartments shows 120 multifamily mid-rise units. The previous site plan showed 105 multifamily mid-rise units. The original TIA site plan showed 100 multifamily low-rise units. The differences in trip generations are shown in Table 1 below using the Institute of Transportation Engineers Trip Generation Manual, 10th Edition for both the AM and PM peak hours.

### Table 1: Trip Generation Comparison

<table>
<thead>
<tr>
<th>Land Use (ITE Code)</th>
<th>Quantity</th>
<th>AM Trips</th>
<th></th>
<th>PM Trips</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>Actual Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Mid-Rise) (221)</td>
<td>120 units</td>
<td>11</td>
<td>30</td>
<td>41</td>
<td>32</td>
</tr>
<tr>
<td>Previous Assumed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Mid-Rise) (221)</td>
<td>105 units</td>
<td>9</td>
<td>27</td>
<td>36</td>
<td>28</td>
</tr>
<tr>
<td>Difference (Previous - Actual)</td>
<td></td>
<td>-2</td>
<td>-3</td>
<td>-5</td>
<td>-4</td>
</tr>
<tr>
<td>Original TIA Assumed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Low-Rise) (220)</td>
<td>100 units</td>
<td>11</td>
<td>37</td>
<td>48</td>
<td>37</td>
</tr>
<tr>
<td>Difference (TIA - Actual)</td>
<td></td>
<td>0</td>
<td>+7</td>
<td>+7</td>
<td>+5</td>
</tr>
</tbody>
</table>

As shown above, the trip generation for the actual proposed multifamily mid-rise development (120 mid-rise units) is more than the previous assumed land use (105 mid-rise units) but is still less than the trip generation for the original TIA (100 low-rise units).

Since the TIA determined no mitigations were necessary based on the original TIA trip generation assumptions and since it is shown here that the currently proposed site plan would generate fewer a.m. and p.m. trips than the original TIA plan, no additional analysis is required.
MEMORANDUM

DATE: October 4, 2018

TO: Robyn Morley | Willamette River View Holdings

FROM: Scott Mansur P.E., PTOE | DKS
      Christian Thompson | DKS

SUBJECT: Geary Street Apartments – Trip Generation Comparison

The purpose of this memo is to compare the trip generation results from the development plan used in the Geary Street Apartments TIA and a new development plan.

TRIP GENERATION COMPARISON

The development plan assumed for the Geary Street Apartments TIA consisted of 100 multifamily low-rise units. The latest site plan shows 96 multifamily Mid-rise units and 10 low-rise multifamily units. The difference in trip generation is shown in Table 1 below using the Institute of Transportation Engineers Trip Generation Manual, 10th Edition for both the AM and PM peak hours.

<table>
<thead>
<tr>
<th>Land Use (ITE Code)</th>
<th>Quantity</th>
<th>AM Trips</th>
<th></th>
<th></th>
<th>PM Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>In</td>
<td>Out</td>
<td>Total</td>
<td>In</td>
</tr>
<tr>
<td>TIA Assumed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Low-Rise) (220)</td>
<td>100 units</td>
<td>11</td>
<td>37</td>
<td>48</td>
<td>37</td>
</tr>
<tr>
<td>Actual Proposed Land Use</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Mid-Rise) (221)</td>
<td>96 units</td>
<td>9</td>
<td>24</td>
<td>33</td>
<td>26</td>
</tr>
<tr>
<td>Multifamily Housing (Low-Rise) (220)</td>
<td>10 units</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>10</td>
<td>28</td>
<td>38</td>
<td>31</td>
<td>20</td>
</tr>
<tr>
<td>Difference (TIA - Actual)</td>
<td>1</td>
<td>9</td>
<td>10</td>
<td>6</td>
<td>2</td>
</tr>
</tbody>
</table>

As shown above, the TIA was performed assuming a higher trip generation than the final site plan. Since the TIA determined no mitigations were necessary, a lower trip generation will also not require any mitigation.
Report for

Geary Street Apartments

Traffic Impact Analysis

Prepared by

DKS

October 2018
October 4, 2018

Robyn Morley
Willamette River View Holdings, LLC
3545 Deerfield Drive South
Salem, OR 97302

Subject: Geary Street Apartments Transportation Impact Study P18031-000

Dear Robyn,

DKS Associates is pleased to submit this transportation impact study for the proposed Geary Street Apartments located off NE Willamette Avenue between NE Geary Street and NE Alco Street in Albany, Oregon.

Please feel free to call if you have any questions or comments regarding this study.

Sincerely,

DKS Associates

Scott Mansur, P.E., PTOE
Transportation Engineer
# TABLE OF CONTENTS

TABLE OF CONTENTS .............................................................................................................i

LIST OF FIGURES ......................................................................................................................ii

LIST OF TABLES .........................................................................................................................iii

CHAPTER 1: INTRODUCTION AND SUMMARY .................................................................1

CHAPTER 2: EXISTING CONDITIONS .................................................................................3
  - Study Area Street Network ..................................................................................................3
  - Pedestrian and Bicycle Facilities .......................................................................................3
  - Public Transit Service .........................................................................................................3
  - Neighborhood Traffic Volumes and Speeds .....................................................................4
  - Existing Traffic Volumes and Operations .........................................................................4

CHAPTER 3: PROJECT IMPACTS .........................................................................................7
  - Proposed Development ......................................................................................................7
  - Trip Generation ..................................................................................................................7
  - Trip Distribution ...............................................................................................................7
  - Future Traffic Volumes and Operating Conditions ..........................................................8
  - Intersection Operations ...................................................................................................13
  - Traffic Signal Warrant Analysis ......................................................................................14
  - Site Plan Evaluation .........................................................................................................14
  - Project Impact Summary ..................................................................................................16

APPENDIX
LIST OF FIGURES

Figure 1: Study Area Aerial Photo........................................................................................................1
Figure 2: Study Area Map ..................................................................................................................2
Figure 3: Existing AM and PM Peak Hour Traffic Volumes ..............................................................5
Figure 4: Trip Distribution and Project Trips .....................................................................................8
Figure 5: 2019 No-Build Peak Hour Traffic Volumes ....................................................................10
Figure 6: 2019 Total Peak Hour Traffic Volumes ...........................................................................11
Figure 7: 2024 No-Build Peak Hour Traffic Volumes ....................................................................12
Figure 8: 2024 Total Peak Hour Traffic Volumes ..........................................................................13
LIST OF TABLES

Table 1: Key Study Area and Proposed Development Characteristics ..................................................2
Table 2: Study Area Street Characteristics (within the Study Area) .....................................................3
Table 3: Existing Speed and Daily Traffic Volumes ..............................................................................4
Table 4: Existing PM Peak Study Intersection Operations .................................................................6
Table 5: Peak Hour Primary Trip Generation ......................................................................................7
Table 6: Future 2019 Intersection Operations Comparison ...............................................................13
Table 7: Future 2024 Intersection Operations Comparison ...............................................................14
CHAPTER 1: INTRODUCTION AND SUMMARY

This study evaluates the transportation impacts associated with the development of a 100-unit apartment complex in the city of Albany, Oregon. The site is located north of NE Willamette Avenue and north of NE Linn Avenue, between NE Geary Street and NE Alco Street. The existing site is zoned RM² (Residential Medium Density) which allows up to 25 units per gross acre. The site previously had 2 single-family detached homes along the north side of NE Linn Avenue, but the site is now vacant. An aerial photo of the project location is shown in Figure 1.

The purpose of this transportation impact analysis is to identify potential mitigation measures needed to offset transportation impacts that the proposed development may have on the nearby transportation network. The impact analysis is focused on the study intersection which was selected for evaluation in coordination with City staff. The study intersections are shown in Figure 2 and listed below:

- SE Salem Avenue/SE Geary Street
- NE Geary Street/West Site Driveway
- NE Alco Street/East Site Driveway

This chapter provides an introduction to the proposed development. Table 1 lists important characteristics of the study area and proposed project.

---

1 The site location is found on Linn County Assessor’s Map 11S03W05BD Tax Lots 200, 300, and on Map 11S03W05CA Tax Lots 1100, 6805, 1001, 6800, 6801, and 6802.

2 Zoning Designations, February 4, 2016, available in the appendix.

3 Albany Development Code, Article 3.020(5)
Table 1: Key Study Area and Proposed Development Characteristics

<table>
<thead>
<tr>
<th>Characteristics</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Study Area</strong></td>
<td></td>
</tr>
<tr>
<td>Number of Study Intersections</td>
<td>3</td>
</tr>
<tr>
<td>Analysis Period</td>
<td>Weekday AM and PM Peak Hour (Peak hour between 7-9 AM and 4-6 PM, respectively)</td>
</tr>
<tr>
<td><strong>Project Site</strong></td>
<td></td>
</tr>
<tr>
<td>Existing Land Use</td>
<td>Previously 2 single-family detached homes, the site is currently vacant</td>
</tr>
<tr>
<td>Proposed Development</td>
<td>100 apartments</td>
</tr>
<tr>
<td>Project Access</td>
<td>One access at NE Geary Street and one access at NE Alco Street</td>
</tr>
</tbody>
</table>
CHAPTER 2: EXISTING CONDITIONS

This chapter provides documentation of existing study area conditions, including the study area street network, pedestrian and bicycle facilities, and existing traffic volumes and operations. Supporting details for volumes and operations are provided in the appendix.

Study Area Street Network

Key streets in the study area are summarized in Table 2 along with their existing (or proposed) street characteristics. The functional classifications for City of Albany streets are provided in the Albany Transportation System Plan (TSP).4

Table 2: Study Area Street Characteristics (within the Study Area)

<table>
<thead>
<tr>
<th>Street</th>
<th>Classification</th>
<th>No. of Lanes</th>
<th>Posted Speed</th>
<th>Sidewalks</th>
<th>Bike Lanes</th>
<th>On-Street Parking</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE Salem Avenue</td>
<td>Minor Arterial</td>
<td>2-3 a</td>
<td>25 - 35 mph b</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>NE/SE Geary Street c</td>
<td>Minor Collector d</td>
<td>2</td>
<td>25 mph e</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>NE Willamette Avenue</td>
<td>Local Road</td>
<td>2</td>
<td>25 mph</td>
<td>No f</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>NE Alco Street</td>
<td>Local Road</td>
<td>2</td>
<td>N/A g</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
</tbody>
</table>

a 2 lanes west of SE Geary Street, 3 lanes (two-way left-turn lane) east of SE Geary Street.
b At SE Geary Street and to the west the speed limit is 25 mph. Speed limit is 35 mph beyond 400 feet east of SE Geary Street.
c The prefix of Geary Street is NE north of SE 1st Avenue and SE south of SE 1st Avenue.
d North of NE Willamette Avenue, NE Geary Street is currently classified as a Local Road.
e Speed limit is currently 5 mph on NE Geary Street north of NE Willamette Avenue. Synchro can only model speed limits down to 10 mph, so 10 mph was used.
f There is a short segment on the south side of NE Willamette Avenue near NE Geary Street.
g No posted speed limit signs exist on NE Alco Street. Speed limit was assumed to be 20 mph in Synchro model.

Pedestrian and Bicycle Facilities

Near the project site, NE Geary Street, SE Geary Street, and SE Salem Avenue have sidewalks and bike lanes in each direction. The other streets in the vicinity of the proposed apartment complex do not have existing bike or pedestrian infrastructure except for a short sidewalk segment on NE Willamette Avenue near NE Geary Street.

Public Transit Service

There are two Albany Transit routes that travel near the project site. Route 1 operates from 6:30 AM to 8:30 AM and stops on SE Salem Avenue near SE Mason Street (~2,500 feet from the

4 Albany Transportation System Plan, February 2010, Figure 7-4, available in the appendix.
Neighborhood Traffic Volumes and Speeds

The neighborhood adjacent to the proposed apartment complex consists generally of single-family detached housing, with several parks. Near the project site, streets are generally narrow and some intersections do not have traffic control, which is typical for low-volume intersections.

Traffic data was collected on NE Willamette Avenue east of NE Alco Street and on NE Geary Street north of SE 1st Avenue, for traffic in both directions\(^5\). The data is summarized in Table 3 below.

<table>
<thead>
<tr>
<th>Location</th>
<th>Direction</th>
<th>85th Percentile Speed (mph)</th>
<th>ADT (vpd)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NE Willamette Avenue,</td>
<td>EB</td>
<td>20</td>
<td>71</td>
</tr>
<tr>
<td>east of NE Alco Street</td>
<td>WB</td>
<td>22</td>
<td>101</td>
</tr>
<tr>
<td>Both</td>
<td></td>
<td>21</td>
<td>172</td>
</tr>
</tbody>
</table>

Typical local streets are designed to have ADTs in the range of 1,200 to 1,600 vehicles per day. The 85th percentile speed collected on NE Willamette Avenue was 21 mph, which is typical for a local neighborhood street.

Existing Traffic Volumes and Operations

Existing AM and PM peak hour traffic operations were analyzed at the following study intersections based on coordination with city staff\(^6\):

- SE Salem Avenue/SE Geary Street

Intersection turn movement volumes were collected\(^7\) at the SE Salem Avenue/SE Geary Street intersection during the AM and PM peak periods. Volumes for the other intersections cannot be collected because they do not yet exist. The volumes were used in the intersection operations analysis and are shown in Figure 3. The following sections describe intersection performance measures, required operating standards, and existing operating conditions.

---

\(^5\) Data collected by Key Data Network on Tuesday, February 27, 2018.
\(^6\) Coordination with Ron Irish at the City of Albany.
\(^7\) Traffic data for SE Geary Street/SE Salem Avenue was collected on February 27, 2018 by Key Data Network.
Intersection Performance Measures

Level of service (LOS) ratings and volume-to-capacity (v/c) ratios are two commonly used performance measures that provide a good picture of intersection operations.

- **Level of service (LOS):** A “report card” rating (A through F) based on the average delay experienced by vehicles at the intersection.\(^8\) LOS A, B, and C indicate conditions where traffic moves without significant delays over periods of peak hour travel demand. LOS D

---

\(^8\) A description of Level of Service (LOS) is provided in the appendix and includes a list of the delay values (in seconds) that correspond to each LOS designation.
and E are progressively worse operating conditions. LOS F represents conditions where average vehicle delay has become excessive and demand has exceeded capacity.

- **Volume-to-capacity (v/c) ratio:** A decimal representation (typically between 0.00 and 1.00) of the proportion of capacity that is being used at a turn movement, approach leg, or intersection. It is determined by dividing the peak hour traffic volume by the hourly capacity of a given intersection or movement. A lower ratio indicates smooth operations and minimal delays. As the ratio approaches 1.00, congestion increases and performance is reduced. If the ratio is greater than 1.00, the turn movement, approach leg, or intersection is oversaturated and usually results in excessive queues and long delays.

**Required Operating Standards**

The City of Albany requires study intersections controlled by signals or all-way stop controlled to meet its minimum acceptable level of service (LOS) standard, which is LOS D per overall intersection for peak periods. For two-way stop controlled and uncontrolled intersections, the worst movement must have a v/c ratio less than or equal to 0.85.²

**Existing Operating Conditions**

Existing traffic operations at the study intersections were determined for the PM peak hour based on the 2000 Highway Capacity Manual (HCM) methodology for signalized intersections, while unsignalized intersections were analyzed with 2010 HCM methodology.³ The results were then compared with the City of Albany’s minimum operating standards, depending on the intersection control type. Table 4 lists the estimated delay, LOS, and worst movement’s v/c ratio of the study intersections. The existing study intersection of SE Salem Avenue/SE Geary Street currently meets operating standards.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>Existing AM Peak</th>
<th>Existing PM Peak</th>
</tr>
</thead>
<tbody>
<tr>
<td>SE Salem Avenue/SE Geary Street</td>
<td>0.85 v/c</td>
<td>Delay</td>
<td>LOS</td>
</tr>
<tr>
<td></td>
<td></td>
<td>3.9</td>
<td>A</td>
</tr>
</tbody>
</table>

Delay = Average Intersection Delay (sec.)

LOS = Level of Service

v/c = Volume-to-Capacity Ratio for worst lane

---


CHAPTER 3: PROJECT IMPACTS

This chapter reviews the impacts that the proposed 100-unit apartment complex would have on the study area transportation system. This analysis includes site plan evaluation, trip generation, trip distribution, and future year traffic volumes and operating conditions for the study intersections.

Proposed Development

The proposed development involves constructing a 100-unit apartment complex.

The complex will be accessed through two driveways, one on the western edge of the site to NE Geary Street and the second on the eastern edge to NE Alco Street.

Trip Generation

Trip generation is the method used to estimate the number of vehicles added to site streets and the adjacent street network by a development during a specified period (i.e., such as the PM peak hour). For this study, the ITE 10th Edition trip generation data was used which is based on national land use data.11

Table 5 provides a detailed trip generation for the proposed apartments. The existing homes were subtracted from the trip generation. As shown, the development is expected to generate approximately 48 total (11 in, 37 out) AM peak hour trips and 59 total (37 in, 22 out) PM peak hour trips.

<table>
<thead>
<tr>
<th>Land Use (ITE Code)</th>
<th>Quantity</th>
<th>AM Trips</th>
<th></th>
<th>PM Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Land Use</td>
<td>100 units</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Multifamily Housing (Low-Rise) (220)</td>
<td></td>
<td>11 37 48</td>
<td>37 22 59</td>
<td></td>
</tr>
</tbody>
</table>

Trip Distribution

Trip distribution provides an estimate of where project-related trips would be coming from and going to. It is given as percentages at key gateways to the study area and is used to route project trips through the study intersections. Figure 4 shows the expected trip distribution and project trip routing for the additional traffic generated by the proposed development. The trip distribution was estimated using existing traffic volumes and coordination with the City of Albany staff.

11 Institute of Transportation Engineers Trip Generation Manual, 10th Edition
Future Traffic Volumes and Operating Conditions

Future operating conditions were analyzed at the study intersections for the following future traffic scenarios. The comparison of the following scenarios enables the assessment of project impacts:
Future traffic volumes were estimated at the study intersection for each scenario. The future operating scenarios include various combinations of three types of traffic: existing, project, and background. Background trips were estimated to grow by an annual rate of 2% for every movement at the study intersection\textsuperscript{12}. The volumes were grown for the future years of 2019 and 2024. The year 2019 was assumed to be the build-out year, and 2024 is the build-out year plus 5 years.

Volumes used to analyze the “2019 No-Build”, “2019 Total”, “2024 No-Build”, and “2024 Total” scenarios are shown in Figure 5 through Figure 8 respectively.

\textsuperscript{12} Per phone conversation with Ron Irish on 3/28/2018.
Figure 5: 2019 No-Build Peak Hour Traffic Volumes
Figure 6: 2019 Total Peak Hour Traffic Volumes
Figure 7: 2024 No-Build Peak Hour Traffic Volumes
Intersection Operations

The study intersection operating conditions for the project trips after project development and background growth for the year 2019 are listed in Table 6. All study intersections meet operating standards for these two future scenarios.

Table 6: Future 2019 Intersection Operations Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>2019 No-Build</th>
<th>2019 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
<td>AM Peak</td>
</tr>
<tr>
<td></td>
<td>DelayLOS v/c</td>
<td>DelayLOS v/c</td>
<td>DelayLOS v/c</td>
</tr>
<tr>
<td>SE Salem Avenue/SE Geary Street</td>
<td>0.85 v/c</td>
<td>4.2 A 0.49</td>
<td>6.4 A 0.51</td>
</tr>
<tr>
<td>NE Geary Street/West Site Driveway</td>
<td>0.85 v/c</td>
<td>- - - - - - -</td>
<td>6.5 A 0.04</td>
</tr>
<tr>
<td>NE Alco Street/East Site Driveway</td>
<td>0.85 v/c</td>
<td>- - - - - - -</td>
<td>6.7 A 0.00</td>
</tr>
</tbody>
</table>

The capacity analysis for the future 2024 scenarios are shown in Table 7 below.
Table 7: Future 2024 Intersection Operations Comparison

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Operating Standard</th>
<th>2024 No-Build</th>
<th>2024 Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>AM Peak</td>
<td>PM Peak</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Delay (sec.)</td>
<td>v/c</td>
</tr>
<tr>
<td>SE Salem Avenue/SE Geary Street</td>
<td>0.85 v/c</td>
<td>5.6</td>
<td>A</td>
</tr>
<tr>
<td>NE Geary Street/West Site Driveway</td>
<td>0.85 v/c</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>NE Alco Street/East Site Driveway</td>
<td>0.85 v/c</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Delay = Average Intersection Delay (sec.)
LOS = Level of Service
v/c = Volume-to-Capacity Ratio for worst lane

The intersection of SE Salem Avenue/SE Geary Street does not meet the operating standard in the PM peak hour for the 2024 Total scenario. The City of Albany does not require mitigation for the 5-year horizon analysis, but the intersection of SE Salem Avenue/SE Geary Street should be monitored for possible mitigations in the future. The City of Albany’s Transportation System Plan identifies this intersection for an Intersection Traffic Control Change.

Traffic Signal Warrant Analysis

DKS evaluated ODOT preliminary traffic signal warrants to determine if a traffic signal is currently warranted or would be warranted with the addition of project traffic. DKS collected 24-hour tube counts on SE Salem Avenue and SE Geary Street. A traffic signal is not warranted under either the existing traffic volume or future build scenarios. Traffic signal warrant documentation is attached in the appendix.

Site Plan Evaluation

A site plan showing the proposed development can be found in the appendix.

Parking

The most recent site plan shows sufficient space for two way motor vehicle circulation throughout the parking area. The site meets the City of Albany minimum of 164 vehicular parking spaces with a total of 200 spaces. The site will require at least 24 bicycle parking spaces in order to meet the City’s bicycle parking minimum.\(^\text{13}\)

Access Standards and Sight Distance

The site access to the proposed apartment complex includes one access point along the western edge of the site at NW Geary Street and one access point along the eastern edge of the site at NE Alco Street. Both access driveways are two-lane and 26 feet wide.

\[^{13}\] Albany Development Code, Article 9.120 (13)(a).
The proposed driveways are spaced more than 22 feet from adjacent intersections and driveways, and have a curb return distance of over 20 feet each. Therefore, both access points meet the City’s access spacing standard.\textsuperscript{14}

Prior to occupancy, sight distance at any proposed access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs or landscaping does not restrict sight distance.

**Bicycle and Pedestrian Facilities**

The site plan shows sidewalk connections at both access points. The plan also shows internal sidewalks throughout the parking area.

There are bike lanes along NE Geary Street in the immediate vicinity of the project site. Additionally, the Albany TSP shows that SE 1st Avenue and SE 2nd Avenue are planned to be bicycle boulevards, and the Periwinkle Trail is planned to be extended to Bowman Park (just west of the project site). These facilities will offer greater connectivity for cyclists and pedestrians living at the apartments.

\textsuperscript{14} Albany Development Code, Article 12.100.
Project Impact Summary

The proposed development is anticipated to result in the following impacts:

Trip Generation/Intersection Operations
- The development consists of up to 100 apartments as a complex, to be built in a single phase.
- The development is expected to generate 48 (11 in, 37 out) AM peak hour trips and 59 (37 in, 22 out) PM peak hour trips.
- No mitigation is required for the traffic impacts of the proposed apartment complex.

Site Plan Evaluation
- The proposed site includes adequate space for two-way traffic throughout the parking area. The number of vehicular parking spaces meets City of Albany requirements.
- The site will require at least 24 bicycle parking spaces in order to meet the City’s bicycle parking minimum.
- Pedestrian facilities and connections are included in the site plan.

Sight Distance
- Prior to occupancy, sight distance at any proposed access points will need to be verified, documented, and stamped by a registered professional Civil or Traffic Engineer licensed in the State of Oregon to assure that buildings, signs or landscaping does not restrict sight distance.
APPENDIX

Existing AM and PM Peak Hour Traffic Counts
Existing 24-hour Tube Counts
Level of Service Descriptions
City of Albany Zoning Designations
City of Albany Roadway Functional Classification Map
Preliminary Site Plan
HCM Analysis – 2018 Existing
HCM Analysis – 2019 Background
HCM Analysis – 2019 Total (Background + Project)
HCM Analysis – 2024 Background
HCM Analysis – 2024 Total (Background + Project)
Preliminary Signal Warrant Analyses
Existing AM and PM Peak Hour Traffic Counts
Southbound
SE Geary St
Heavy Vehicle 0.0%

Northbound
SE Geary St
Heavy Vehicle 2.4%

Peak Hour Summary
07:15 AM to 08:15 AM

Percent Heavy Vehicles
12.5% 0.0% 0.0% 0.0% 0.0% 16.7% 2.3% 0.0% 0.0% 11.1% 1.6% 0.0% 0.0% 4.2% 0.0% 0.0% 2.4% 2.1% 4.1% 2.4% 1.8% 2.2%

PHV - Bicycles
PHV - Pedestrians

All Vehicle Volumes

Time
07:00:00 AM

Northbound
SE Geary St

Southbound
SE Salem Ave

Eastbound
SE Salem Ave

Westbound
SE Salem Ave

15 Min Int

Left
Thru
Right
U-turn

Left
Thru
Right
U-turn

Left
Thru
Right
U-turn

Left
Thru
Right
U-turn

Sum

0 0 0 0

1 HR

Sum
### Peak Hour Summary

**SE Geary St at SE Salem Ave**

04:25 PM to 05:25 PM

#### Northbound

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**Note:** The data provided is for demonstration purposes and may not reflect actual traffic conditions. The table includes volumes for various classes of vehicles and pedestrian movements, allowing for a comprehensive view of traffic flow during peak hours.
Existing 24-hour Tube Counts
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| AM Peak    | 03:00 | 10:00          | 11:00       | 11:00        | 11:00        | 07:00        | 07:00         | 27           |
|------------|-------|----------------|-------------|--------------|--------------|--------------|---------------|
| Vol.       | 1     | 24             | 13          | 4            | 3            |              |               | 27           |

| PM Peak    | 12:00 | 15:00         | 14:00       | 15:00        | 16:00        | 12:00        | 14:00         | 18:00        |
|------------|-------|----------------|-------------|--------------|--------------|--------------|---------------|
| Vol.       | 1     | 47             | 18          | 1            | 7            | 1            | 1             | 14           |

<p>| Grand Total| 4     | 465            | 141         | 1            | 37           | 7            | 0             | 1            | 0             | 0            | 0            | 0            | 0           | 183     |
| Percent    | 0.5%  | 55.4%          | 16.8%       | 0.1%         | 4.4%         | 0.8%         | 0.0%          | 0.1%         | 0.0%          | 0.0%         | 0.0%        | 0.0%        | 21.8%     | 83%     |</p>
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**Statistics**

- 10 MPH Pace Speed: 21-30 MPH
- Number in Pace: 522
- Percent in Pace: 62.2%
- Number of Vehicles > 55 MPH: 0
- Percent of Vehicles > 55 MPH: 0.0%
- Mean Speed(Average): 21 MPH

---

**Percentile**

- 15th Percentile: 9 MPH
- 50th Percentile: 22 MPH
- 85th Percentile: 28 MPH
- 95th Percentile: 30 MPH
# Geary St north of 1st

**Date Start:** 27-Feb-18  
**Latitude:** 0' 0.0000 Undefined  
**Longitude:** 0' 0.0000 Undefined  

## Key Data Network

### SB

| Time | 02/27/18 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12:00 | 13:00 | 14:00 | 15:00 | 16:00 | 17:00 | 18:00 | 19:00 | 20:00 | 21:00 | 22:00 | 23:00 | Total |
|------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
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| 65 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 153 |
| 70 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 153 |
| 75 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 153 |
| 999 | 1 | 1 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 153 |

## Statistics

- **10 MPH Pace Speed:** 16-25 MPH  
- **Number in Pace:** 449  
- **Percent in Pace:** 56.6%  
- **Number of Vehicles > 55 MPH:** 0  
- **Percent of Vehicles > 55 MPH:** 0.0%  
- **Mean Speed(Average):** 19 MPH
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K-D-N.com
Tualatin, OR 97062
503-804-3294

Date Start: 2/27/2018

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**Total:** 28 | 3750 | 802 | 8 | 292 | 9 | 0 | 22 | 0 | 0 | 0 | 0 | 0 | 471 | 5382

**Percent:** 0.5% | 69.7% | 14.9% | 0.1% | 5.4% | 0.2% | 0.0% | 0.4% | 0.0% | 0.0% | 0.0% | 0.0% | 8.8%

### AM Peak

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**Grand Total:** 28 | 3750 | 802 | 8 | 292 | 9 | 0 | 22 | 0 | 0 | 0 | 0 | 471 | 5382

**Percent:** 0.5% | 69.7% | 14.9% | 0.1% | 5.4% | 0.2% | 0.0% | 0.4% | 0.0% | 0.0% | 0.0% | 8.8%
### EB Data Summary

| Time  | 02/27/18 | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12 PM | 01:00 | 02:00 | 03:00 | 04:00 | 05:00 | 06:00 | 07:00 | 08:00 | 09:00 | 10:00 | 11:00 | 12 PM | 01:00 | 02:00 | 03:00 | 04:00 |
|-------|----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Start | 0        | 4     | 2     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 1     | 0        | 0     | 2     | 4     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 16    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 21    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 26    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 31    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 36    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 41    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 46    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 51    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 56    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 61    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 66    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 71    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 76    | 0        | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 85th  | 1         | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| 95th  | 9         | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| Total | 10       | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     | 0     |
| Percent| 7.3%     | 0.9%  | 8.4%  | 45.3% | 34.7% | 3.3%  | 0.1%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  | 0.0%  |

### AM Peak Summary

- **Time**: 07:00 - 11:00
- **Vol.**: 56
- **Total**: 338
- **Percent**: 7.3%

**EB Start Statistics**
- **AM Peak Speed**: 26-35 MPH
- **Number in Pace**: 3706
- **Percent in Pace**: 80.0%
- **Number of Vehicles > 35 MPH**: 161
- **Percent of Vehicles > 35 MPH**: 3.5%
- **Mean Speed (Average)**: 28 MPH
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**Grand Total** | 486 | 27 | 246 | 179 | 235 | 450 | 33 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5382 |

**Percent** | 9.0% | 0.5% | 4.6% | 33.1% | 43.8% | 8.4% | 0.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

**AM Peak** | 07:00 | 02:00 | 09:00 | 07:00 | 08:00 | 07:00 | 07:00 | 08:00 | 07:00 | 08:00 | 07:00 | 08:00 | 07:00 | 08:00 | 07:00 | 08:00 | 07:00 | 08:00

**PM Peak** | 17:00 | 13:00 | 14:00 | 16:00 | 16:00 | 16:00 | 16:00 | 18:00 | 19:00 | 16:00 | 16:00 | 16:00 | 16:00 | 16:00 | 16:00 | 16:00 | 16:00 | 16:00

**Grand Total** | 486 | 27 | 246 | 1779 | 2359 | 450 | 33 | 2 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5382 |

**Percent** | 9.0% | 0.5% | 4.6% | 33.1% | 43.8% | 8.4% | 0.6% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% |

**15th Percentile** | 25 MPH |

**50th Percentile** | 30 MPH |

**85th Percentile** | 34 MPH |

**95th Percentile** | 37 MPH |

**Statistics** | 10 MPH Pace Speed | 26-35 MPH |

**Number in Pace** | 4138 |

**Percent in Pace** | 76.9% |

**Number of Vehicles > 35 MPH** | 485 |

**Percent of Vehicles > 35 MPH** | 9.0% |

**Mean Speed(Average)** | 29 MPH |
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## SE Salem St east of Geary

### Date Start: 2/27/2018

- **Latitude:** 44° 38.3130 North
- **Longitude:** 123° 4.9315 West

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**KEY DATA NETWORK**

K-D-N.com
Tualatin, OR 97062
503-804-3294

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**ATTACHMENT G.174**

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| Total      | 0     | 61     | 20     | 1      | 7       | 0       | 0       | 0       | 0      | 0       | 0           | 12    |

| Percent    | 0.0%  | 60.4%  | 19.8%  | 1.0%   | 6.9%    | 0.0%    | 0.0%    | 0.0%    | 0.0%   | 0.0%    | 0.0%        | 11.9% |

| AM Peak    | 11:00 | 10:00  | 10:00  | 09:00  | 9:00    | 8:00    | 7:00    | 6:00    | 5:00   | 4:00    | 3:00        | 2:00  |
| Vol.       | 5     | 3      | 2      | 1      | 1       | 1       | 1       | 1       | 1      | 1       | 1           | 1     |

| PM Peak    | 13:00 | 13:00  | 17:00  | 14:00  |
| Vol.       | 6     | 2      | 2      |

| Grand Total| 0     | 61     | 20     | 1      |
| Percent    | 0.0%  | 60.4%  | 19.8%  | 1.0%   |

| AM Percent | 0.0%  | 60.4%  | 19.8%  | 1.0%   |
| PM Percent | 0.0%  | 60.4%  | 19.8%  | 1.0%   |
**KEY DATA NETWORK**

K-D-N.com  
Tualatin, OR 97062  
503-804-3294

**ATTACHMENT G.176**

NE Willamette Ave East of Alco  
Date Start: 27-Feb-18  
Latitude: 44° 38.5352 North  
Longitude: 123° 4.8308 West

### EB

| Start Time | Bikes | Cars & Trailers | 2 Axle | 2 Axle Long | 2 Axle 6 Tire | 3 Axle | 3 Axle Single | 4 Axle | 4 Axle Single | <5 Axle Double | 5 Axle Double | >6 Axle Double | <6 Axle Multi | 6 Axle Multi | >6 Axle Multi | Not Classed | Total |
|------------|-------|----------------|--------|------------|--------------|--------|--------------|--------|--------------|--------------|--------------|--------------|--------------|------------|------------|------------|------------|-------|
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| 02:00      | 0     | 0              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 0          |
| 03:00      | 0     | 1              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 1          |
| 04:00      | 0     | 0              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 0          |
| 05:00      | 0     | 0              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 0          |
| 06:00      | 0     | 0              | 1      | 0          | 1            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 3          |
| 07:00      | 0     | 2              | 2      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 4          |
| 08:00      | 0     | 3              | 1      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 4          |
| 09:00      | 0     | 2              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 2          |
| 10:00      | 0     | 5              | 2      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 7          |
| 11:00      | 0     | 4              | 0      | 0          | 1            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 12 PM      | 0     | 3              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 3          |
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| 14:00      | 0     | 3              | 1      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 15:00      | 0     | 4              | 1      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 16:00      | 0     | 4              | 0      | 0          | 1            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 17:00      | 0     | 3              | 2      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 18:00      | 0     | 1              | 1      | 0          | 1            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 3          |
| 19:00      | 0     | 4              | 1      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
| 20:00      | 0     | 2              | 3      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 5          |
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| 22:00      | 0     | 0              | 1      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 1          |
| 23:00      | 0     | 1              | 0      | 0          | 0            | 0      | 0            | 0      | 0            | 0            | 0            | 0            | 0            | 0          | 0          | 0          | 1          |
| **Total**  | **47**| **17**         | **0**  | **4**      | **0**       | **0**  | **0**       | **0**  | **0**       | **0**       | **0**       | **0**       | **0**       | **0**     | **0**     | **0**     | **71**     |

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**Statistics**

- **10 MPH Pace Speed**: 12-21 MPH
- **Number in Pace**: 49
- **Percent in Pace**: 69.0%
- **Number of Vehicles > 55 MPH**: 0
- **Percent of Vehicles > 55 MPH**: 0.0%
- **Mean Speed(Average)**: 15 MPH

**Grand Total**

- **Total**: 30
- **Percent**: 4.2% 0.0% 7.0% 14.1% 22.5% 25.4% 16.9% 8.5% 1.4% 0.0% 0.0% 0.0% 0.0% 0.0%

**Percentile**

- 9 MPH
- 15 MPH
- 20 MPH
- 22 MPH

**Statistics**

- **10 MPH Pace Speed**: 12-21 MPH
- **Number in Pace**: 49
- **Percent in Pace**: 69.0%
- **Number of Vehicles > 55 MPH**: 0
- **Percent of Vehicles > 55 MPH**: 0.0%
- **Mean Speed(Average)**: 15 MPH
### ATTACHMENT G.179

**KEY DATA NETWORK**

K-D-N.com  
Tualatin, OR 97062  
503-804-3294

Date Start: 2/27/2018

Latitude: 44° 38.5352 North  
Longitude: 123° 4.8308 West

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**ADT**

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Grand Total:
- 101
- 71

Percentage:
- 58.7%
- 41.3%
Level of Service Descriptions
TRAFFIC LEVELS OF SERVICE

Analysis of traffic volumes is useful in understanding the general nature of traffic in an area, but by itself indicates neither the ability of the street network to carry additional traffic nor the quality of service afforded by the street facilities. For this, the concept of level of service has been developed to subjectively describe traffic performance. Level of service can be measured at intersections and along key roadway segments.

Levels of service categories are similar to report card ratings for traffic performance. Intersections are typically the controlling bottlenecks of traffic flow and the ability of a roadway system to carry traffic efficiently is generally diminished in their vicinities. Levels of Service A, B and C indicate conditions where traffic moves without significant delays over periods of peak travel demand. Level of service D and E are progressively worse peak hour operating conditions and F conditions represent where demand exceeds the capacity of an intersection. Most urban communities set level of service D as the minimum acceptable level of service for peak hour operation and plan for level of service C or better for all other times of the day. The Highway Capacity Manual provides level of service calculation methodology for both intersections and arterials. The following two sections provide interpretations of the analysis approaches.

---

Unsignalized intersection level of service is reported for the major street and minor street (generally, left turn movements). The method assesses available and critical gaps in the traffic stream which make it possible for side street traffic to enter the main street flow. The 2010 Highway Capacity Manual describes the detailed methodology. It is not unusual for an intersection to experience level of service E or F conditions for the minor street left turn movement. It should be understood that, often, a poor level of service is experienced by only a few vehicles and the intersection as a whole operates acceptably.

Unsignalized intersection levels of service are described in the following table.

**Level-of-Service Criteria: Automobile Mode**

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<tr>
<th>Control Delay (s/vehicle)</th>
<th>LOS by Volume-to-Capacity Ratio</th>
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<td>v/c ≤ 1.0</td>
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<td>0-10</td>
<td>A</td>
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<td>&gt;10-15</td>
<td>B</td>
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<td>&gt;15-25</td>
<td>C</td>
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<td>D</td>
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<td>E</td>
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<tr>
<td>&gt;50</td>
<td>F</td>
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</table>

Note: The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection as a whole.
**SIGNALIZED INTERSECTIONS**

For signalized intersections, level of service is evaluated based upon average vehicle delay experienced by vehicles entering an intersection. Control delay (or signal delay) includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. In previous versions of this chapter of the HCM (1994 and earlier), delay included only stopped delay. As delay increases, the level of service decreases. Calculations for signalized and unsignalized intersections are different due to the variation in traffic control. The 2000 Highway Capacity Manual provides the basis for these calculations.

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<tr>
<th>Level of Service</th>
<th>Delay (secs.)</th>
<th>Description</th>
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<tr>
<td>A</td>
<td>&lt;10.00</td>
<td><strong>Free Flow/Insignificant Delays:</strong> No approach phase is fully utilized by traffic and no vehicle waits longer than one red indication. Most vehicles do not stop at all. Progression is extremely favorable and most vehicles arrive during the green phase.</td>
</tr>
<tr>
<td>B</td>
<td>10.1-20.0</td>
<td><strong>Stable Operation/Minimal Delays:</strong> An occasional approach phase is fully utilized. Many drivers begin to feel somewhat restricted within platoons of vehicles. This level generally occurs with good progression, short cycle lengths, or both.</td>
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<tr>
<td>C</td>
<td>20.1-35.0</td>
<td><strong>Stable Operation/Acceptable Delays:</strong> Major approach phases fully utilized. Most drivers feel somewhat restricted. Higher delays may result from fair progression, longer cycle lengths, or both. Individual cycle failures may begin to appear at this level, and the number of vehicles stopping is significant.</td>
</tr>
<tr>
<td>D</td>
<td>35.1-55.0</td>
<td><strong>Approaching Unstable/Tolerable Delays:</strong> The influence of congestion becomes more noticeable. Drivers may have to wait through more than one red signal indication. Longer delays may result from some combination of unfavorable progression, long cycle lengths, or high v/c ratios. The proportion of vehicles not stopping declines, and individual cycle failures are noticeable.</td>
</tr>
<tr>
<td>E</td>
<td>55.1-80.0</td>
<td><strong>Unstable Operation/Significant Delays:</strong> Volumes at or near capacity. Vehicles may wait though several signal cycles. Long queues form upstream from intersection. These high delay values generally indicate poor progression, long cycle lengths, and high v/c ratios. Individual cycle failures are a frequent occurrence.</td>
</tr>
<tr>
<td>F</td>
<td>&gt;80.0</td>
<td><strong>Forced Flow/Excessive Delays:</strong> Represents jammed conditions. Queues may block upstream intersections. This level occurs when arrival flow rates exceed intersection capacity, and is considered to be unacceptable to most drivers. Poor progression, long cycle lengths, and v/c ratios approaching 1.0 may contribute to these high delay levels.</td>
</tr>
</tbody>
</table>

Zoning Designations

RR - RESIDENTIAL RESERVE
RS-10 - RES SINGLE FAM
RS-6.5 - RES SINGLE FAM
RS-5 - RES SINGLE FAM
RM - RES MEDIUM DENSITY
RMA - RES MEDIUM DEN ATTACHED
MUR - MIXED USE RESIDENTIAL
MUC - MIXED USE COMMERCIAL
LI - LIGHT INDUSTRIAL
HI - HEAVY INDUSTRIAL
IP - INDUSTRIAL PARK
OS - OPEN SPACE
MUC - MIXED USE COMMERCIAL
CB - CENTRAL BUSINESS
ES - ELM STREET
HM - HACKLEMAN / MONTEITH
HD - HISTORIC DOWNTOWN
LE - LYON / ELLSWORTH
MS - MAIN STREET
PB - PACIFIC BLVD
WF - WATERFRONT
NC - NEIGHBORHOOD COMMERCIAL
OP - OFFICE PROFESSIONAL
CC - COMMUNITY COMMERCIAL
RC - REGIONAL COMMERCIAL

Date: 2/4/2016     Map Source: Esri
City of Albany Roadway Functional Classification Map
Preliminary Site Plan
SITE PLAN

PARKLAND

PUBLIC PARKLAND

WILLAMETTE RIVER

RECREATION AREA

RECREATION & CHILDREN'S PLAY AREA

COMMUNITY PATIO

COMMON PATIO

GEARY STREET APARTMENTS

CM3 INVESTMENTS LLC

GEARY ST.

ALCO ST.

LIND AVENUE

86 APARTMENT + 10 TOWNEHOMES
=96 UNITS TOTAL

SITE PLAN 1

26'-0" 26'-0" 26'-0"

18'-6" 18'-6" 18'-6"

8.5' 8.5' 8.5'

9.5' 9.5' 9.5'

20'-0" 20'-0" 20'-0"

15'-0" 15'-0" 15'-0"

COMMON PATIO

SITE STAIR CONNECTS LOWER PARKING & UPPER LEVEL HOUSING

RECREATION AREA

WILLAMETTE RIVER

86 APARTMENT + 10 TOWNEHOMES
=96 UNITS TOTAL

SITE PLAN DATA:

WALK-UP LIVING UNITS MIX

(36) - 2 BR./2 BA. - 965 S.F. + 24 S.F. OUTDOOR STORAGE
(36) - 2 BR./1 or 1-1/2 BA. - 962 S.F. + 24 S.F. OUTDOOR STORAGE
(10) - 3 BR./2 BA., 2 CAR GARAGE TOWNEHOMES

ON-SITE PARKING

(32) - 2 BR./2 BA. - 965 S.F. + 24 S.F. OUTDOOR STORAGE
(36) - 2 BR./1 or 1-1/2 BA. - 962 S.F. + 24 S.F. OUTDOOR STORAGE
(10) - 3 BR./2 BA., 2 CAR GARAGE TOWNEHOMES

CM3 INVESTMENTS LLC

3545 DEERFIELD DR. S.

SALEM, OR 97302

(503) 400-2363

361, N.E. Third Avenue

Salem, Oregon 97301

Brian Beck

(503) 266-9270

361 N.E. Third Avenue

Salem, Oregon 97301
### Intersection

**Int Delay, s/veh:** 3.9

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### Major/Minor

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### Approach

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### Minor Lane/Major Mvmt

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### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon
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<td>Future Vol, veh/h</td>
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<td>Conflicting Peds, #/hr</td>
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<td>Grade, %</td>
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<td>Peak Hour Factor</td>
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<td>Heavy Vehicles, %</td>
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<td>Mvmt Flow</td>
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**Notes**
- : Volume exceeds capacity       $: Delay exceeds 300s      +: Computation Not Defined      *: All major volume in platoon
### Intersection

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### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon

---

**HCM 2010 TWSC**

1: SE Geary St & SE Salem Ave

03/28/2018

Geary Street Apartments - 2019 Background AM 03/02/2018 Baseline

DKS

Synchro 9 Report

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| Int Delay, s/veh | 6.6 |

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### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon

---

HCM 2010 TWSC  
1: SE Geary St & SE Salem Ave  
03/28/2018
### Intersection

| Int Delay, s/veh | 6.5 |

### Movement

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| Storage Length | 0 | - | - | - | - |
| Veh in Median Storage, # | 0 | - | 0 | - | - |
| Grade, % | 0 | - | 0 | - | - |

| Peak Hour Factor | 92 | 92 | 92 | 92 | 92 | 92 |
| Heavy Vehicles, % | 2 | 2 | 2 | 2 | 2 | 2 |
| Mvmt Flow | 36 | 0 | 0 | 11 | 0 | 0 |

### Major/Minor

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#### Minor Lane/Major Mvmt

| Capacity (veh/h) | 213 | 1116 | - | - | + | - | - | 154 | 624 |
| HCM Lane V/C Ratio | 0.631 | 0.025 | - | - | - | - | - | 0.635 | 0.029 |
| HCM Control Delay (s) | 47 | 8.3 | - | - | - | - | - | 62.2 | 10.9 |
| HCM Lane LOS | E | A | - | - | - | - | - | F | B |
| HCM 95th %tile Q(veh) | 3.7 | 0.1 | - | - | - | - | - | 3.5 | 0.1 |

### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon

---

**Notes**

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon
## Intersection

**Int Delay, s/veh**
3.2

## Movement

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| Int Delay, s/veh | 5.6 |

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### Major/Minor

**Major1**

- Conflicting Flow All: 664
- Stage 1: -
- Stage 2: -
- Critical Hdwy: 4.27
- Critical Hdwy Stg 1: -
- Critical Hdwy Stg 2: -
- Follow-up Hdwy: 2.353
- Pot Cap-1 Maneuver: 858
- Stage 1: -
- Stage 2: -
- Platoon blocked, %: -
- Mov Cap-1 Maneuver: 855
- Stage 1: -
- Stage 2: -

**Minor1**

- Stage 1: -
- Stage 2: -

**Major2**

- Conflicting Flow All: -
- Stage 1: -
- Stage 2: -
- Critical Hdwy: -
- Critical Hdwy Stg 1: -
- Critical Hdwy Stg 2: -
- Follow-up Hdwy: -
- Pot Cap-1 Maneuver: -
- Stage 1: -
- Stage 2: -

**Minor2**

- Stage 1: -
- Stage 2: -

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### Minor Lane/Major Mvmt

| Capacity (veh/h) | 228 | 855 | - | - | - | 160 | 465 |
| HCM Lane V/C Ratio | 0.312 | 0.011 | - | - | - | - | 0.584 | 0.02 |
| HCM Control Delay (s) | 27.8 | 9.3 | - | - | - | - | 55 | 12.9 |
| HCM Lane LOS | D | A | - | - | - | - | F | B |
| HCM 95th %tile Q(veh) | 1.3 | 0 | - | - | - | - | 3.1 | 0.1 |

### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon
### Intersection

**Int Delay, s/veh** 9.7

#### Movement

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#### Minor Lane/Major Mvmt

| Minor Lane/Major Mvmt | NBLn1 | EBL | EBT | EBR | WBL | WBT | WBR | WBR SBLn1 SBLn2 |
|-----------------------|-------|-----|-----|-----|-----|-----|-----|-----------------|----------------|
| Capacity (veh/h)      | 193   | 1080 | -   | -   | +   | -   | -   | 135  | 594 |
| HCM Lane V/C Ratio    | 0.657  | 0.021 | -   | -   | -   | -   | -   | 0.669 | 0.027 |
| HCM Control Delay (s) | 53.6  | 8.4  | -   | -   | -   | -   | -   | 73.7 | 11.2 |
| HCM Lane LOS          | F     | A   | -   | -   | -   | -   | -   | F   | B  |
| HCM 95th %tile Q(veh) | 3.9   | 0.1  | -   | -   | -   | -   | -   | 3.7  | 0.1 |

### Notes

* -: Volume exceeds capacity  $: Delay exceeds 300s  +: Computation Not Defined  *: All major volume in platoon
HCM Analysis – 2024 Total (Background + Project)
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### Movement

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### Minor Lane/Major Mvmt

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### Notes

- Volume exceeds capacity
- Delay exceeds 300s
- Computation Not Defined
- All major volume in platoon
### Intersection

| Int Delay, s/veh | 6.5 |

### Movement

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| Veh in Median Storage, # | 0  | 0  | 0  | 0  | 0  | 0   |

| Grade, % | 0  | 0  | -  | -  | -  | -   |

| Peak Hour Factor | 92  | 92  | 92  | 92  | 92  | 92  |

| Heavy Vehicles, % | 2   | 2   | 2   | 2   | 2   | 2   |

| Mvmt Flow | 36  | 0   | 0   | 11  | 0   | 0   |

### Major/Minor

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| Int Delay, s/veh | 6.7 |

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<th>Follow-up Hdwy</th>
<th>3.518</th>
<th>3.318</th>
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<table>
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<tr>
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<th>1622</th>
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<table>
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<tbody>
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### Approach

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<th>SB</th>
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<tr>
<td>HCM Control Delay, s</td>
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<td>7.2</td>
<td>0</td>
</tr>
<tr>
<td>HCM LOS</td>
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### Minor Lane/Major Mvmt

<table>
<thead>
<tr>
<th>NBL</th>
<th>NBT</th>
<th>EBLn1</th>
<th>SBT</th>
<th>SBR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity (veh/h)</td>
<td>1622</td>
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<td>-</td>
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<tr>
<td>HCM Lane V/C Ratio</td>
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<tr>
<td>HCM Lane LOS</td>
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<td>A</td>
<td>A</td>
<td>-</td>
</tr>
<tr>
<td>HCM 95th %tile Q(veh)</td>
<td>0</td>
<td>-</td>
<td>0</td>
<td>-</td>
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### Geary Street Apartments - 2024 Total PM

03/02/2018 Baseline

**HCM 2010 TWSC**

1: SE Geary St & SE Salem Ave

---

**Intersection**

Int Delay, s/veh: 16.2

**Movement**

<table>
<thead>
<tr>
<th>Lane Configurations</th>
<th>EBL</th>
<th>EBT</th>
<th>EBR</th>
<th>WBU</th>
<th>WBL</th>
<th>WBT</th>
<th>WBR</th>
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<th>NBT</th>
<th>NBR</th>
<th>SBL</th>
<th>SBT</th>
<th>SBR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Vol, veh/h</td>
<td>27</td>
<td>565</td>
<td>36</td>
<td>1</td>
<td>44</td>
<td>400</td>
<td>55</td>
<td>12</td>
<td>87</td>
<td>36</td>
<td>25</td>
<td>73</td>
<td>18</td>
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<tr>
<td>Future Vol, veh/h</td>
<td>27</td>
<td>565</td>
<td>36</td>
<td>1</td>
<td>44</td>
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<td>55</td>
<td>12</td>
<td>87</td>
<td>36</td>
<td>25</td>
<td>73</td>
<td>18</td>
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**Conflicting Peds, #/hr** 4

<table>
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<tr>
<th>Sign Control</th>
<th>Free</th>
<th>Free</th>
<th>Free</th>
<th>Free</th>
<th>Free</th>
<th>Stop</th>
<th>Stop</th>
<th>Stop</th>
<th>Stop</th>
<th>Stop</th>
<th>Stop</th>
</tr>
</thead>
<tbody>
<tr>
<td>RT Channelized</td>
<td>-</td>
<td>None</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>None</td>
<td>-</td>
</tr>
</tbody>
</table>

| Storage Length | 115 | - | - | 60 | - | - | - | - | - | - | - | - |
| Veh in Median Storage, # | 0 | - | - | - | 0 | - | - | 0 | - | - | 0 | - |

| Grade, % | - | 0 | - | - | - | 0 | - | - | 0 | - | - | 0 | - |
| Peak Hour Factor | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 | 93 |

**Heavy Vehicles, %** 0

**Mvmt Flow** 29 608 39 1 47 430 59 13 94 39 27 78 19

---

**Approach**

<table>
<thead>
<tr>
<th>Approach</th>
<th>EB</th>
<th>WB</th>
<th>NB</th>
<th>SB</th>
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</thead>
<tbody>
<tr>
<td>HCM Control Delay, s</td>
<td>0.4</td>
<td>77.1</td>
<td>101</td>
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<tr>
<td>HCM LOS</td>
<td>F</td>
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**Minor Lane/Major Mvmt**

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<thead>
<tr>
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<th>NBLn1</th>
<th>EBL</th>
<th>EBT</th>
<th>EBR</th>
<th>WBU</th>
<th>WBL</th>
<th>WBT</th>
<th>WBR</th>
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<th>SBLn2</th>
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<td>+</td>
<td>-</td>
<td>-</td>
<td>121</td>
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<td>0.027</td>
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<td>-</td>
<td>0.871</td>
<td>0.033</td>
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<td>HCM Control Delay (s)</td>
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<td>-</td>
<td>-</td>
<td>-</td>
<td>117.5</td>
<td>11.3</td>
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</tr>
<tr>
<td>HCM Lane LOS</td>
<td>F</td>
<td>A</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>F</td>
<td>B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>HCM 95th %tile Q(veh)</td>
<td>5.5</td>
<td>0.1</td>
<td>-</td>
<td>-</td>
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<td>5.4</td>
<td>0.1</td>
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**Notes**

$\sim$: Volume exceeds capacity $\$: Delay exceeds 300s $\dagger$: Computation Not Defined *: All major volume in platoon
### Intersection

**Int Delay, s/veh**

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<thead>
<tr>
<th>Lane Configurations</th>
<th>WBL</th>
<th>WBR</th>
<th>NBT</th>
<th>NBR</th>
<th>SBL</th>
<th>SBT</th>
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</thead>
<tbody>
<tr>
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<td>0</td>
<td>0</td>
<td>33</td>
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<td>Future Vol, veh/h</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>33</td>
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<td>0</td>
</tr>
<tr>
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<td>0</td>
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<tr>
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<td>Stop</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
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</tr>
<tr>
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<td>-</td>
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<td>-</td>
<td>0</td>
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<tr>
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<td>92</td>
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<td>92</td>
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<td>2</td>
<td>2</td>
<td>2</td>
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<td>2</td>
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**Conflicting Flow All**

<table>
<thead>
<tr>
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<th>Stage 2</th>
<th>Critical Hdwy</th>
<th>Critical Hdwy Stg 1</th>
<th>Critical Hdwy Stg 2</th>
<th>Follow-up Hdwy</th>
<th>Pot Cap-1 Maneuver</th>
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</thead>
<tbody>
<tr>
<td>18</td>
<td>1</td>
<td>6.42</td>
<td>5.42</td>
<td>5.42</td>
<td>3.518</td>
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<tr>
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<td>-</td>
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<td>4.12</td>
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**Pot Cap-1 Maneuver**

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<th>Critical Hdwy Stg 1</th>
<th>Critical Hdwy Stg 2</th>
<th>Follow-up Hdwy</th>
<th>Pot Cap-1 Maneuver</th>
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</thead>
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**Platoon blocked, %**

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<td>998</td>
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<td>1061</td>
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**Mov Cap-1 Maneuver**

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<th>Critical Hdwy Stg 1</th>
<th>Critical Hdwy Stg 2</th>
<th>Follow-up Hdwy</th>
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<tbody>
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<td>3.318</td>
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<td>-</td>
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**Mov Cap-2 Maneuver**

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<th>Critical Hdwy Stg 1</th>
<th>Critical Hdwy Stg 2</th>
<th>Follow-up Hdwy</th>
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</thead>
<tbody>
<tr>
<td>1005</td>
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<td>3.518</td>
<td>3.318</td>
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<td>-</td>
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### Approach

**HCM Control Delay, s**

<table>
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<th>SB</th>
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<tbody>
<tr>
<td>8.7</td>
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**HCM LOS**

| A |

### Minor Lane/Major Mvmt

**Capacity (veh/h)**

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<th>NBRWBLn1</th>
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<th>SBT</th>
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<tr>
<td>-</td>
<td>998</td>
<td>1575</td>
<td>-</td>
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**HCM Lane V/C Ratio**

| -   | 0.022    | -   | -   |

**HCM Control Delay (s)**

| -   | 8.7      | 0   | -   |

**HCM Lane LOS**

| -   | A        | A   | A   |

**HCM 95th %tile Q(veh)**

| -   | 0.1      | 0   | -   |
### Intersection

| Int Delay, s/veh | 6.5 |

### Movement

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<th>Lane Configurations</th>
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<th>EBR</th>
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<th>NBT</th>
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<table>
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<tr>
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<th>Stop</th>
<th>Stop</th>
<th>Free</th>
<th>Free</th>
<th>Free</th>
<th>Free</th>
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<tbody>
<tr>
<td>RT Channelized</td>
<td>Stop</td>
<td>Stop</td>
<td>Free</td>
<td>Free</td>
<td>Free</td>
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<td>-</td>
</tr>
<tr>
<td>Veh in Median Storage, #</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Peak Hour Factor</td>
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<td>92</td>
<td>92</td>
<td>92</td>
<td>92</td>
<td>92</td>
</tr>
<tr>
<td>Heavy Vehicles, %</td>
<td>2</td>
<td>2</td>
<td>2</td>
<td>2</td>
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### Major/Minor

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<td>1084</td>
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<tr>
<td>Stage 2</td>
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### Approach

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<th>NB</th>
<th>SB</th>
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</thead>
<tbody>
<tr>
<td>HCM Control Delay, s</td>
<td>8.3</td>
<td>7.2</td>
</tr>
<tr>
<td>HCM LOS</td>
<td>A</td>
<td></td>
</tr>
</tbody>
</table>

### Minor Lane/Major Mvmt

<table>
<thead>
<tr>
<th>NBL</th>
<th>NBT</th>
<th>EBLn1</th>
<th>SBT</th>
<th>SBR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capacity (veh/h)</td>
<td>1622</td>
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<td>1084</td>
<td>-</td>
</tr>
<tr>
<td>HCM Lane V/C Ratio</td>
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<td>8.3</td>
<td>-</td>
</tr>
<tr>
<td>HCM Lane LOS</td>
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<td>A</td>
<td>A</td>
<td>-</td>
</tr>
<tr>
<td>HCM 95th %tile Q(veh)</td>
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<td>0</td>
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Preliminary Signal Warrant Analyses
## Preliminary Traffic Signal Warrant Analysis

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<th>SE Salem Ave</th>
<th>Minor Street:</th>
<th>SE Geary Street</th>
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<tbody>
<tr>
<td>Project:</td>
<td>Geary St. Apts</td>
<td>City/County:</td>
<td>Albany</td>
</tr>
<tr>
<td>Year:</td>
<td>Existing 2018</td>
<td>Alternative:</td>
<td>Existing Volumes</td>
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### Preliminary Signal Warrant Volumes

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<th>ADT on major street approaching from both directions</th>
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<td>Major Street</td>
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<td>Percent of standard warrants</td>
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<td>1</td>
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<tr>
<td>2 or more</td>
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5.65% of the above ADT volumes is equal to the MUTCD vehicles per hour (vph)

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Analyst and Date: Reviewer and Date:  

---

¹ Meeting preliminary signal warrants does not guarantee that a signal will be installed. Before a signal can be installed a traffic signal investigation must be conducted or reviewed by the Region Traffic Manager. Traffic signal warrants must be met and the State Traffic Engineer’s approval obtained before a traffic signal can be installed on a state highway.

² Used due to 85th percentile speed in excess of 40 mph or isolated community with population of less than 10,000.
Oregon Department of Transportation  
Transportation Development Branch  
Transportation Planning Analysis Unit  

### Preliminary Traffic Signal Warrant Analysis

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<td>Geary St. Apts</td>
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<td>Percent of standard warrants</td>
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#### Case A: Minimum Vehicular Traffic

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#### Case B: Interruption of Continuous Traffic

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<td>15,900</td>
<td>1,750</td>
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5.65% of the above ADT volumes is equal to the MUTCD vehicles per hour (vph)

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<th>100 percent of standard warrants</th>
<th>70 percent of standard warrants</th>
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### Preliminary Signal Warrant Calculation

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</table>

### Notes

1 Meeting preliminary signal warrants does **not** guarantee that a signal will be installed. Before a signal can be installed, a traffic signal investigation must be conducted or reviewed by the Region Traffic Manager. Traffic signal warrants must be met and the State Traffic Engineer’s approval obtained before a traffic signal can be installed on a state highway.

2 Used due to 85th percentile speed in excess of 40 mph or isolated community with population of less than 10,000.
Exhibit D: Hydraulics Report
GEARY STREET
APARTMENTS PROJECT

HYDRAULICS REPORT - REVISED

prepared for
CM3 Investments, LLC

prepared by
Jake Hofeld, P.E.

March 30, 2020
INTRODUCTION ........................................................................................................................................ 2

HYDRAULIC MODELING METHODOLOGY ....................................................................................... 3
   Reproduced Effective Model (REM) ................................................................................................. 3
   Corrected Effective Model (CEM) ..................................................................................................... 4
   Existing Conditions Model .............................................................................................................. 4
   Proposed Conditions Model (PCM) ................................................................................................ 4
   Boundary Conditions ...................................................................................................................... 5
   Peak Flow Hydrology ...................................................................................................................... 5
   Floodway Encroachments .............................................................................................................. 5

RESULTS ............................................................................................................................................ 5

CONCLUSIONS .................................................................................................................................... 5
   Water Surface Elevations ................................................................................................................ 5
   Velocities .......................................................................................................................................... 6

REFERENCES ...................................................................................................................................... 7

List of Tables
   Table 1: 1% Annual Chance Flood Water Surface Elevations
   Table 2: 1% Annual Chance Flood Water Surface Elevations

List of Figures
   Figure 1: Geary St. Apartments 100- year Flood Boundaries Overview
   Figure 2: Geary St. Apartments Existing and Proposed Grading

List of Attachments
   Attachment A - Flood Insurance Rate Maps
   Attachment B – FIS Willamette River Flood Profile
   Attachment C - FEMA FIS HEC-2 Model Input and Output Data
   Attachment D - HEC-RAS Model Output Cross Sections and Tables
INTRODUCTION

Waterways Consulting Inc. (Waterways) has been retained by CM3 Investments, LLC to evaluate the hydraulic effects on the Willamette River 100 year FEMA floodplain from the proposed Geary St. Apartments project being developed by AKS Forestry and Engineering. The proposed Geary St. Apartments are located on the southern (right) bank floodplain of the Willamette River in the City of Albany, Oregon. The existing site is currently undeveloped land sparsely covered with grasses, blackberries, and a narrow riparian corridor along the bank of the river.

Photo 1: View of existing property facing south.

The proposed Geary Street Apartments will add a parking lots, apartment buildings, walls, and recreation areas to the floodplain adjacent to the Willamette River. A portion of the parking lots being developed will occur within the FEMA designated floodway.

The following report has been prepared to support floodplain development permitting with the City of Albany for the proposed project and presents our hydraulic analysis of existing and proposed conditions for the 100-year flood event along the Willamette River within the vicinity of the proposed Geary Street Apartments. This report is based on the guidance outlined in the FEMA Region 10 Procedures for “No-Rise Certification for Proposed Developments in the Regulatory Floodway” (October 2013).

Note that this report supersedes a previous versions dated December 20, 2018 and March 19, 2019, and is based on changes to the proposed development design.
HYDRAULIC MODELING METHODOLOGY

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) has mapped Willamette River at the project areas as partially in a Special Flood Hazard Area (SFHA) (Attachment A). The effective Flood Insurance Study (FIS) for Linn County (FEMA 2016) cites the methods used in the hydraulic analysis, including topographic data sources and roughness values used to calculate the Base Flood Elevations (BFEs).

The hydraulic analysis was conducted using the United States Army Corps of Engineers (USACE) Hydraulic Engineering Center River Analysis Software (HEC-RAS), version 5.0.7. Three modeling scenarios were completed to characterize the existing and proposed conditions at the project site during the 100-year recurrence interval peak flow at the Willamette River. The three modeling scenarios include the Reproduced Effective Model ("REM" is the Plan identifier in the model), the Corrected Effective Model ("CEM" is the Plan identifier in the model), and the Proposed Conditions Model ("PCM" is the Plan identifier in the model). Figure 1 and Figure 2 show the approximate cross section locations used in the hydraulic modeling and the effective FEMA floodplain and floodway boundaries (FEMA 2016).

Reproduced Effective Model (REM)

The Reproduced Effective Model (REM) was developed using data supplied by FEMA to AKS Engineers for the original HEC-2 model used for the FIS. Copies of the input and output files used to compile the REM are included in Attachment C. All elevations in listed in the FIS model were in the NGVD 29 vertical datum. These were converted to the NAVD 88 datum by adding 3.42 feet as described in the FIS. The hydraulic analysis was conducted for the Willamette River between the downstream cross section located near Millersburg, Oregon at Fourth Lake (Cross Section E) and Cross Section H at the located immediately upstream of the Albany and Eastern Railroad bridge crossing in the City of Albany, Oregon.

Per the Region 10 guidance document, the reproduced model was prepared to calibrate the model as to within 0.5 feet of the FIS model water surface elevation outputs in Attachment C. All cross sections were built using the data from the HEC-2 input files including bank stationing/elevation, and roughness values.

Several errors or deficiencies were identified when reviewing the model. These are summarized in the following bullet points:

- An error was found in the bank stationing/elevation HEC-2 input file for Cross-Section E at River Station 116.9. An elevation of 285.5 feet (NGVD 29) at station 4125 was approximately 100 feet greater than adjacent elevations. This was likely an error in data entry in the HEC-2 model.

- The FIS model cross section does not contain the 100 year flow at cross section 116.99 and 117.5, meaning that the model assumes a vertical “wall” at the end of the cross section.

- The FIS model does not include any information on the railroad crossing located downstream of Cross Section H at Lafayette St. SE. This crossing is shown in both the FIS and the FIRMettes.
**Corrected Effective Model (CEM)**

The Corrected Effective Model was made to revise existing cross sections with the most recent available topography, add additional cross sections in the vicinity of the proposed project site, and correct the errors found in the FIS model as described in the previous section.

The updated and added cross section geometries were derived from LiDAR data from Department of Geology and Mineral Industries Willamette Valley Phase I, Oregon collected by Watershed Sciences Inc. in 2009 (see Figure 2), and AKS Engineering and Forestry, LLC (AKS) existing topographic survey data for the proposed project area. No bathymetry data was available for the Willamette River in the project area.

To address the lack of channel bathymetry data, the portion of LiDAR based cross sections within the Willamette River were overwritten with the channel geometry data from the FIS Model cross sections. Added cross sections 118.03 through 118.17 utilized the channel geometry of cross section 118.27 from the HEC-2 FIS Model. FIS cross section 116.99 was extended on the left bank floodplain in order to contain the 100 year flow. Roughness values for the added cross sections were kept the same as those upstream and downstream.

The floodplain roughness values associated with the project area were revised from 0.175 to 0.05 based on the minimal vegetation at the project site during the site investigation. This value corresponds to the normal conditions for a floodplain with scattered brush and heavy weeds.

The Corrected Effective Model does not address the deficiency related to the absence of the railroad crossing because no data was found to include this crossing in the model.

**Existing Conditions Model**

No known man-made changes were made to project area, therefore the Existing Conditions Model is assumed to be the same as Corrected Effective Model.

**Proposed Conditions Model (PCM)**

The proposed conditions model was created by updating the cross sections within the project area with the proposed topography, buildings, and land cover changes based on proposed site plans and preliminary grading data provided by AKS dated March 17, 2020. The original plan was provided in NGVD 29 and was transformed to NAVD 88 (using the conversion factor listed in the Reproduced Effective Model section of this report) for use in hydraulic modeling. Blocked obstructions in the form of walls and buildings were added to the model based on the proposed site plans. Roughness values in the project area were reduced to 0.04 assuming that there will be additional trees associated with landscaping, but the weeds will be replaced with hardscape surfaces.
Boundary Conditions
The downstream boundary condition used the regulatory models was set to a known water surface elevation of 200.8 feet (NAVD 88) at the lowest cross section (Cross Section E) based on the original FIS model.

Peak Flow Hydrology
According to the FIS report, the 100-year peak flow event for this portion of the Willamette River is 200,000 cubic feet per second (cfs) which agrees with the value used in the FIS model. Therefore, 200,000 cfs was assumed for the 100-year peak flow in all models.

Floodway Encroachments
Floodway encroachments were determined for all three model scenarios using Method 1.

RESULTS
Table 1 shows the resulting 1% annual chance flood (100-year) water surface elevations with and without the floodway encroachments for the original FIS profile, the Reproduced Effective Model (REM), the Corrected Effective Model (CEM), and the Proposed Conditions Model (PCM). This table shows that Reproduced Effective Model is calibrated to reproduce the FIS Model water surface elevations within 0.5 for cross sections E, F, G, H, with and without the floodway encroachments. Furthermore, the results show an equivalent or decrease in the water surface elevation at all cross sections comparing the Corrected Effective Model with the Proposed Conditions Model.

Tables 2 – 4 show the resulting 1% annual chance flood (100-year) velocities (channel, left bank, and right bank, respectively) with and without the floodway encroachments for the original FIS model output, the Reproduced Effective Model (REM), the Corrected Effective Model (CEM), and the Proposed Conditions Model (PCM). This table shows that the PCM will have increases in velocities when compared to the CEM.

CONCLUSIONS
Water Surface Elevations
The results of this hydraulic analysis indicated no rise in the 100 year water surface elevations for the Proposed Conditions Model when compared to the Corrected Effective Model, either with and without floodways. Based on this, the proposed project satisfies the requirement of the Albany Development Code (ADC) section 6.111.
**Velocities**

The results of the hydraulic analysis with respect to velocity does show increases in velocity at several sections within the model. Per the ADC section 6.111 (3), “The proposal will not increase the existing velocity of flood flows so as to exceed the erosive velocity limits of soils in the flood area.” It is assumed that the substrate of the river channel in this area consist of gravels and cobbles based on knowledge of bed materials in the Willamette upstream and downstream of the project area. Because these materials are not technically erodible soils, this report assumes the channel bed is exempt from this criteria and that only the channel banks apply.

Per the NRCS Web Soils Survey for this area, the bank soils are generally classified as silty and sandy loam. These materials generally start to erode when velocities exceed 1.75 feet per second in conditions where there is no vegetative cover (Fischenich, 2001). When there is vegetative cover, this threshold increases to greater than 3 feet per second.

The model results for the left bank show some that the velocities increase slightly at two cross sections: 118.08 without floodway and 118.17 with floodway. Aerial imagery shows that much of this side of the floodplain is agricultural suggesting that there may be times of year when there is no vegetative cover. Regardless, all velocities are below the 1.75 feet per second threshold for erosion to occur.

On the right bank where the project is located, the results show a more pronounced increase in velocities between river stations 118.03 and 118.17 when comparing the CEM with PCM. The highest PCM velocity is 2.50 ft/s at station 118.16. Aerial imagery of this side of the channel indicates that the bank is well vegetated upstream and downstream of the project area. The project area itself will be landscaped in areas that are not covered with concrete and asphalt. Based on this, the velocity increases are not great enough to exceed the 3 ft/s threshold for erosion to occur on the vegetated surfaces.

Based on the conclusions regarding velocities discussed above, this project also satisfies the requirements of ADC section 6.111 (3).
REFERENCES


TABLES
### Table 1: 1% Annual Chance Flood Water Surface Elevation, ft (NAVD 88)

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<thead>
<tr>
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<th>Section ID (River Station)</th>
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### Table 2: 1% Annual Chance Flood Channel Velocity, ft/s

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FIGURES
Attachment A

Flood Insurance Rate Maps
Attachment B

Flood Insurance Study Flood Profile
Attachment C

FEMA FIS HEC-2 Model Input and Output Data
WILLOMETTE RIVER AT ALBANY

D.S. or area

Max. 700 ft sec

204.5

Received

Nov 07 1983

DAMES  &  MOORE

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X  X  X  X  X  X  X  X
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**ATTACHMENT G.240**

THIS IS AN ARCHIVAL RUN ALL DATA AND RESULTS ARE SAVED ON UNIT 96

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AC
OUTPUT FILE NAME: WLLAGC203
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AC
USIS HYDRAULICS - LINN COUNTY, OREGON PIS
AC
PREPARED BY P.C. WYER CONSULTANTS IN OCTOBER 1977
AC
WILLAMETTE RIV AT ALBANY, NATURAL Rx-GCC, 10-YEAR FLOOD

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**Notes:**
- K1 and X2 are variables in the given dataset.
- GR and GM are likely group or model identifiers.
- The table shows a range of values for each group, with X1 and X2 as the independent variables.

**Summary:**
The table provides a comparison of values across different categories or groups, indicating a pattern or trend that could be further analyzed for deeper insights.
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*PROF 1

**HILED = 1. THEREFORE FRICTION LOSS (HL) IS CALCULATED AS A FUNCTION OF PROFILE TYPE, WHICH CAN VARY FROM REACH TO REACH. SEE DOCUMENTATION FOR DETAILS.*

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**SECON 114.360**

**3265 DIVIDED FLOW**

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**SECON 114.110**

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**SECON 114.010**

**3265 DIVIDED FLOW**

**3280 CROSS SECTION 116.01 EXTENDED 4.54 FEET**

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**SECON 114.990**

**3265 DIVIDED FLOW**


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**ATTACHMENT G.245**

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**ATTACHMENT G.245**

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<tr>
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**ATTACHMENT G.245**

| 118.27 | 39.51 | 193.21 | 0.00 | 199.20 | 193.20 | 5.25 | 1.07 | 9.00 | 181.50 |
| 117.80 | 32035 | 6406 | 700 | 3198 | 1812 | 5.6 | 1617 | 1617 | 184.00 |
| 1.25 | 1.03 | 4.55 | 0.16 | 2.102 | 1.938 | 0.175 | 9.000 | 100.00 | 144.00 |
| 0.0000 | 2800 | 3750 | 4080 | 2 | 5 | 0 | 6.00 | 4110.01 | 4259.09 |

**ATTACHMENT G.245**

| 118.93 | 35.63 | 194.93 | 0.00 | 222.40 | 195.48 | 0.61 | 1.17 | 5.11 | 195.50 |
| 117.80 | 12084 | 15871 | 0 | 13024 | 15851 | 0 | 20837 | 1906 | 207.00 |
| 1.08 | 0.98 | 4.61 | 0.00 | 2.112 | 1.848 | 0.130 | 9.000 | 150.00 | 59.04 |
| 0.0000 | 3580 | 3625 | 3700 | 2 | 0 | 0 | 5.00 | 2084.13 | 2982.86 |

**ATTACHMENT G.245**

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**ATTACHMENT G.245**

| CHMV = 0.300 | CENMV = 0.500 |

**ATTACHMENT G.245**

| 3265 DIVIDED FLOW |

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<td>CRWS</td>
<td>WRECK</td>
<td>FG</td>
<td>HV</td>
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<td>ALOBR</td>
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<td>VVEC</td>
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3265 DIVIDED FLOW

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*SECEC 119.34G

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*SECEC 115.35G

3265 DIVIDED FLOW

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CCWE = 0.100 CENME = 0.100

*SECEC 120.13G

3265 CRS2 SECTION | 123.13 EXTENDED | 24.434 FEET

| 123.13 | 37.68 | 196.54 | 0.00 | 221.70 | 197.20 | 0.60 | 1.63 | 0.02 | 181.00 |
| 123.50 | 138.02 | 138.02 | 100.31 | 100.31 | 121.36 | 245.18 | 206.7 | 185.50 |
| 1.00 | 1.00 | 1.00 | 1.00 | 0.08 | 0.08 | 0.08 | 0.08 | 0.08 | 189.00 | 59.36 |
| 0.005268 | 44.50 | 44.50 | 44.50 | 0.00 | 0.00 | 2689.04 | 2750.00 |
### T1 USEC HYDRAULICS - LINN COUNTY, OREGON
### T2 WILLAMETTE RIVER AT ALBANY, OREGON
### T3 WILLAMETTE RIVER NATURAL X-SECTION, 50 YR-FLOOD EVENT

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**ATTACHMENT G.249**

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**PROF 2**

**INLQ = 1. THEREFORE FRICTION LOSS (HL) IS CALCULATED AS A FUNCTION OF PROFILE TYPE, WHICH CAN VARY FROM REACH TO REACH. SEE DOCUMENTATION FOR DETAILS.**

| CCHV | 2.100 | CCHV | 0.330 |

**SECNO 114.36**

**3265 DIVIDED FLOW**

**3280 CROSS SECTION | 114.36 EXTENDED | 9.20 FEET**

| 114.36 | 28.70 | 191.70 | 0.00 | 192.60 | 192.73 | 0.63 | 0.00 | 0.00 | 183.50 |
| 172000 | 19512 | 22936 | 22332 | 19532 | 19512 | 111702 | 0 | 0 | 179.00 |
| 0.20 | 1.70 | 6.69 | 2.61 | 0.44 | 0.33 | 0.49 | 0.00 | 157.00 | 95.96 |
| 0.000 | 2002 | 0.0 | 0.0 | 0.0 | 0.0 | 0.00 | 4120.00 | 5590.00 |

**SECNO 114.116**

**3265 DIVIDED FLOW**

**3280 CROSS SECTION | 115.11 EXTENDED | 4.09 FEET**

| 115.11 | 25.09 | 190.99 | 0.00 | 191.99 | 192.36 | 0.78 | 1.06 | 0.07 | 181.00 |
| 172000 | 664350 | 101170 | 23013 | 23237 | 111702 | 16609 | 36212 | 819 | 186.50 |
| 0.17 | 2.94 | 6.71 | 1.83 | 0.44 | 0.33 | 0.48 | 0.00 | 157.00 | 0.00 |
| 0.000 | 3500 | 2000 | 0.00 | 0.00 | 4782.90 | 4656.93 |

**SECNO 116.010**

**3280 CROSS SECTION | 116.01 EXTENDED | 8.12 FEET**

| 116.01 | 23.72 | 195.22 | 0.00 | 196.80 | 197.93 | 0.56 | 1.39 | 0.02 | 188.00 |
| 172000 | 28983 | 94583 | 48517 | 16165 | 11844 | 31749 | 8631 | 923 | 176.50 |
| 0.12 | 1.78 | 1.78 | 1.53 | 3.65 | 3.65 | 0.10 | 0.00 | 100.60 | 0.00 |
| 0.000 | 3650 | 4430 | 3335 | 0.00 | 0.00 | 5477.75 | 5477.75 |

**SECNO 116.990**
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**3265 DIVIDED FLOW**

**3280 CROSS SECTION** 116.99 EXTENDED 12.28 FEET

| 116.99 | 38.28 | 195.78 | 0.60 | 196.80 | 196.88 | 0.36 | 1.28 | 0.83 | 182.00 |
| 172.00 | 61.48 | 155.28 | 52.27 | 468.98 | 194.07 | 805.5 | 1397.8 | 147.2 | 186.00 |
| 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

**SECNO 117.500**

**3280 CROSS SECTION** 117.50 EXTENDED 13.05 FEET

| 117.50 | 30.28 | 197.95 | 0.06 | 198.20 | 198.32 | 0.27 | 1.23 | 0.80 | 177.50 |
| 172.00 | 65.36 | 195.95 | 158 | 53298 | 25626 | 172.6 | 25675.6 | 176.1 | 194.50 |
| 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

**SECNO 118.270**

| 118.27 | 44.20 | 198.00 | 0.00 | 199.20 | 198.49 | 0.29 | 1.17 | 0.80 | 181.50 |
| 172.00 | 63.00 | 198.25 | 1615 | 45396 | 20571 | 272.5 | 25746 | 2569.6 | 198.00 |
| 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

**SECNO 119.920**

| 119.92 | 60.30 | 198.20 | 0.00 | 201.40 | 198.93 | 0.29 | 1.31 | 0.80 | 195.50 |
| 172.00 | 313.80 | 198.80 | 0.0 | 31380 | 19880 | 0.0 | 31380 | 2366 | 207.00 |
| 1.00 | 1.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 | 0.000 |

| 3301 HW CHANGED MORE THAN HWINS |

**3470 ENGAGEMENT STATIONS**

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**CCNP**

2.5000 TONE 0.5000

**SECNO 119.330**

| 3301 HW CHANGED MORE THAN HWINS | 3301 HW CHANGED MORE THAN HWINS |

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*ATTACHMENT G.250*
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*SECAG 119.330*

**3265 DIVIDED FLOW**

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*SECAG 119.330*

**3265 DIVIDED FLOW**

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*SECAG 119.330*

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CCMU: 0.100 CEMU: 0.300
*SECAG 119.330*

**3260 CEMU SECTION 120.13 EXTENDED 7.85 FEET**

<p>| 120.13 | 72.56 | 201.05 | 0.00 | 201.90 | 202.35 | 0.70 | 1.13 | 0.96 | 191.20 |
| 15510.1 | 2086.1 | 10451.1 | 3354. | 9189. | 15211. | 21413. | 34115. | 2639. | 185.76 |
| 1.6 | 2.49 | 8.23 | 1.57 | 0.985 | 0.328 | 0.385 | 0.000 | 169.00 | 64.35 |
| 6.002235 | 465.7 | 467.5 | 4700. | 2 | 0 | 0 | 0.00 | 2685.65 | 2755.00 |</p>
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<th>HV</th>
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<td>LEFT/RIGHT</td>
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<td>TIME</td>
<td>VLOB</td>
<td>VCH</td>
<td>VROR</td>
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*SECAO: 120,990*

3265 DIVIDED FLOW

3282 CROSS SECTION 120.99 EXTENDED 2.39 FEET

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**ATTACHMENT G.253**

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**THIS RUN EXECUTED 17 OCT 83 8:50:141**

---

**T1 USCE HYDRAULICS - LINN COUNTY, OREGON**

**T2 WILLAMETTE RIVER AT ALBANY, OREGON**

**T3 WILLAMETTE RIVER**

**NATURAL X-SECTION, 180 YR-FLOOD EVENT**

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<th>IDIR</th>
<th>STRT</th>
<th>MTRIC</th>
<th>HVINN</th>
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<th>HW</th>
<th>ML</th>
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**ATTACHMENT G.254**

**PROF 3**

*INLEG 11. Therefore friction loss (HL) is calculated as a function of profile type, which can vary from reach to reach. See documentation for details.*

**CHWE**

| 0.100 | 0.200 |

**SECAG 114.36**

**3265 DIVIDED FLOW**

| 114.36 | 31.60 | 31.60 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 183.50 |

**3280 CROSS SECTION**

| 114.36 | 31.60 | 31.60 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 183.50 |

**SECAG 115.11**

**3265 DIVIDED FLOW**

| 115.11 | 31.46 | 31.46 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 181.50 |

**3280 CROSS SECTION**

| 115.11 | 31.46 | 31.46 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 181.50 |

**SECAG 114.01**

**3280 CROSS SECTION**

| 114.01 | 35.38 | 35.38 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 188.00 |

**SECAG 115.99**
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3391 HW CHANGED MORE THAN HWINS

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3391 HV CHANGED MORE THAN HVINS

| 126.43 | 24.76 | 203.75 | 0.00 | 201.90 | 204.50 | 0.74 | 1.19 | 0.07 | 181.00 |
| 126.00 | 24.26 | 112.92 | 433.56 | 120.90 | 129.93 | 29.32 | 461.35 | 211.1 | 168.50 |
| 1.63  | 2.31  | 6.69  | 1.71  | 0.95  | 0.928 | 0.695 | 9.006 | 169.90 | 62.24  |
| 0.000285 | 4656 | 4675 | 4700 | 2 | 0 | 0 | 0.00 | 2687.76 | 2750.00 |

*SEQNO 126.490
CROSS SECT 12x.99 EXTENDED 4.53 FEET

<p>| 126.490 | 29.63 | 284.35 | 0.59 | 232.29 | 205.12 | 0.53 | 0.61 | 0.01 | 186.80 |
| 126.00 | 239.96 | 159.23 | 176.75 | 194.75 | 199.11 | 2265.1 | 4557.6 | 3078.0 | 195.00 |
| 1.62  | 1.12  | 6.39  | 0.78  | 0.980 | 0.224 | 0.686 | 0.09 | 165.52 | 336.01  |
| 0.000114 | 3660 | 3600 | 4059 | 2 | 0 | 0 | 0.00 | 5011.99 | 5850.60 |</p>
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197.7

199.2

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**ATTACHMENT G.259**

**FRICTION LOSS (HL) IS CALCULATED AS A FUNCTION OF PROFILE TYPE, WHICH CAN VARY FROM REACH TO REACH. SEE DOCUMENTATION FOR DETAILS.**

**CCML = 0.10** **CCHV = 0.30**

**SEQNO 114.366**

**3260 CROSS SECTION 114.36 EXTENDED 6.20 FEET**

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**SEQNO 114.110**

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**SEQNO 114.611**

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**SEQNO 114.499**

**3265 DIVIDED FLOW**

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### ATTACHMENT G.261

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FLOOD INSURANCE ZONE DATA FOR WILLAMETTE RIV AT ALBANY

FLOOD HAZARD FACTOR FOR ENTIRE REACH USING SECTIONS

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FNF FOR THE REACH = 0.65 WITH 100.0 PERCENT OF THE REACH WITHIN 1.0 FEET ZONE FOR THE REACH = 413

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Attachment D

HEC-RAS Model Output Cross Sections and Tables
RS = 118.27

Legend
- WS 100 YEAR - PCM
- WS 100 YEAR - CEM
- Ground - CEM
- Bank Sta - CEM
- Ground - PCM
- Bank Sta - PCM
RS = 118.11

Legend
- PCM

WS 100 YEAR - PCM
WS 100 YEAR - CEM
Ground - CEM
Bank Sta - CEM
Ground - PCM
Levee - PCM
Ineff - PCM
Bank Sta - PCM
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- WS 100 YEAR - CEM
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Legend:
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Exhibit E: Arborist Letter
April 13, 2020

Melissa Anderson, AICP, PMP, CFM
City of Albany, Oregon | Planning Division
333 Broadalbin Street SW
Albany, OR 97321
Melissa.Anderson@cityofalbany.net

RE: Arborist Report – 595 Geary Street NE Proposed Apartment Complex (The Banks)

Ms. Anderson:

This letter serves as an updated arborist report for The Banks Site Plans dated April 13, 2020. It should be noted that this updated plan set dated April 13, 2020 does not alter the previous version of The Banks Site Plan Review plans dated January 25, 2019 with respect to the total number of trees being removed or preserved.

**Albany Development Code 9.208 (2):**

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

**Response:** Proposed tree felling will be completed in conformance with State standards and City ordinances. Tree protection measures have been implemented to protect onsite and offsite trees to be preserved. All trees along the river bank have been preserved, with the exception of two that are in conflict with proposed improvements. Due to the location, characteristics, and condition of trees on and near the site, tree removal as shown on the “Preliminary Tree Preservation and Removal Plan” should not significantly increase the risk of failure (windthrow or otherwise) for trees that are to be preserved on the site and on adjacent properties.

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

**Response:** The uniqueness, size, maturity, structure, and historic value of the trees onsite have been considered. All of the tree species on the site are typical of the region. The trees range in size from 8-inches in diameter at breast height (DBH) to 37-inches DBH, which are common sizes for the respective species and site conditions. No significantly unique trees or tree structures were identified. The published list of Albany, Oregon Heritage Trees does not include any trees located on the site. Based on the preliminary plans, the trees shown to be removed include only those that are necessary to facilitate construction as proposed.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**

Bruce R. Baldwin
ISA Certified Arborist #PN-6666A
ISA Qualified Tree Risk Assessor
Member, International Society of Arboriculture
(503) 563-6151 | bruce@aks-eng.com
Exhibit F: Property Ownership
ATTACHMENT G.286

RECORDING REQUESTED BY:
Fidelity National Title
Company of Oregon
500 Liberty St. SE, Ste 200
Salem, OR 97301

GRANTOR'S NAME:
Williamette River View Holdings, LLC

GRANTEE'S NAME:
Williamette River View Holdings II, LLC

AFTER RECORDING RETURN TO:
Order No.: 60221907884-TD
Williamette River View Holdings II, LLC
3545 Deerfield Drive S.
Salem, OR 97302

SEND TAX STATEMENTS TO:
Williamette River View Holdings II, LLC
3545 Deerfield Drive S.
Salem, OR 97302

STATUTORY WARRANTY DEED

Williamette River View Holdings, LLC, an Oregon limited liability company, Grantor, conveys and warrants to
Williamette River View Holdings II, LLC, an Oregon limited liability company, Grantee, the following described
real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn,
State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS TWO MILLION TWO HUNDRED
THOUSAND AND NO/100 DOLLARS ($2,200,000.00). (See ORS 93.030).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305
TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17,
CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS
INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH
THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND
BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR
215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON
LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE
ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND
195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND
17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.
STATUTORY WARRANTY DEED

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated:    November 23, 2010

Williamette River View Holdings, LLC

By: CM3 Investments, LLC, Member

By: Modelia, LLC, Member

By:  

By: Robyn Morley, Member

By:  

By: Patrick Morley, Member

By: JM Ventures NW, LLC, Member

By:  

By: Matthew P. Holstege, Member

By:  

By: Caleb D. Remington, Member

By: Sunward Properties, LLC, Member

By:  

By: Keith Owen, Member

By: JJJ Hawaii, LLC, Member

By:  

By: Thurston Robinson, Manager

State of Oregon
County of Marion

This instrument was acknowledged before me on November 23, 2019 by Robyn Morley and Patrick Morley, as Members of Modelia, LLC, Member of CM3 Investments, LLC.

Notary Public - State of Oregon
My Commission Expires: 8/11/2022

State of Oregon
County of Marion

This instrument was acknowledged before me on November 27, 2019 by Caleb D. Remington, as Member of JM Ventures NW, LLC, Member of CM3 Investments, LLC.

Notary Public - State of Oregon
My Commission Expires: 7/15/2021
STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: November 09, 2019

Williams River View Holdings, LLC

By: CM3 Investments, LLC, Member

By: Matthew, LLC, Member

By: Ralyn Mooney, Member

By: Patrick Mooney, Member

By: JM Ventures NW, LLC, Member

By: Matthew P. Holshage, Member

By: Caleb D. Remington, Member

By: Sunward Properties, LLC, Member

By: RDH Owner, Member

By: JJJ Hawaii, LLC, Member

By: Thurston Robinson, Manager

State of Oregon
County of Marion

This instrument was acknowledged before me on November 09, 2019 by Ralyn Mooney and Patrick Mooney, as Members of Modalis, LLC, Member of CM3 Investments, LLC.

Notary Public, State of Oregon
My Commission Expires: 08/01/2023

State of Oregon
County of Marion

This instrument was acknowledged before me on November 09, 2019 by Caleb D. Remington, as Member of JM Ventures NW, LLC, Member of CM3 Investments, LLC.

Notary Public, State of Oregon
My Commission Expires: 08/15/2021

Deced: (State of Washington Legal)
ON: 05/08/2018 Updated: 04/20/18

Page 2
STATUTORY WARRANTY DEED
(continued)

State of Oregon
County of Marion

This instrument was acknowledged before me on November 30, 2019 by Matthew P. Holstage, as Member of JM Ventures NW, LLC, Member of CM3 Investments, LLC.

Notary Public - State of Oregon
My Commission Expires: 7-24-2021

State of Oregon
County of Marion

This instrument was acknowledged before me on November 30, 2019 by Keith Owen, as Member of Sunward Properties, LLC.

Notary Public - State of Oregon
My Commission Expires: 7-24-2021

State of Hawaii
County of

This instrument was acknowledged before me on November 30, 2019 by Thurston Robinson, as Manager of JJJ Hawaii, LLC.

Notary Public - State of Hawaii
My Commission Expires:
On 12/3/19, before me personally appeared Thurston Robinson, Manager of JJJ Hawaii, LLC, to me personally known, who, being by me duly sworn or affirmed, did say that such person(s) executed the foregoing instrument as the free act and deed of such person(s), and if applicable, in the capacities shown, having been duly authorized to execute such instrument in such capacities. By my signature below, I further certify that the above-named executed this 77 page document entitled Statutory Warranty Deed, dated 12/3/19, in the 1st Circuit of the State of Hawaii and that this acknowledgement is deemed to include my Notary Certification.

Type or print name: Sunya L. Narciso
Notary Public, State of Hawaii
My commission expires: 11/25/2023
EXHIBIT "B"
Exceptions

Tract I:

Parcel I:

Beginning at a point which is North 01°35'00" West 155.00 feet from the Southwest corner of Block 3, WOODLE'S RIVERSIDE ADDITION to Albany, Linn County, Oregon, said point also being on the Easterly right of way of Geary Street; and running thence North 01°35'00" West, a distance of 411.30 feet to the right bank of the Willamette River; thence North 69°30'00" East, along said right bank 150.16 feet; thence North 58°39'25" East, 308.20 feet; thence North 71°07'17" East, 187.33 feet to a point on the Northerly extension of the Easterly right of way of Alco Street; thence South 01°41'45" East, along said extension 196.33 feet; thence South 85°04'40" West 162.73 feet; thence South 65°42'30" West, 194.03 feet to the intersection of Vacated portions of Chicago Street and River Avenue; thence South 01°46'45" East, along the center line of a vacated portion of Chicago Street 253.00 feet to the Northerly right of way of Linn Avenue; thence South 88°16'30" West, 30.00 Feet to the Westerly right of way of Chicago Street; thence South 01°46'45" East, 131.00 feet; thence South 87°54'45" West 218.89 feet to the true place of beginning.

Parcel II:

Beginning at the Southwest corner of Block 1 of WOODLE'S RIVERSIDE ADDITION to Albany, Linn County, Oregon; and running thence North 01°46'45" West, a distance of 110.00 feet to the Northwest corner of Lot 5 in said Block; thence North 88°16'30" East, 165.45 feet to the Northwest corner of Lot 8 in said Block; thence North 01°46'45" West, 43.86 feet; thence North 84°13'35" East 146.38 feet to the Westerly right of way of Alco Street; thence North 01°41'45" West along said right of way and extension thereof 172.35 feet; thence South 85°04'40" West, 162.73 feet; thence South 65°42'30" West, 194.03 feet; thence South 01°46'45" East 253.00 feet to the Northerly right of way of Linn Avenue; thence North 88°16'30" East 30.00 feet to the true place of beginning.

Tract II:

The south 100 feet of Lots 3 and 4, Block 6 BURKHART PARK ADDITION to the City of Albany, Linn County, Oregon.

Tract III:

Beginning at a point which is North 01°41'45" West, 100.00 feet from the Southeast corner of Block 6, BURKHART PARK ADDITION to Albany, Linn County, Oregon, said point also being on the Westerly right of way of Alco Street; and running thence South 88°09'10" West, 90.30 feet to the West line of said Block 6; thence North 01°41'45" West, 10 feet to the Northwest corner of Lot 4 in said Block 6; thence South 88°16'30" West, 55.18 feet; thence North 01°46'45" West, 43.86 feet; thence North 84°13'35" East, 146.38 feet to said Westerly right-of-way; thence South 01°41'45" West 64.00 feet to the true place of beginning.

Parcel 1:

Lots 5 and 6, Block 1, WOODLE'S RIVERSIDE ADDITION TO ALBANY, in the City of Albany, Linn County, Oregon.

Parcel 2:

Lot 7, Block 1, WOODLE'S RIVERSIDE ADDITION TO ALBANY, in the City of Albany, Linn County, Oregon.

Parcel 3:

Lot 8, Block 1, WOODLE'S RIVERSIDE ADDITION TO ALBANY, in the City of Albany, Linn County, Oregon.

APN: 73284
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73961

Map: 110G3W05BD003000
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110G3W05CA01100
110G3W05CA01000
110G3W05CA00605
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110G3W05CA00602/110C03W05CA00600
EXHIBIT "B"

Exceptions

Subject to:

Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.

Any Easements or rights of way for existing utilities or other rights of way over those portions of said Land lying within the public right of way vacated by resolution or ordinance.

Affects: Vacated Streets

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or relict or any change in the location of Willamette River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Willamette River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Willamette River.

The herein described property lies within the Central Albany Revitalization Area Plan and is subject to the terms and provisions therein.

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: May 28, 1913
Recording No: Book 102, Page 502

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain State Power Company
Purpose: Utilities
Recording Date: October 16, 1946
Recording No: Volume 185, Page 605
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: City of Albany
Purpose: Sanitary Sewer
Recording Date: July 2, 1980
Recording No: Volume 266, Page 134
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Entitled: Agreement For Easement
Granted to: City of Albany
Purpose: Bike path, public access, landscaping and buffering
Recording Date: April 4, 1984
Recording No: Volume 356, Page 925
Affects: Reference is hereby made to said document for full particulars

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Utilities
Recording Date: October 15, 1946
Recording No: Book 185, Page 605
Affects: Reference is hereby made to said document for full particulars
Exhibit G: Exterior Color Schedule
THE
RIVERSIDE APARTMENT LIVING
EXTERIOR COLOR SCHEDULE

COLOR A: SIDING
- SW 7671 On the Rocks 255-C7

COLOR B: SIDING
- SW 7602 Indigo Batik 224-C7

COLOR C: TRIM/
- SW 7024 Functional Gray 241-C3

COLOR D: SIDING
- SW 7032 Warm Stone 243-C5

COLOR E: SIDING
- SW 7532 Urban Putty 285-C3

COLOR F: SIDING /TRIM/
- SW 7006 Extra White 257-C1

COLOR G: DOOR
- SW 0007 Decorous Amber
THE BANKS
RIVERSIDE APARTMENT LIVING

EXTERIOR COLOR SCHEDULE

CULTURED STONE: VENEER
ELDARODO BRAND
ROUGH CUT - "MOONLIGHT"

CONCRETE MASONRY WALLS
MUTUAL MATERIALS - SPLIT FACE
"CASTLE WHITE" - WALL CAP  "CHARCOAL" - WALL MATERIAL

METAL ROOFING
TAYLOR METAL PRODUCTS
"DARK BRONZE' SRI-27

METAL GUARDRAILS
CARDINAL POWDERCOATING
"PMS 431-C GRAY"
Exhibit H: Lighting Cut Sheets
PL-1 & PL-2 Parking Area Pole Light

**DESCRIPTION**

The classic lines and sophisticated construction of Vision Site LED luminaire makes it an ideal complement to site design. Offering LED technology across the VXS and VXM, the Vision Site luminaire provides true family scaling in both physical form and lumen capability for architectural site lighting applications. UL/cUL listed for use in wet locations.

**SPECIFICATION FEATURES**

**Construction**

HOUSING: Heavy-wall one-piece, die-cast aluminum housing has precise tolerance control and repeatability in manufacturing. Housing features a partition wall that isolates driver components for cooler operation. Integral aluminum heat sink provides superior thermal heat transfer in +40°C ambient environments.

DOOR: One-piece, die-cast aluminum construction with toolless release latch. Door swings down and is retained on two catch hinges.

GASKET: Continuous gasket provided to seal housing to optic tray.

LENSES: Downlight lens is LED board integrated acrylic over-optics, each individually sealed for IP66 rating.

HARDWARE: Tool-less release door latch is stainless steel/aluminum construction, painted to prevent corrosion.

**Optics**

Choice of twelve patented, high-efficiency AccuLED Optics™ distributions. Optics are precisely designed to shape the light output, maximizing efficiency and application spacing. AccuLED Optics technology creates consistent distributions with the scalability to meet customized application requirements. Offered Standard in 4000K (+/- 275K) CCT and minimum 70 CRI. Optional 3000K CCT and 5000K CCT. For the ultimate level of spill light control, an optional house-side shield accessory can be field or factory installed. The house-side shield is designed to seamlessly integrate with the SL2, SL3 or SL4 optics.

**Electrical**

LED drivers mount to die-cast aluminum back housing for optimal heat sinking, operation efficacy, and prolonged life. Standard drivers feature electronic universal voltage (120-277V 50/60Hz, 347V 60Hz or 480V 60Hz) operation. 480V is compatible for use with 480V Wye systems only. Greater than 0.9 power factor, less than 20% harmonic distortion, and is suitable for operation in -40°C to 40°C ambient environments. All fixtures are shipped standard with 10KV/10kA common – and differential – mode surge protection. LightBARs feature and IP66 enclosure rating and maintain greater than 95% lumen maintenance at 60,000 hours per IESNA TM-21. Occupancy sensor and dimming options available.

**Mounting**

ARM: One-piece extruded aluminum arm available in standard 5” lengths (VXS) and 6” and 10” (VXM). Internal bolts guide allow easy positioning of fixture during installation to pole or wall surface. STRUCTURAL MOUNT: Die-cast aluminum cleat factory mounted to luminaire and finished in luminaire color. Stainless steel structural rod measures 1/2” in diameter and is provided in luminaire finish color or optional natural finish. Product works in conjunction with dedicated accessory arms (order separately). Invue poles are provided pre-drilled when structural mount option drill pattern is specified. See Invue poles section for complete selection. Additional mounting accessories available.

**Finish**

Housing is finished in five-stage super premium TGIC polyester powder coat paint, 2.5 mil nominal thickness for superior protection against fade and wear. LightBAR cover plates are standard white and graphite metallic. RAL and custom color matches available. Consult Outdoor Architectural Colors brochure for a complete selection.

**Warranty**

Five-year warranty.

![Vision Site LED Diagram](image)

**DIMENSIONS**

<table>
<thead>
<tr>
<th>Catalog #</th>
<th>VXS</th>
<th>VXM</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>13 1/2” [343mm]</td>
<td>17” [433mm]</td>
</tr>
<tr>
<td></td>
<td>6” [152mm]</td>
<td>7” [178mm]</td>
</tr>
<tr>
<td></td>
<td>VXS 23” [584mm]</td>
<td>VXM 28” [724mm]</td>
</tr>
<tr>
<td></td>
<td>5” [127mm]</td>
<td>6” or 10” [152mm or 254mm]</td>
</tr>
</tbody>
</table>

**CERTIFICATION DATA**

UL/cUL Listed
ISO 9001
IP66 LightBARs
LM79 / LM80 Compliant
1.5G Vibration Tested
DesignLights Consortium® Qualified*

**ENERGY DATA**

Electronic LED Driver
- >0.9 Power Factor
- <20% Total Harmonic Distortion
- 120-277V/50 & 60Hz, 347V/60Hz, 480V/60Hz
- -40°C Minimum Temperature
- 40°C Ambient Temperature Rating

**EPA**

Effective Projected Area: [Sq. Ft.]
VXS Single: 1.18 wArm
VXS Single Structural: 1.27 wArm
VXM Single: 1.89 wArm
VXM Single Structural: 2.09 wArm

**SHIPPING DATA**

Approximate Net Weight:
VXS: 35 lbs. (15.91 kgs.)
VXM: 51 lbs. (23.18 kgs.)
### POWER AND LUMENS BY BAR COUNT (21 LED LIGHTBAR)

<table>
<thead>
<tr>
<th>Number of LightBARs</th>
<th>E01</th>
<th>E02</th>
<th>E03</th>
<th>E04</th>
<th>E05</th>
<th>E06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive Current</td>
<td>350mA Drive Current</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power (Watts)</td>
<td>25W</td>
<td>52W</td>
<td>75W</td>
<td>97W</td>
<td>127W</td>
<td>150W</td>
</tr>
<tr>
<td>Current @ 120V (A)</td>
<td>0.22</td>
<td>0.44</td>
<td>0.63</td>
<td>0.82</td>
<td>1.07</td>
<td>1.26</td>
</tr>
<tr>
<td>Current @ 277V (A)</td>
<td>0.10</td>
<td>0.20</td>
<td>0.28</td>
<td>0.36</td>
<td>0.48</td>
<td>0.56</td>
</tr>
<tr>
<td>Power (Watts)</td>
<td>31W</td>
<td>58W</td>
<td>82W</td>
<td>99W</td>
<td>132W</td>
<td>159W</td>
</tr>
<tr>
<td>Current @ 347V (A)</td>
<td>0.11</td>
<td>0.19</td>
<td>0.28</td>
<td>0.29</td>
<td>0.39</td>
<td>0.48</td>
</tr>
<tr>
<td>Current @ 480V (A)</td>
<td>0.09</td>
<td>0.15</td>
<td>0.20</td>
<td>0.21</td>
<td>0.30</td>
<td>0.36</td>
</tr>
</tbody>
</table>

#### LUMEN MAINTENANCE

<table>
<thead>
<tr>
<th>Ambient Temperature</th>
<th>25,000 Hours*</th>
<th>50,000 Hours*</th>
<th>60,000 Hours*</th>
<th>100,000 Hours*</th>
<th>Theoretical L70 (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>25°C</td>
<td>&gt; 99%</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
<td>&gt; 93%</td>
<td>&gt; 450,000</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 98%</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
<td>&gt; 92%</td>
<td>&gt; 425,000</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
<td>&gt; 95%</td>
<td>&gt; 91%</td>
<td>&gt; 400,000</td>
</tr>
</tbody>
</table>

* Per IESNA TM-21 data.

#### LUMEN MULTIPLIER

<table>
<thead>
<tr>
<th>Ambient Temperature</th>
<th>Lumen Multiplier</th>
</tr>
</thead>
<tbody>
<tr>
<td>10°C</td>
<td>1.02</td>
</tr>
<tr>
<td>15°C</td>
<td>1.01</td>
</tr>
<tr>
<td>25°C</td>
<td>1.00</td>
</tr>
<tr>
<td>40°C</td>
<td>0.99</td>
</tr>
</tbody>
</table>

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1121 Highway 74 South
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January 2, 2019 11:34 AM
### POWER AND LUMENS BY BAR COUNT (7 LED LIGHTBAR)

<table>
<thead>
<tr>
<th>Number of LightBARs</th>
<th>F01</th>
<th>F02</th>
<th>F03</th>
<th>F04</th>
<th>F05</th>
<th>F06</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drive Current</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Power (Watts)</td>
<td>26W</td>
<td></td>
<td>78W</td>
<td>(102W)</td>
<td>133W</td>
<td>157W</td>
</tr>
<tr>
<td>Current @ 120V (A)</td>
<td>0.22</td>
<td>0.46</td>
<td>0.66</td>
<td>0.86</td>
<td>1.12</td>
<td>1.31</td>
</tr>
<tr>
<td>Current @ 277V (A)</td>
<td>0.10</td>
<td>0.21</td>
<td>0.29</td>
<td>0.37</td>
<td>0.50</td>
<td>0.58</td>
</tr>
<tr>
<td>Power (Watts)</td>
<td>32W</td>
<td></td>
<td>60W</td>
<td>85W</td>
<td>105W</td>
<td>137W</td>
</tr>
<tr>
<td>Current @ 347V (A)</td>
<td>0.11</td>
<td>0.19</td>
<td>0.28</td>
<td>0.30</td>
<td>0.41</td>
<td>0.49</td>
</tr>
<tr>
<td>Current @ 480V (A)</td>
<td>0.09</td>
<td>0.15</td>
<td>0.21</td>
<td>0.22</td>
<td>0.31</td>
<td>0.37</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Lumen Maintenance</th>
<th>25°C</th>
<th>40°C</th>
<th>50°C</th>
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<tbody>
<tr>
<td>&gt; 99%</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
<td>&gt; 93%</td>
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<tr>
<td>&gt; 96%</td>
<td>&gt; 96%</td>
<td>&gt; 92%</td>
<td>&gt; 90%</td>
</tr>
<tr>
<td>&gt; 93%</td>
<td>&gt; 96%</td>
<td>&gt; 95%</td>
<td>&gt; 91%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Lumen Multiplier</th>
<th>10°C</th>
<th>15°C</th>
<th>20°C</th>
<th>25°C</th>
<th>30°C</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.02</td>
<td>1.01</td>
<td>1.00</td>
<td>0.99</td>
<td></td>
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</table>

**Ambient Temperature**

<table>
<thead>
<tr>
<th>Temperature</th>
<th>25,000 Hours*</th>
<th>50,000 Hours*</th>
<th>100,000 Hours*</th>
</tr>
</thead>
<tbody>
<tr>
<td>25°C</td>
<td>&gt; 99%</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 98%</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 97%</td>
<td>&gt; 96%</td>
<td>&gt; 95%</td>
</tr>
</tbody>
</table>

* Per IESNA TM-21 data.

![Lumen Maintenance Graph](image)
## MOUNTING VARIATIONS AND EPAS

<table>
<thead>
<tr>
<th>Wall Mount</th>
<th>Arm Mount Single</th>
<th>Arm Mount 2 @ 180°</th>
<th>Arm Mount 3 @ 120° (Round Pole Only)</th>
<th>Arm Mount 4 @ 90°</th>
</tr>
</thead>
<tbody>
<tr>
<td>VXS 1.18 (EPA)</td>
<td>VXS 2.20 (EPA)</td>
<td>VXS 1.72 (EPA)</td>
<td>VXS 2.36 (EPA)</td>
<td>VXS 2.36 (EPA)</td>
</tr>
<tr>
<td>VXM 1.89 (EPA)</td>
<td>VXM 3.69 (EPA)</td>
<td>VXM 2.80 (EPA)</td>
<td>VXM 3.99 (EPA)</td>
<td>VXM 4.03 (EPA)</td>
</tr>
</tbody>
</table>

### OPTIC ORIENTATION

<table>
<thead>
<tr>
<th>Street Side</th>
<th>Street Side</th>
<th>Street Side</th>
</tr>
</thead>
<tbody>
<tr>
<td>Standard</td>
<td>Optics Rotated Left @ 90°</td>
<td>Optics Rotated Right @ 90°</td>
</tr>
</tbody>
</table>

### POLE DRILLING PATTERNS AND MOUNTING OPTIONS

#### Type E (VXS)
- 2-13/16" [72mm] Dia. Hole
- 7/8" [23mm] Dia. Hole
- (2) 3/8" [10mm] Dia. Holes

#### Type F (VXS Structural Mount)
- 2-3/4" [70mm] Dia. Hole
- 3/4" [20mm] Dia. Hole
- 3-7/8" [99mm] Dia. Hole
- (2) 3/8" [10mm] Dia. Holes

#### Type M (VXM)
- 2-3/16" [59mm] Dia. Hole
- 3/4" [19mm] Dia. Hole
- 4-7/8" [124mm] Dia. Holes
- (2) 5/8" [16mm] Dia. Holes

#### Type G (VXM Structural Mount)
- 5-1/16" [8mm] Dia. Hole
- 4-7/8" [124mm] Dia. Hole
- (2) 9/16" [15mm] Dia. Holes

### MOUNTING OPTIONS AND ACCESSORIES

#### Extruded Arm
- Direct Mount (Round or Square Pole)

#### Structural Pole Mount (Round or Square Pole)
- Direct Mount

#### Structural Wall Mount
- Direct Wall Mount

#### Mast Arm Adapter (VXM)
- Wall Bracket with Arm

#### Mast Arm Adapter (VXM)
- Tenon Adapter

---

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**CONTROL OPTIONS**

0-10V (DIM)
The DIM option provides 0-10V dimming wire leads for use with a lighting control panel or other control method.

**Photocontrol** (PC, R and PER7)
Optional button-type photocontrol (PC) and photocontrol receptacles (R and PER7) provide a flexible solution to enable “dusk-to-dawn” lighting by sensing light levels. Advanced control systems compatible with NEMA 7-pin standards can be utilized with the PER7 receptacle.

**Dimming Occupancy Sensor** (MS/DIM-LXX)
These sensors are factory installed in the luminaire housing. When the MS/DIM-LXX sensor option is selected, the occupancy sensor is connected to a dimming driver and the entire luminaire dims when there is no activity detected. When activity is detected, the luminaire returns to full light output. The MS/DIM sensor is factory preset to dim down to approximately 50 percent power with a time delay of five minutes.

These occupancy sensors includes an integral photocell that can be activated with the FSIR-100 accessory for “dusk-to-dawn” control or daylight harvesting - the factory preset is OFF. The FSIR-100 is a wireless tool utilized for changing the dimming level, time delay, sensitivity and other parameters. A variety of sensor lens are available to optimize the coverage pattern for mounting heights from 8’-40’.

---

**LumaWatt Pro Wireless Control and Monitoring System** (LWR-LW and LWR-LN)
The Eaton’s LumaWatt Pro powered by Enlightened is a connected lighting solution that combines a broad selection of energy-efficient LED luminaires with a powerful integrated wireless sensor system. The sensor controls the lighting system in compliance with the latest energy codes and collects valuable data about building performance and use. Software applications turn the granular data into information through energy dashboards and specialized apps that make it simple and help optimize the use of building resources, beyond lighting.

**WaveLinx Wireless Outdoor Lighting Control Module** (WOLC-7P-10A)
The 7-pin wireless outdoor lighting control module enables WaveLinx to control outdoor area, site and flood lighting. WaveLinx controls outdoor lighting using schedules to provide ON, OFF and dimming controls based on astronomic or time schedules based on a 7 day week.
<table>
<thead>
<tr>
<th>Product Family 1, 2, 3</th>
<th>Number of LightBARs 4, 5</th>
<th>Lamp Type 6, 7</th>
<th>Voltage 8, 9</th>
<th>Distribution 10</th>
<th>Color 11</th>
</tr>
</thead>
<tbody>
<tr>
<td>VXS=Vision Site Small</td>
<td>E01=1 21 LED LightBAR</td>
<td>LED=Solid State Light Emitting Diode</td>
<td>E1=Universal (120-277V) 347~480V</td>
<td>T2=Type II</td>
<td>AP=Gray</td>
</tr>
<tr>
<td>VXM=Vision Site Medium</td>
<td>E02=2 21 LED LightBAR</td>
<td></td>
<td></td>
<td>T3=Type III</td>
<td>BZ=Bronze</td>
</tr>
<tr>
<td></td>
<td>E04=4 21 LED LightBAR</td>
<td></td>
<td></td>
<td>5MO-Type V Square Medium</td>
<td>BK=Black</td>
</tr>
<tr>
<td></td>
<td>E05=5 21 LED LightBAR</td>
<td></td>
<td></td>
<td>5WO-Type V Square Wide</td>
<td>BZ=Bronze</td>
</tr>
<tr>
<td></td>
<td>E06=6 21 LED LightBAR</td>
<td></td>
<td></td>
<td>5XG-Type V Square Extra Wide</td>
<td>DP=Dark Platinum</td>
</tr>
<tr>
<td></td>
<td>E01=1 7 LED LightBAR</td>
<td></td>
<td></td>
<td>W=Rectangular Wire</td>
<td>GM=Graphite Metallic</td>
</tr>
<tr>
<td></td>
<td>E02=2 7 LED LightBAR</td>
<td></td>
<td></td>
<td>SL2=Type II with Spill Control</td>
<td>WH=White</td>
</tr>
<tr>
<td></td>
<td>E03=3 7 LED LightBAR</td>
<td></td>
<td></td>
<td>SL3=Type III with Spill Control</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E04=4 7 LED LightBAR</td>
<td></td>
<td></td>
<td>SL4=Type IV with Spill Control</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E05=5 7 LED LightBAR</td>
<td></td>
<td></td>
<td>SLL=90° Spill Light Eliminator Left</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E06=6 7 LED LightBAR</td>
<td></td>
<td></td>
<td>SLR=90° Spill Light Eliminator Right</td>
<td></td>
</tr>
</tbody>
</table>

### Structural Options 4, 12
- **Pole Mount**
  - PRPC=Strut Rod and Clevis Set for Square Pole (Painted to match fixture. Does not include arm)
  - PRPCRS=Strut Rod and Clevis Set for Round Pole (Painted to match fixture. Does not include arm)
  - PRPCRR=Strut Rod and Clevis Set for Round Pole (Painted to match fixture. Does not include arm)

- **Wall Mount**
  - WRCP=Strut Rod and Clevis Set (Painted to match fixture. Does not include arm)

### Accessories (Order Separately)
- WOLC-7P-10A
- MA1016-XX=NEMA Photocontrol - Multi-Tap
- MA1027-XX=NEMA Photocontrol - 480V
- MA1201-XX=NEMA Photocontrol - 347V
- MA253=105V Circuit Module Replacement
- LS/HSS=Field Installed House Side Shield
- VXS Mounting Accessories (Order Separately)
  - MA1071-XX=5" Arm for Square Pole
  - MA1073-XX=Direct Mount for Square Pole
  - MA1301=500A Circuit Module Replacement
  - MA1307-XX=Wall Bracket with 5" Arm
  - MA1200-XX=Direct Wall Mount Kit
  - MA1101-XX=Single Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1102-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1103-XX=3@90° Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1104-XX=4@90° Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1105-XX=5@90° Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1106-XX=6@90° Tenon Adapter for 2-3/8" O.D. Tenon
  - MA1107-XX=2@120° Tenon Adapter for 2-3/8" O.D. Tenon

- VXM Mounting Accessories (Order Separately)
  - MA1110-XX=Single Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1119-XX=2@180° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1110-XX=3@120° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1111-XX=4@90° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1112-XX=5@90° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1113-XX=6@90° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1114-XX=3@120° Tenon Adapter for 3-1/2" O.D. Tenon
  - MA1115-XX=3@90° Tenon Adapter for 3-1/2" O.D. Tenon

- VXS Mounting Accessories (Order Separately)
  - MA1050-XX=6" Arm for Square Pole
  - MA1051-XX=6" Arm for Square Pole
  - MA1052-XX=6" Arm for Round Pole
  - MA1053-XX=10" Arm for Round Pole
  - MA1054-XX=Wall Bracket with 6" Arm
  - MA1056-XX=Direct Mount for Square Pole
  - MA1057-XX=Direct Mount for Round Pole
  - MA1201-XX=Direct Wall Mount Kit
  - MA1207-XX=Mast Arm Adapter
  - MA1231-XX=Structural Mount Wall Adapter Arm

### Notes
1. Customer is responsible for engineering pole analysis to confirm pole and fixture compatibility for all applications. Refer to our pole white paper WP531001EN for additional support information.
3. Arm not included. Order separately.
4. Standard 4000K CCT and greater than 70 CRI.
5. Approximately 60’ detection diameter at 40’ mounting height.
6. Approximately 22’ detection diameter at 8’ mounting height.
7. One required for each LightBAR. Not available with L90 or R90 options.
8. Utilizes internal step-down transformer when 347V or 480V is selected. WOLC-7 cannot be used in conjunction with additional sensors or controls.
9. Includes arm only. Must specify WRCP or WRCS in fixture ordering logic. Downlighting applications only.
10. Requires 7-pin NEMA twistlock photocontrol receptacle. The WOLC-7 cannot be used in conjunction with additional sensors or controls.
The McGraw-Edison BSL / BRL Bollard Series, available in heights from 24” to 42”, has crisp, clean lines which blend with any architectural setting. Constructed of seamless, heavy-duty aluminum and finished with a tough polyester powder coat finish, the McGraw-Edison Louvered Bollard Series is gasketed to seal out external contaminants. U.L. 1598 listed and CSA certified for wet locations.

Bollards are designed for walkways, entranceways, drives and other small-area lighting applications where low mounting heights are desirable.

**SPECIFICATION FEATURES**

**Construction**
- TOP: Rugged, minimum 5/32” thick cast aluminum top cap secured via a concealed stainless steel allen screw with twist removal mechanism for lamp access. Flow through ventilation assures cool to the touch top. LOUVERS: Cast Aluminum Louver blades provide sharp cutoff delivering no direct light above 90°. Louvers are secured to the shaft via tamper resistant stainless steel rods and fasteners. LOWER HOUSING: Nominal 1/8” thick aluminum extruded housing. Bollard housing is secured to the base with flathead, counter-sunk screws for smooth, uncluttered appearance. BASE: Rugged cast aluminum. Completely concealed.

**Electrical**
- HID High Power Factor ballast for -20°F starting. CFL Electronic ballast for 0°F starting. Product is factory mounted to the base. Quick disconnects provided between lamp and electrical assembly. Pulse Start Metal Halide and High Pressure Sodium lamp sources up to 100W and up to 42W Compact Fluorescent sources.

**Optical**
- LAMP ENCLOSURE: One piece tempered glass with internal flutes for even disbursement of illumination. Decorative colored glass optional. Globe is fully gasketed via EPDM material. Socket is porcelain, medium base for HID lamp sources and polycarbonate/PBT GX24q-3/q-4 base for compact fluorescent lamps.

**Mounting**
- Base mounts onto foundation with three (3) 1/2” x 12 1/2” anchor bolts on a 5” Dia. bolt circle (a centrally located 2 7/8” x 3 1/2” wire entrance opening provided).

**Finish**
- Premium fade and abrasion resistant, TGIC Polyester Powder Coat Finish. Standard colors are Black, Grey, Bronze, White, Dark Platinum and Graphite Metallic. Other finish colors available including all RAL matches.

**Efficiency Standards Notice**
- Select luminaires are manufactured to USA and California efficiency regulations.

---

**DESCRIPTION**

**Energy Data**
- Reactor Ballast Input Watts: 35W HPS HPF (46 Watts)
- High Reactance Ballast Input Watts: 50W HPS HPF (62 Watts)
- 50W MP HPF (68 Watts)
- 70W HPS HPF (86 Watts)
- 70W MP HPF (94 Watts)
- 100W MP HPF (115 Watts)
- 100W MP HPF (129 Watts)

**Shipping Data**
- Approximate Net Weight: 26 lbs. (12 kgs.)

---

**PATHWAY LUMINAIRE**

---

**DIMENSIONS**

---

**WATTAGE TABLE**

<table>
<thead>
<tr>
<th>Lamp Type</th>
<th>Wattage</th>
</tr>
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<tbody>
<tr>
<td>Pulse Start Metal Halide (MP)</td>
<td>50, 70,100W</td>
</tr>
<tr>
<td>High Pressure Sodium (HPS)</td>
<td>35, 50, 70,100W</td>
</tr>
<tr>
<td>Compact Fluorescent (CF)</td>
<td>(1) 26, (1) 32, (1) 42W</td>
</tr>
<tr>
<td>Incandescent (IN)</td>
<td>100W</td>
</tr>
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</table>

---

**ANCHOR BOLT TEMPLATE (NOT TO SCALE)**

---

**TD501005EN**
May 17, 2018 3:10 PM
Footcandle Table
Select mounting height and read across for footcandle values of each isofootcandle line.

<table>
<thead>
<tr>
<th>Mounting Height</th>
<th>Footcandle Values for Isofootcandle Lines</th>
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<tr>
<td></td>
<td>A</td>
</tr>
<tr>
<td>24''</td>
<td>1.20</td>
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<tr>
<td>35''</td>
<td>2.90</td>
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<tr>
<td>38''</td>
<td>2.20</td>
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<tr>
<td>42''</td>
<td>4.40</td>
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BSL-36-100-MP
100-Watt MP
7,900-Lumen Lamp (Coated ED-17)

BSL-36-100-HPS
100-Watt HPS
8,800-Lumen Lamp (Coated ED-17)

BRL-36-100-MP
100-Watt MP
7,900-Lumen Lamp (Coated ED-17)

BRL-36-100-HPS
100-Watt HPS
8,800-Lumen Lamp (Coated ED-17)

Sample Number: BSL-36-100-MP-MT-BK

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<thead>
<tr>
<th>Product Family</th>
<th>Fixture Height</th>
<th>Lamp Wattage</th>
<th>Lamp Type</th>
<th>Voltage</th>
<th>Color</th>
<th>Options (Add as Suffix)</th>
</tr>
</thead>
<tbody>
<tr>
<td>BSL=Square Bollard with Stacked Louvers and Pyramidal Top</td>
<td>24-24''</td>
<td>MP</td>
<td>Pulse Start</td>
<td>Multi-Tap</td>
<td>CE</td>
<td>Single Fuse (120, 277 or 347V)</td>
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<tr>
<td></td>
<td>28-28''</td>
<td>70-70W</td>
<td>High Pressure Sodium</td>
<td>Triple-Tap</td>
<td>CF</td>
<td>Double Fuse (208, 240 or 480V)</td>
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<tr>
<td></td>
<td>32-32''</td>
<td>100-100W</td>
<td>Compact Fluorescent</td>
<td>Universal Voltage 120-277V</td>
<td>UNV</td>
<td>Lamp Included</td>
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<td></td>
<td>36-36''</td>
<td>50-50W</td>
<td>Incandescent</td>
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<td></td>
<td>42-42''</td>
<td>70-70W</td>
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<td></td>
<td></td>
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<tr>
<td>BRL=Round Bollard with Stacked Louvers and Dome Top</td>
<td>35-35W</td>
<td>HPS</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>50-50W</td>
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<td></td>
<td></td>
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<td>70-70W</td>
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</tr>
<tr>
<td></td>
<td>100-100W</td>
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<td></td>
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</tr>
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<td>CF</td>
<td>Compact Fluorescent</td>
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</tr>
<tr>
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<td>26=(1) 26W</td>
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<td></td>
</tr>
<tr>
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<td>32=(1) 32W</td>
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<td>42=(1) 42W</td>
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<td>FF</td>
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</tbody>
</table>

NOTES:
1. HID lamps are medium base.
2. 35W HPS available in 120V only.
3. Available with clear lamp only.
4. Only available in 120 volts.
5. Consult an Eaton representative for lamp/ballast type/voltage compatibility.
6. Multi-Tap ballast is 120/208/240/277V wired 277V. Triple-Tap ballast is 120/277/347V wired 277V.
7. Compact Fluorescent only Electronic ballast universal voltage 120-277V.
8. Other finish colors available, including a full line of RAL color matches. Consult your Eaton Representative.
10. Location of R1 and R2 option on housing subject to height of luminaire.
11. CF lamps only, rated minimum operating temperature 32° F (0° C).
**ATTACHMENT G.305**

**Lumark**

**APPLICATIONS:**
- WALL / SURFACE
- INVERTED
- SITE LIGHTING

**WL-1 & WL-2 WALL LIGHTS**

**DESCRIPTION**

The patented Lumark Crosstour™ MAXX LED wall pack series of luminaires provides low-profile architectural style with super bright, energy-efficient LEDs. The rugged die-cast aluminum construction, back box with secure lock hinges, stainless steel hardware along with a sealed and gasketed optical compartment make Crosstour impervious to contaminants. The Crosstour MAXX wall luminaire is ideal for wall surface, inverted mount for facade/canopy illumination, perimeter and to contaminants. The Crosstour MAXX wall luminaire is ideal for wall/surface sealed and gasketed optical compartment makes Crosstour impervious.

**SPECIFICATION FEATURES**

**Construction**

Low-profile LED design with rugged one-piece, die-cast aluminum back box and hinged removable door. Matching housing styles incorporate both a full cutoff and refractive lens design. Full cutoff and refractive lens models are available in 58W, 81W and 102W. Patent pending secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes four 1/2" NPT threaded conduit entry points. The back box is secured by four lag bolts (supplied by others). External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Not recommended for car wash applications.

**Optical**

Silicone sealed optical LED chamber incorporates a custom engineered reflector providing high-efficiency illumination. Full cutoff models integrate an impact-resistant molded refractive prism optical lens assembly meeting requirements for Dark Sky compliance. Refractive lens models incorporate a molded lens assembly designed for maximum forward throw. Solid state LED Crosstour MAXX luminaries are thermally optimized with eight lumen packages in cool 5000K, neutral 4000K, or warm 3000K LED color temperature (CCT).

**Electrical**

LED driver is mounted to the die-cast aluminum housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 58W, 81W and 102W models operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C [122°F] models available in 58W and 81W models only. Crosstour MAXX luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Four half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz, 480V 60Hz, or 347V 60Hz electrical operation. 480V is compatible for use with 480V Wye systems only.

**Emergency Egress**

Optional integral cold weather battery emergency egress includes emergency operation test switch (available in 58W and 81W models only), an AC-ON indicator light and a premium extended rated sealed maintenance-free nickel-metal hydride battery pack. The separate emergency lighting LEDs are wired to provide redundant emergency lighting. Listed to UL Standard 924, Emergency Lighting.

**Area and Site Pole Mounting**

Optional extruded aluminum 6-1/2" arm features internal bolt guides for supplied twin support rods, allowing for easy positioning of the fixture during installation to pole. Supplied with round plate adapter plate. Optional tenon adapter fits 2-3/8" or 3-1/2" O.D. Tenon.

**Finish**

Crosstour MAXX is protected with a super TGIC carbon bronze or summit white polyester powder coat paint. Super TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

**Warranty**

Five-year warranty.

---

**Dimensions**

**Full Cutoff**

<table>
<thead>
<tr>
<th>Description</th>
<th>Width (mm)</th>
<th>Height (mm)</th>
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</thead>
<tbody>
<tr>
<td>8-3/4&quot;</td>
<td>222 [mm]</td>
<td></td>
</tr>
<tr>
<td>6-1/4&quot;</td>
<td>178 [mm]</td>
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</table>

**Deep Back Box**

<table>
<thead>
<tr>
<th>Description</th>
<th>Width (mm)</th>
<th>Height (mm)</th>
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<tbody>
<tr>
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<td>6&quot;</td>
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<tr>
<td>7&quot;</td>
<td>178 [mm]</td>
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**Refractive Lens**

<table>
<thead>
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<th>Width (mm)</th>
<th>Height (mm)</th>
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</thead>
<tbody>
<tr>
<td>6-1/2&quot;</td>
<td>222 [mm]</td>
<td></td>
</tr>
<tr>
<td>6&quot;</td>
<td>152 [mm]</td>
<td></td>
</tr>
<tr>
<td>7&quot;</td>
<td>178 [mm]</td>
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**Deep Back Box**

<table>
<thead>
<tr>
<th>Description</th>
<th>Width (mm)</th>
<th>Height (mm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>11&quot;</td>
<td>279 [mm]</td>
<td></td>
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</tbody>
</table>

---

**Certification Data**

- UL/cUL Wet Location Listed
- LM79 / LMB8 Compliant
- ROHS Compliant
- NOM Compliant Models
- 3G Vibration Tested
- UL934 Listed (CBP Models)
- IP66 Rated
- DesignLights Consortium® Qualified*

**Technical Data**

- 40°C Ambient Temperature
- External Supply Wiring 90°C Minimum

**EPA**

- Effective Projected Area (Sq. Ft.): XTOR6B, XTOR8B, XTOR12B-0.54
- With Pole Mount Arm=0.38

**Shipping Data:**

- Approximate Net Weight: 12-15 lbs. [5.4-6.8 kgs.]

---

*www.designlights.org

**Date Prepared:**

September 17, 2018 3:03 PM
## POWER AND LUMENS BY FIXTURE MODEL

### LED Information

<table>
<thead>
<tr>
<th>Model</th>
<th>XTOR6B</th>
<th>XTOR6BRL</th>
<th>XTOR6B-W</th>
<th>XTOR6BRL-W</th>
<th>XTOR6B-Y</th>
<th>XTOR6BRL-Y</th>
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<tbody>
<tr>
<td>Delivered Lumens</td>
<td>6,129</td>
<td>6,225</td>
<td>6,038</td>
<td>6,133</td>
<td>5,611</td>
<td>5,828</td>
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<tr>
<td>B.U.G. Rating</td>
<td>B1-U0-G1</td>
<td>B2-U4-G3</td>
<td>B1-U0-G1</td>
<td>B2-U4-G3</td>
<td>B1-U0-G1</td>
<td>B2-U4-G3</td>
</tr>
<tr>
<td>CCT (Kelvin)</td>
<td>5000K</td>
<td>5000K</td>
<td>4000K</td>
<td>4000K</td>
<td>3000K</td>
<td>3000K</td>
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<tr>
<td>CRI (Color Rendering Index)</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
<td>70</td>
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<tr>
<td>Power Consumption (Watts)</td>
<td>58W</td>
<td>58W</td>
<td>58W</td>
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### 81W Series

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<tr>
<th>Model</th>
<th>XTOR8B</th>
<th>XTOR8BRL</th>
<th>XTOR8B-W</th>
<th>XTOR8BRL-W</th>
<th>XTOR8B-Y</th>
<th>XTOR8BRL-Y</th>
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</thead>
<tbody>
<tr>
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<td>8,635</td>
<td>8,373</td>
<td>8,504</td>
<td>7,478</td>
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<tr>
<td>CCT (Kelvin)</td>
<td>5000K</td>
<td>5000K</td>
<td>4000K</td>
<td>4000K</td>
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<tr>
<td>CRI (Color Rendering Index)</td>
<td>70</td>
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### 102W Series

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<tr>
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<th>XTOR12B</th>
<th>XTOR12BRL</th>
<th>XTOR12B-W</th>
<th>XTOR12BRL-W</th>
<th>XTOR12B-Y</th>
<th>XTOR12BRL-Y</th>
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<tbody>
<tr>
<td>Delivered Lumens</td>
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<td>13,458</td>
<td>12,329</td>
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<td>5000K</td>
<td>5000K</td>
<td>4000K</td>
<td>4000K</td>
<td>3000K</td>
<td>3000K</td>
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<tr>
<td>CRI (Color Rendering Index)</td>
<td>70</td>
<td>70</td>
<td>70</td>
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<tr>
<td>Power Consumption (Watts)</td>
<td>102W</td>
<td>102W</td>
<td>102W</td>
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### EGRESS Information

<table>
<thead>
<tr>
<th>Model</th>
<th>XTOR6B and XTOR12B</th>
<th>XTOR8B and XTOR12B</th>
<th>XTOR6B, XTOR8B and XTOR12B</th>
</tr>
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<tbody>
<tr>
<td>Delivered Lumens</td>
<td>509</td>
<td>468</td>
<td>65</td>
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<td>B.U.G. Rating</td>
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<td>N.A.</td>
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<td>CCT (Kelvin)</td>
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<tr>
<td>CRI (Color Rendering Index)</td>
<td>65</td>
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<td>Power Consumption (Watts)</td>
<td>1.8W</td>
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### LUMEN MAINTENANCE

**Ambient Temperature**

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<th>25°C</th>
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<th>50°C</th>
<th>25°C</th>
<th>40°C</th>
<th>50°C</th>
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<tbody>
<tr>
<td>XTOR6B Model</td>
<td>&gt; 90%</td>
<td>&gt; 88%</td>
<td>&gt; 88%</td>
<td>&gt; 89%</td>
<td>&gt; 89%</td>
<td>&gt; 89%</td>
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<tr>
<td>XTOR8B Model</td>
<td>&gt; 89%</td>
<td>&gt; 88%</td>
<td>&gt; 88%</td>
<td>&gt; 90%</td>
<td>&gt; 89%</td>
<td>&gt; 89%</td>
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<tr>
<td>XTOR12B Model</td>
<td>&gt; 89%</td>
<td>&gt; 87%</td>
<td>&gt; 87%</td>
<td>&gt; 89%</td>
<td>&gt; 89%</td>
<td>&gt; 89%</td>
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**Theoretical L70 (Hours)**

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<th>XTOR12B</th>
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<tbody>
<tr>
<td>XTOR6B Model</td>
<td>246,000</td>
<td>212,000</td>
<td>195,000</td>
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<tr>
<td>XTOR8B Model</td>
<td>219,000</td>
<td>195,000</td>
<td>181,000</td>
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<td>XTOR12B Model</td>
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**Voltage and Model Series**

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<tr>
<th>Voltage</th>
<th>XTOR6B</th>
<th>XTOR8B</th>
<th>XTOR12B</th>
<th>XTOR6B-CBP (Fixture/Battery)</th>
<th>XTOR8B-CBP (Fixture/Battery)</th>
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</thead>
<tbody>
<tr>
<td>120V</td>
<td>0.51</td>
<td>0.71</td>
<td>0.94</td>
<td>0.60/0.25</td>
<td>0.92/0.25</td>
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<tr>
<td>208V</td>
<td>0.25</td>
<td>0.39</td>
<td>0.52</td>
<td>-</td>
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<td>240V</td>
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<td>0.45</td>
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<td>277V</td>
<td>0.22</td>
<td>0.31</td>
<td>0.39</td>
<td>0.36/0.21</td>
<td>0.50/0.21</td>
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<tr>
<td>347V</td>
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<td>0.26</td>
<td>0.33</td>
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<tr>
<td>480V</td>
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<td>0.19</td>
<td>0.24</td>
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## ORDERING INFORMATION

### Sample Number: XTOR68-W-PC1

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<thead>
<tr>
<th>Series</th>
<th>LED Kelvin Color</th>
<th>Housing Color</th>
<th>Options (Add as Suffix)</th>
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</thead>
<tbody>
<tr>
<td>Full Cutoff</td>
<td>[Blank]=Bright White (Standard) 5000K</td>
<td>[Blank]=Carbon Bronze (Standard)</td>
<td>347V=347V, 480V=480V, 277V=277V, PC1=Photocontrol 120V, PMA=Pole Mount Arm (C Drilling) with Round Adapter, HA=50ºC High Ambient</td>
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<tr>
<td>XTOR68-58W</td>
<td>W=Neutral, 4000K Y=Warm, 3000K</td>
<td>WT=Summit White BK=Black</td>
<td>CBP=Cold Weather Battery Pack</td>
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<tr>
<td>XTOR128-102W</td>
<td></td>
<td>AP=Grey GM=Graphite Metallic DP=Dark Platinum</td>
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### Refractive Lens

<table>
<thead>
<tr>
<th>Series</th>
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<tbody>
<tr>
<td>XTOR68R-58W</td>
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<tr>
<td>XTOR68R-102W</td>
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</tbody>
</table>

### Accessories (Order Separately)

- WBXTORMX=Escutcheon Wall Plate, Summit White
- WBXTORMX-WT=Escutcheon Wall Plate, Carbon Bronze
- VA1039-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1038-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1037-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1036-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1035-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1034-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1033-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1032-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1031-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1030-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1029-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1028-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1027-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1026-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1025-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1024-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1023-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1022-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1021-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1020-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1019-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1018-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1017-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1016-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1015-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1014-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1013-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1012-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1011-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1010-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1009-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1008-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1007-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1006-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1005-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1004-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1003-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1002-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1001-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon
- VA1000-XX=2@90° Tenon Adapter for 2-3/8" O.D. Tenon

### STOCK ORDERING INFORMATION

<table>
<thead>
<tr>
<th>58W Series</th>
<th>81W Series</th>
<th>102W Series</th>
</tr>
</thead>
<tbody>
<tr>
<td>Full Cutoff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XTOR68-PC1=58W, 5000K, 120V PC, Carbon Bronze</td>
<td>XTOR88-PC1=81W, 5000K, 120V PC, Carbon Bronze</td>
<td></td>
</tr>
<tr>
<td>XTOR68-W=58W, 4000K, Carbon Bronze</td>
<td>XTOR88-W=81W, 4000K, 208-277V PC, Carbon Bronze</td>
<td></td>
</tr>
<tr>
<td>Refractive Lens</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XTOR68R=58W, 5000K, Refractive Lens, Bronze</td>
<td>XTOR88R=81W, 5000K, Refractive Lens, Bronze</td>
<td></td>
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<tr>
<td>XTOR68R-PC1=58W, 5000K, Refractive Lens, 120V PC, Carbon Bronze</td>
<td>XTOR88R-PC1=81W, 5000K, Refractive Lens, 120V PC, Carbon Bronze</td>
<td></td>
</tr>
<tr>
<td>XTOR68R-W=58W, 4000K, Refractive Lens, Summit White</td>
<td>XTOR88R-W=81W, 5000K, Refractive Lens, Summit White</td>
<td></td>
</tr>
<tr>
<td>XTOR68R-PMA=58W, 5000K, Refractive Lens, Pole Mount Arm, Carbon Bronze</td>
<td>XTOR88R-PMA=81W, 5000K, Refractive Lens, Pole Mount Arm, Carbon Bronze</td>
<td></td>
</tr>
<tr>
<td>XTOR68R-PC2=58W, 5000K, Refractive Lens, 208-277V PC, Carbon Bronze</td>
<td>XTOR88R-W=81W, 4000K, Refractive Lens, Carbon Bronze</td>
<td></td>
</tr>
</tbody>
</table>

### NOTES

1. DesignLights Consortium® Qualified and certified for both DLC Standard and DLC Premium, refer to [www.designlights.org](http://www.designlights.org) for details.
2. Not available with HA option.
3. Deep back box is standard for 347V, 480V, CBP, PMA, MS-L20 and MS/DIM-L20.
4. Not available with CBP option.
5. Thrust bearing not available with HA option or with 347V.
6. Not available with 480V Wye systems. Per NEC, not for use with ungrounded systems, impedance grounded systems or corner grounded systems (commonly known as Three Phase Three Wire Delta, Three Phase High Leg Delta and Three Phase Corner Grounded Delta systems).
7. Not available with MS-L20 and MS/DIM-L20 options.
8. Use PC2 with 347V or 480V option for photocontrol. Factory wired to 208-277V lead.
9. Customer is responsible for engineering analysis to confirm pole and fixture compatibility for all applications. Refer to our white paper WP513001EN for additional support information.
10. For use in downlight orientation only. Optimal coverage at mounting heights of 9'-20'.
11. FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff, and more. Consult your lighting representative at Eaton for more information.
12. Includes integral photo sensor.
13. The FSIR-100 configuration tool is required to adjust parameters including high and low modes, sensitivity, time delay, cutoff, and more. Consult your lighting representative at Eaton for more information.
14. Operating temperatures -20ºC to 25ºC.
15. Not available in XTOR12B or XTOR12BRL models.
16. Replace XX with housing color.
The patented Lumark Crosstour™ LED Wall Pack Series of luminaires provides an architectural style with super bright, energy efficient LEDs. The low-profile, rugged die-cast aluminum construction, universal back box, stainless steel hardware along with a sealed and gasketed optical compartment make the Crosstour impervious to contaminants. The Crosstour luminaire is ideal for wall/surface, inverted mount for façade/canopy illumination, post/bollard, site lighting, floodlight and low level pathway illumination including stairs. Typical applications include building entrances, multi-use facilities, apartment buildings, institutions, schools, stairways and loading docks test.

**SPECIFICATION FEATURES**

**Construction**
Slim, low-profile LED design with rugged one-piece, die-cast aluminum hinged removable door and back box. Matching housing styles incorporate both a small and medium design. The small housing is available in 12W, 18W and 26W. The medium housing is available in the 38W model. Patented secure lock hinge feature allows for safe and easy tool-less electrical connections with the supplied push-in connectors. Back box includes three half-inch, NPT threaded conduit entry points. The universal back box supports both the small and medium forms and mounts to standard 3-1/2” to 4” round and octagonal, 4” square, single gang and masonry junction boxes. Key hole gasket allows for adaptation to junction box or wall. External fin design extracts heat from the fixture surface. One-piece silicone gasket seals door and back box. Minimum 5” wide pole for site lighting application. Not recommended for car wash applications.

**Optical**
Silicone sealed optical LED chamber incorporates a custom engineered mirrored anodized reflector providing high-efficiency illumination. Optical assembly includes impact-resistant tempered glass and meets IESNA requirements for full cutoff compliance. Available in seven lumen packages; 5000K, 4000K and 3000K CCT.

**Electrical**
LED driver is mounted to the die-cast housing for optimal heat sinking. LED thermal management system incorporates both conduction and natural convection to transfer heat rapidly away from the LED source. 12W, 18W, 26W and 38W series operate in -40°C to 40°C [-40°F to 104°F]. High ambient 50°C models available. Crosstour luminaires maintain greater than 89% of initial light output after 72,000 hours of operation. Three half-inch NPT threaded conduit entry points allow for thru-branch wiring. Back box is an authorized electrical wiring compartment. Integral LED electronic driver incorporates surge protection. 120-277V 50/60Hz or 347V 60Hz models.

**Finish**
Crosstour is protected with a Super durable TGIC carbon bronze or summit white polyester powder coat paint. Super durable TGIC powder coat paint finishes withstand extreme climate conditions while providing optimal color and gloss retention of the installed life.

**Warranty**
Five-year warranty.

**DIMENSIONS**

12W, 18W, 26W
5-3/4” [146mm]
38W
8” [203mm]

12W, 18W, 26W
6-1/2” [168mm]

12W, 18W, 26W
3-5/8” [92mm]
38W
4” [102mm]
### POWER AND LUMENS BY FIXTURE MODEL

<table>
<thead>
<tr>
<th>LED Information</th>
<th>XTOR1B</th>
<th>XTOR1B-W</th>
<th>XTOR1B-Y</th>
<th>XTOR2B</th>
<th>XTOR2B-W</th>
<th>XTOR2B-Y</th>
<th>XTOR3B</th>
<th>XTOR3B-W</th>
<th>XTOR3B-Y</th>
<th>XTOR4B</th>
<th>XTOR4B-W</th>
<th>XTOR4B-Y</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delivered Lumens (Wall Mount)</td>
<td>1,418</td>
<td>1,396</td>
<td>1,327</td>
<td>2,135</td>
<td>2,103</td>
<td>1,997</td>
<td>2,751</td>
<td>2,710</td>
<td>2,575</td>
<td>4,269</td>
<td>4,205</td>
<td>3,995</td>
</tr>
<tr>
<td>Delivered Lumens (With Flood Accessory Kit)</td>
<td>1,005</td>
<td>990</td>
<td>940</td>
<td>1,495</td>
<td>1,472</td>
<td>1,399</td>
<td>2,099</td>
<td>2,068</td>
<td>1,965</td>
<td>3,168</td>
<td>3,121</td>
<td>2,365</td>
</tr>
<tr>
<td>B.U.G. Rating</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B1-U0-G0</td>
<td>B2-U0-G0</td>
<td>B2-U0-G0</td>
<td>B2-U0-G0</td>
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<tr>
<td>CCT (Kelvin)</td>
<td>5,000</td>
<td>4,000</td>
<td>3,000</td>
<td>5,000</td>
<td>4,000</td>
<td>3,000</td>
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<td>4,000</td>
<td>3,000</td>
<td>5,000</td>
<td>4,000</td>
<td>3,000</td>
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<tr>
<td>CRI (Color Rendering Index)</td>
<td>70</td>
<td>70</td>
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<td>70</td>
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<td>70</td>
</tr>
<tr>
<td>Power Consumption (Watts)</td>
<td>12W</td>
<td>12W</td>
<td>12W</td>
<td>18W</td>
<td>18W</td>
<td>18W</td>
<td>26W</td>
<td>26W</td>
<td>26W</td>
<td>38W</td>
<td>38W</td>
<td>38W</td>
</tr>
</tbody>
</table>

**NOTES:**
1. Includes shield and visor.
2. B.U.G. Rating does not apply to floodlighting.

### LUMEN MAINTENANCE

<table>
<thead>
<tr>
<th>Ambient Temperature</th>
<th>TM-21 Lumen Maintenance (72,000 Hours)</th>
<th>Theoretical L70 (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>XTOR1B Model</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25°C</td>
<td>&gt; 90%</td>
<td>265,000</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 89%</td>
<td>234,000</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 88%</td>
<td>215,000</td>
</tr>
<tr>
<td>XTOR2B Model</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25°C</td>
<td>&gt; 89%</td>
<td>240,000</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 88%</td>
<td>212,000</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 87%</td>
<td>196,000</td>
</tr>
<tr>
<td>XTOR3B Model</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25°C</td>
<td>&gt; 89%</td>
<td>222,000</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 88%</td>
<td>198,000</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 87%</td>
<td>184,000</td>
</tr>
<tr>
<td>XTOR4B Model</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25°C</td>
<td>&gt; 89%</td>
<td>222,000</td>
</tr>
<tr>
<td>40°C</td>
<td>&gt; 88%</td>
<td>198,000</td>
</tr>
<tr>
<td>50°C</td>
<td>&gt; 87%</td>
<td>184,000</td>
</tr>
</tbody>
</table>

### CURRENT DRAW

<table>
<thead>
<tr>
<th>Voltage</th>
<th>XTOR1B</th>
<th>XTOR2B</th>
<th>XTOR3B</th>
<th>XTOR4B</th>
</tr>
</thead>
<tbody>
<tr>
<td>120V</td>
<td>0.103A</td>
<td>0.15A</td>
<td>0.22A</td>
<td>0.34A</td>
</tr>
<tr>
<td>208V</td>
<td>0.060A</td>
<td>0.09A</td>
<td>0.13A</td>
<td>0.17A</td>
</tr>
<tr>
<td>240V</td>
<td>0.053A</td>
<td>0.08A</td>
<td>0.11A</td>
<td>0.17A</td>
</tr>
<tr>
<td>277V</td>
<td>0.048A</td>
<td>0.07A</td>
<td>0.10A</td>
<td>0.16A</td>
</tr>
<tr>
<td>347V</td>
<td>0.039A</td>
<td>0.06A</td>
<td>0.082A</td>
<td>0.12A</td>
</tr>
</tbody>
</table>
## Ordering Information

### Sample Number: XTOR2B-W-WT-PC1

<table>
<thead>
<tr>
<th>Series 1</th>
<th>LED Kelvin Color</th>
<th>Housing Color</th>
<th>Options (Add as Suffix)</th>
<th>Accessories (Order Separately)</th>
</tr>
</thead>
<tbody>
<tr>
<td>XTOR1B-Small Door, 12W</td>
<td>[Blank]=Bright White [Standard], 5000K</td>
<td>[Blank]=Carbon Bronze [Standard]</td>
<td></td>
<td>WG/XTOR-Wire Guard *</td>
</tr>
<tr>
<td>XTOR2B-Small Door, 18W</td>
<td>W=Neutral White, 4000K</td>
<td>WT=Summit White</td>
<td>PC1=Photocontrol 120V **</td>
<td>XTORFLD-KNC-Knuckle Floodlight Kit *</td>
</tr>
<tr>
<td>XTOR3B-Small Door, 26W</td>
<td>Y=Warm White, 3000K</td>
<td>BK=Black</td>
<td>PC2=Photocontrol 208-277V **</td>
<td>XTORFLD-TRN-Trunnion Floodlight Kit *</td>
</tr>
<tr>
<td>XTOR4B-Medium Door, 38W</td>
<td></td>
<td>BZ=Bronze</td>
<td>347V-347V **</td>
<td>XTORFLD-KNC-WT-Knuckle Floodlight Kit, Summit White</td>
</tr>
<tr>
<td></td>
<td></td>
<td>AP=Grey</td>
<td>HA=50ºC High Ambient **</td>
<td>XTORFLD-TRN-WT-Trunnion Floodlight Kit, Summit White</td>
</tr>
<tr>
<td></td>
<td></td>
<td>GM=Graphite Metallic</td>
<td></td>
<td>EWP/XTOR-Escutcheon Wall Plate, Carbon Bronze</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DP=Dark Platinum</td>
<td></td>
<td>EWP/XTOR-WT-Escutcheon Wall Plate, Summit White</td>
</tr>
</tbody>
</table>

### Notes:
2. Photocontrols are factory installed.
3. Order PC2 for 347V models.
4. Thru-branch wiring not available with HA option or with 347V. XTOR3B not available with HA and 347V or 120V combination.
6. Floodlight kit accessory supplied with knuckle (KNC) or trunnion (TRN) base, small and large top visors and small and large impact shields.

## Stock Ordering Information

<table>
<thead>
<tr>
<th>12W Series</th>
<th>18W Series</th>
<th>26W Series</th>
<th>38W Series</th>
</tr>
</thead>
<tbody>
<tr>
<td>XTOR1B-W=12W, 5000K, Summit White</td>
<td>XTOR2B-W=18W, 4000K, Carbon Bronze</td>
<td>XTOR3B-W=26W, 4000K, Carbon Bronze</td>
<td></td>
</tr>
<tr>
<td>XTOR1B-PC1=12W, 5000K, 120V PC, Carbon Bronze</td>
<td>XTOR2B-PC1=18W, 5000K, 120V PC, Carbon Bronze</td>
<td>XTOR3B-PC1=26W, 5000K, 120V PC, Carbon Bronze</td>
<td>XTOR4B-PC1=38W, 5000K, 120V PC, Carbon Bronze</td>
</tr>
<tr>
<td>XTOR2B-PC2=26W, 5000K, 208-277V PC, Carbon Bronze</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
FEATURES

- Aluminum Housing w/ Textured Black Polyester Powder Coat Finish
- Aluminum Heat-Sink Plate
- Aluminum Solid Top and Bottom End Plates
- Luminous White Acrylic Panels
- Thermal Compensation Technology Ensures Longer LED Lifetime, Which is Ideal For Fixtures Being Placed in Area w/ Fluctuating or Higher Ambient Temperatures
- 100V - 277V
- Mounts Directly to 4" Junction Box (By Others)

- ADA Compliant
- CSA Listed Wet Location
- LED Light Fixture
- Mounting Hardware Included

FINISHES

- Antique Copper
- Antique Silver
- Bronze Mist
- Matte Silver
- Metallic Black
- Sand
- Swedish Steel
- Textured Black
- Textured Bronze
- Textured White

For RAL Colors & Custom Match - Contact Teron Lighting Inc.
## Project: Source/Wattage Voltage Dimming Driver

### Fixture Core

<table>
<thead>
<tr>
<th>PRODUCT CODE</th>
<th>SOURCE/WATTAGE</th>
<th>VOLTAGE</th>
<th>DIMMING DRIVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>FL - Faldo</td>
<td>L18.0-TE500 - 18W @ 500mA ELV Dimming Driver</td>
<td>120V</td>
<td>Not Applicable</td>
</tr>
<tr>
<td></td>
<td>L37.0-ZE1100 - 37.0W @ 1100mA 4-Wire 0-10V Dimming Driver</td>
<td>277V</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

### ORDER INFO

<table>
<thead>
<tr>
<th>TRIM</th>
<th>FINISH</th>
<th>COLOR TEMP</th>
<th>OPTIONS</th>
</tr>
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### Aesthetics & Options

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<thead>
<tr>
<th>SOURCE</th>
<th>30K SPECS</th>
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<tbody>
<tr>
<td>Faldo</td>
<td>L18.0</td>
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<tr>
<td></td>
<td>• 80 CRI Typ.</td>
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<td>• 30K - 3000K Color Temp</td>
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<td></td>
<td>• 2484 LED Source Lumens</td>
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<td></td>
<td>• 138 LED Source Lumens Per Watt</td>
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<tr>
<td></td>
<td>L37.0</td>
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<tr>
<td></td>
<td>• 80 CRI Typ.</td>
</tr>
<tr>
<td></td>
<td>• 30K - 3000K Color Temp</td>
</tr>
<tr>
<td></td>
<td>• 3835 LED Source Lumens</td>
</tr>
<tr>
<td></td>
<td>• 103.6 LED Source Lumens Per Watt</td>
</tr>
</tbody>
</table>

### REPLACEMENT PART

<table>
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<tr>
<th>PART NO</th>
<th>NOTES</th>
</tr>
</thead>
<tbody>
<tr>
<td>9800660</td>
<td>White Acrylic Lens Panel Set</td>
</tr>
</tbody>
</table>

---

ATTACHMENT G.312

TERONLIGHTING.COM 33 DONALD DR, FAIRFIELD, OH 45014 P: 513.858.6004 F: 513.858.6038 E: SALES@TERONLIGHT.COM

BUY AMERICAN SINCE 1979

We reserve the right to revise the design components of any product due to parts availability or change in UL standards, without assuming any obligation or liability to modify any products previously manufactured, and without notice.
**LSQ SERIES**

**Lumasquare**

**CL-1 CEILING ENTRY LIGHT**

**SPECIFICATIONS**

**Intended Use:**
The sleek Lumasquare luminaire represents the culmination of function and form with low profile housing design and lens featuring low luminance soft glow lens. This unique lens features high efficiency and ultimate visual comfort. Available in two housing sizes and four lumen outputs for a variety of applications including building perimeter/security lighting, entrances, stairways, loading docks or canopies for schools, apartments or commercial buildings.

**Construction:**
Rugged die-cast aluminum housing with corrosion resistant powder coat finish both protects and provides architectural appearance. Heat dissipating fins provide superior thermal performance extending the life of the electronic components.

**Electrical:**
- 120-277V, 50/60Hz electronic drivers
- 347V and 480V available in larger LSQ2 housing
- 10KA surge protection included

**LED(s) Optics, CCT:**
- 3000K, 4000K and 5000K CCT nominal with 70 CRI
- Impact resistant acrylic diffuser
- Low luminance soft glow lens provides blended non pixilated light for unprecedented visual comfort

**Options/Controls**
- Button photocontrol for dusk to dawn energy savings. Stock versions include 120V-277V PC with a cover which provides a choice to engage photocontrol or not. PC is installed in top hub.
- Occupancy sensor available for on/off and dimming control in larger LSQ1 and LSQ2 housing
- SiteSync™ wireless lighting control delivers flexible control strategies for reducing power consumption and minimizing maintenance costs while delivering the right light levels with a simple and affordable wireless solution. See ordering information or visit www.hubbellighting.com/sitesync for more details.
- Battery backup options available in larger LSQ2 housing rated for either 0˚C or -30˚C. Performance exceeds NEC requirement providing 1 fc minimum over 10’x10’ at 11’ mounting height
- Battery backup units consume 6 watts when charging a dead battery and 2 watts during maintenance charging. EH (units with a heater) consume up to an additional 8 watts when charging if the battery temp is lower than 10˚C

**Listings**
- Listed to UL1598 for use in wet location, listed for -40C to 40C applications
- DA approved with zero uplight for 3000K and warmer CCTs
- DesignLights Consortium® (DLC) qualified. Please refer to the DLC website for specific product qualifications at www.designlights.org
- P65

**Warranty:**
Five year limited warranty (for more information visit: http://www.hubbellighting.com/resources/warranty/)

**INSTALLATION:**
- Mounts to -6’ junction box and includes a gasket to seal electrical connections
- Mounting plate and hook on fixture allow easy 4 step installation and wiring
- Four ½” threaded conduit hubs for surface conduit provided

**Certifications/Listings**
- **C-UL:**
- **US:**
- **3000K and warmer CCTs only**
- **IDA:**
- **DesignLights Consortium® (DLC) qualified.**
- **IP65**
- **Listed to UL1598 for use in wet location, listed for -40C to 40C applications**
- **IDA approved with zero uplight for 3000K and warmer CCTs**
- **DesignLights Consortium® (DLC) qualified.**
- **Listed to UL1598 for use in wet location, listed for -40C to 40C applications**

**SHIPPING INFORMATION**

- **Catalog Number:**
- **CL(W) (or) CTR:**
- **Carton Dimensions:**
- **Carton Qty. per Master Pack:**
- **Weight:**

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th>CL(W) (or) CTR</th>
<th>Carton Dimensions</th>
<th>Carton Qty. per Master Pack</th>
<th>Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSQ1</td>
<td>10lbs (4.5 kg)</td>
<td>9.5 (24)</td>
<td>8.25 (21)</td>
<td>5.25 (13.2)</td>
</tr>
<tr>
<td>LSQ2</td>
<td>15.5lbs (7 kg)</td>
<td>14 (35.5)</td>
<td>11.5 (29.2)</td>
<td>8 (20.3)</td>
</tr>
</tbody>
</table>

Hubbell Outdoor Lighting • 701 Millennium Boulevard • Greenville, SC 29607 • Phone: 864-678-1000

Due to our continued efforts to improve our products, product specifications are subject to change without notice.

© 2018 HUBBELL OUTDOOR LIGHTING. All Rights Reserved • For more information visit our website: www.hubbelloutdoor.com • Printed in USA LSQ SPEC AUGUST 7, 2018 10:14 AM
ORDERING INFORMATION - Stock Versions

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th>Description</th>
<th>Lumen Values</th>
<th>CCT/CRI</th>
<th>Voltage</th>
<th>Color/Finish</th>
<th>Control Options</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSQ1-40-4K-PCU</td>
<td>40 watt, 4600 Lumen, 4000K, 70 CRI, 120-277V, Dark Bronze Textured, Photocell</td>
<td>3181</td>
<td>5000K, 70CRI</td>
<td>120V-277V</td>
<td>BL</td>
<td>Button photocell (120-277V)</td>
<td>E1</td>
</tr>
<tr>
<td>LSQ1-40-4K-GYS-PCU</td>
<td>40 watt, 4600 Lumen, 4000K, 70 CRI, 120-277V, Gray Smooth, Photocell</td>
<td>4626</td>
<td>5000K, 70CRI</td>
<td>120V-277V</td>
<td>WH</td>
<td>Sensor control, programmable (dim)</td>
<td>EH</td>
</tr>
<tr>
<td>LSQ2-70-4K-PCU</td>
<td>75 watt, 9300 Lumen, 4000K, 70 CRI, 120-277V, Dark Bronze Textured, Photocell</td>
<td>7246</td>
<td>5000K, 70CRI</td>
<td>120V-277V</td>
<td>WH</td>
<td>Sensor control, pre-commission</td>
<td>F</td>
</tr>
<tr>
<td>LSQ2-70-4K-GYS-PCU</td>
<td>75 watt, 9300 Lumen, 4000K, 70 CRI, 120-277V, Gray Smooth, Photocell</td>
<td>9431</td>
<td>5000K, 70CRI</td>
<td>120V-277V</td>
<td>WH</td>
<td>Sensor control, field commission</td>
<td>F</td>
</tr>
</tbody>
</table>

1. Available in LSQ2-55 and LSQ2-70 only
2. Available in 120V-277V only
3. Must order minimum of one remote control (SCP-REMOTE) to program dimming settings, 0-10V fully adjustable dimming with automatic daylight calibration and different on-off delay settings (120-277V only)
4. Comes with Dual Driver (2DR) option

ACCESSORIES
- SCP-REMOTE Remote control for SCP option. Order a minimum of one per project to program and Control fixtures
- SCP-SPC Polycarbonate Vandal Shield

PERFORMANCE DATA

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th># of Drivers</th>
<th>Drive Current</th>
<th>System Watts</th>
<th>Distribution</th>
<th>Color/CRI</th>
<th>Power</th>
<th>Options</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSQ1</td>
<td>176</td>
<td>43mA</td>
<td>24.3</td>
<td>V</td>
<td>3181</td>
<td>131</td>
<td>2</td>
</tr>
<tr>
<td>LSQ2</td>
<td>352</td>
<td>43mA</td>
<td>54.6</td>
<td>V</td>
<td>7246</td>
<td>132</td>
<td>2</td>
</tr>
</tbody>
</table>

1. Lumen values are from photometric tests performed in accordance with IESNA LM-79-08. Data is considered to be representative of the configurations shown. Actual performance may differ as a result of end-user environment and application.

ELECTRICAL DATA

<table>
<thead>
<tr>
<th>Catalog Number</th>
<th># of Drivers</th>
<th>Input Voltage</th>
<th>Current (Amps)</th>
<th>System Power</th>
</tr>
</thead>
<tbody>
<tr>
<td>LSQ1-25</td>
<td>1</td>
<td>120</td>
<td>0.21</td>
<td>25.7</td>
</tr>
<tr>
<td>LSQ1-40</td>
<td>1</td>
<td>120</td>
<td>0.31</td>
<td>37.0</td>
</tr>
<tr>
<td>LSQ2-55</td>
<td>1</td>
<td>120</td>
<td>0.43</td>
<td>51.3</td>
</tr>
<tr>
<td>LSQ2-70</td>
<td>1</td>
<td>277</td>
<td>0.19</td>
<td>71.8</td>
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</table>

LUMINARIE AMBIENT TEMPERATURE FACTOR (LATF)

<table>
<thead>
<tr>
<th>AMBIENT TEMPERATURE</th>
<th>LUMEN MULTIPLIER</th>
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<tbody>
<tr>
<td>0°C</td>
<td>1.03</td>
</tr>
<tr>
<td>10°C</td>
<td>1.02</td>
</tr>
<tr>
<td>20°C</td>
<td>1.01</td>
</tr>
<tr>
<td>25°C</td>
<td>1.00</td>
</tr>
<tr>
<td>30°C</td>
<td>0.99</td>
</tr>
<tr>
<td>40°C</td>
<td>0.97</td>
</tr>
<tr>
<td>50°C</td>
<td>0.96</td>
</tr>
</tbody>
</table>

Use these factors to determine relative lumen output for average ambient temperatures from 0-40°C (32-104°F).
**PERFORMANCE**

**LSQ1**

Mounting Height: 12 ft

**LSQ2**

Mounting Height: 18 ft

**INSTALLATION**

1. Mount plate to junction box.
2. Hang fixture on mounting plate with provided integral hook.
3. Complete wiring connections.
4. Two mounting screws close and secure fixture to the mounting bracket.
**ARCHETYPE**  
Aluminum Shade with Glass and Guard Options

---

### Electrical
- 120V input (277V available in arm and post option only)
- Integrated power supply allows the fixture to be connected directly into line voltage
- Pre-wired and ready for install
- LED is dimmable with Incandescent/Triac dimmers

### Mounting
- 1/2” or 3/4” IP for arms. Flush mount, stems and post available only in 1/2”
- 9’ Pendant cord available in black or white cord (includes 5” canopy with the same finish as the shade)

### Finishes
- Shade and mounting finish options
- Available in 21 standard and 2 specialty finishes with optional coastal coating to protect finish in coastal environments (add “-C” to the finish)
- Inner shade is painted gloss white
- Consult factory for custom finish options

### Optional Accessories
- Glass, Cast Guard or Wire Cage options available

### Listing
- UL listed to US and Canadian standards for wet locations

---

**Archetype Order Matrix** (Example: AR16MTBZ-CGWC-3)

<table>
<thead>
<tr>
<th>Diameter</th>
<th>Lamp / LED</th>
<th>Finish</th>
<th>Coastal Coating Option</th>
<th>Accessories</th>
<th>Mounting Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR14 (14&quot;)</td>
<td>GU2413¹ (13W GU24 / 2770K)</td>
<td>ABL A (Aegean Blue)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-2 (-2/3” IP)</td>
</tr>
<tr>
<td>AR16 (16&quot;)</td>
<td>GU2415¹ (15W GU24 / 2770K)</td>
<td>BB B (Burnished Bronze)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-3 (3/4” IP)</td>
</tr>
<tr>
<td>ABL A</td>
<td>(Aegean Blue)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-2 (-2/3” IP)</td>
<td></td>
</tr>
<tr>
<td>BK B</td>
<td>(Burnished Bronze)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-3 (3/4” IP)</td>
<td></td>
</tr>
<tr>
<td>BLU C</td>
<td>(Dove Gray)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-2 (-2/3” IP)</td>
<td></td>
</tr>
<tr>
<td>SS D</td>
<td>(Satin Silver)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-3 (3/4” IP)</td>
<td></td>
</tr>
<tr>
<td>MB E</td>
<td>(Matte Black)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-2 (-2/3” IP)</td>
<td></td>
</tr>
<tr>
<td>MBL F</td>
<td>(Midnight Blue)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
<td>-3 (3/4” IP)</td>
<td></td>
</tr>
<tr>
<td>LED1127²</td>
<td>(11W LED / 2700K / 90 CRI / 1188lm)</td>
<td>LED1532²</td>
<td>(15W LED / 3000K / 90 CRI / 1725lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
<tr>
<td>LED1130²</td>
<td>(11W LED / 3000K / 90 CRI / 1265lm)</td>
<td>LED1534²</td>
<td>(15W LED / 3500K / 90 CRI / 1780lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
<tr>
<td>LED1135²</td>
<td>(11W LED / 5000K / 90 CRI / 1303lm)</td>
<td>LED1535²</td>
<td>(15W LED / 5000K / 90 CRI / 1710lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
<tr>
<td>LED1140²</td>
<td>(11W LED / 7000K / 90 CRI / 1364lm)</td>
<td>LED1536²</td>
<td>(15W LED / 7000K / 90 CRI / 1750lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
<tr>
<td>LED1527²</td>
<td>(15W LED / 2700K / 90 CRI / 1620lm)</td>
<td>LED1537²</td>
<td>(15W LED / 3000K / 90 CRI / 1726lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
<tr>
<td>LED1530²</td>
<td>(15W LED / 3000K / 90 CRI / 1726lm)</td>
<td>LED1538²</td>
<td>(15W LED / 3500K / 90 CRI / 1780lm)</td>
<td>-C¹ (Coating)</td>
<td>-CG / -FGW / -FGG</td>
</tr>
</tbody>
</table>

**KEY: Standard Finishes**
- ABL: (Aegean Blue)
- BB: (Burnished Bronze)
- BK: (Gloss Black)
- BLU: (Dove Gray)
- DVG: (Dove Gray)
- FLG: (Flannel Gray)
- GA: (Galvanized)
- LG: (Lime Green)
- MB: (Matte Black)
- MBL: (Midnight Blue)
- PNA: (Painted Natural Aluminum)
- PNC: (Painted Natural Copper)
- RD: (Red)
- SA: (Satin Aluminum)
- SGR: (Sage Green)
- SGW: (Semi Gloss White)
- SNOW: (Satin Silver)
- SS: (Satin Silver)
- TBZ: (Textured Bronze)
- TGP: (Textured Graphite)

**Specialty Finishes**
- GA: (Galvanized)
- SA: (Satin Aluminum)

---

1. Lamp included
2. Not for use in glass/cast guard/wire cage
3. Glass enclosure must be specified
4. Satin aluminum cannot be coated

---

---

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ARCHETYPE
Aluminum Shade
with Glass and Guard Options

Glass Enclosure
- Glass is available in clear (-CG), frosted (-FG) or opal (-OG)

Wire Cage with Glass Enclosure
- Wire cage can be specified in all standard and specialized finishes, and will match shade finish unless otherwise specified
  (Note: For galvanized shade finishes, wire cage is finished in Painted Natural Aluminum)
- Glass is available in clear (-CGWC), frosted (-FGWC) or opal (-OGWC)

Cast Guard with Glass Enclosure
- Cast guard can be specified in all standard and specialized finishes, and will match shade finish unless otherwise specified
  (Note: For galvanized shade finishes, cast guard is unfinished Raw Aluminum)
- Glass is available in clear (-CGG), frosted (-FGG) or opal (-OGG)
Exhibit I: Neighborhood Meeting Summary
February 8, 2018

Dear Neighbor/Property Owner:

AKS Engineering & Forestry, LLC, is holding a neighborhood meeting regarding a ±120-unit multi-family site plan review on a ±6.73-acre property located at 595 NE Geary Street. The subject property is zoned Residential Medium Density (RM) and is shown on the attached map. Meeting time and location:

February 20, 2018 at 6:30 p.m.
Albany Public Library
2450 14th Avenue SE, Albany, OR 97332-6880

Pursuant to Albany Development Code Section 1.204, you are receiving this letter because you are listed as the owner of property within 1,000 feet of the subject property. The purpose of this meeting is to provide a forum for neighbors to review and discuss the project before the application is submitted to the City. This meeting will give you the opportunity to share with us any special information you know about the property involved. We will attempt to answer questions that may be relevant to meeting development standards consistent with the Albany Development Code.

Please note this will be an informational meeting based on preliminary plans. These plans may be altered prior to submittal of the application to the City. Depending upon the type of land use action required, you may receive official notice from the City of Albany inviting you to participate with written comments and/or providing you an opportunity to attend a public hearing.

We look forward to discussing this project with you. If you have questions, but will be unable to attend, please feel free to contact me at 503.400.6028.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Joey Shearer, AICP – Land Use Planner

Attachment: Vicinity Map
Subject Site

Linn County Disclaimer: This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.
GEARY ST. SITE LAYOUT

SITE AREA: 274,958SF (6.31AC)

Double Loaded Corridor: Long

- 28 2bed/2bath 1.5 /UNIT 42
- .25/1'SQ 7,700
- 16 1bed/1bath 1/UNIT 16
- .25/1SQ 3,000
- 4 Studios 1/UNIT 4
- .25/1SQ 500

-------------------------

48 Total Units
SubTotal: 62
11,200

Double Loaded Corridor: Bent

- 24 2bed/2bath 1.5 /UNIT 36
- .25/1'SQ 6,600
- 20 1bed/1bath 1/UNIT 20
- .25/1SQ 3,750
- 4 Studios 1/UNIT 4
- .25/1SQ 500

-------------------------

48 Total Units
SubTotal: 60
11,200

3 Bed Townhomes

- 4 Units
- PARKING REQ
- OPEN SPACE
- 3 Buildings
- .5 /UNIT 6
- .25/1'SQ 4,803

---------------------------------------

12 Total Units
SubTotal: 6
4,803

2 Bed Walkups

- 12 Units
- PARKING REQ
- OPEN SPACE
- 2 Buildings
- 1.5 /UNIT 36
- .25/1'SQ 4,140

---------------------------

12 Total Units
SubTotal: 18
4,140

VISITOR PARKING 1 PER 4 UNITS
REQ 31

TOTAL PARKING PROVIDED
48 UNITS
PARKING REQUIRED
177
24,070

FEMA MAPPED FLOODWAY BOUNDARY
APPROXIMATE LOCATION OF EXISTING PATH

ENTRY

12
11
10
9
8
7
6
5
4
3
2
1

2 BED/ 2BATH WALKUPS
12 TOTAL

COMMUNITY BUILDING

12
11
10
9
8
7
6
5
4
3
2
1

30' WIDE SANITARY SEWER EASEMENT
VOL 266 PAGE 134

PUBLIC ACCESS EASEMENT
VOL. 365, PAGE 925

SUMMARY OF ADC 3.190 TABLE 1
UNIT TYPE
STUDIO, 1BDRM
2/3 BDRM UNITS
LAND REQ/UNIT
2,000SF
2,400 SF
PROPOSED UNITS
44
76
TOTAL LAND AREA REQUIRED
88,000 SF
182,400 SF
TOTAL
120
270,400 SF

FEMA BASE FLOOD MAPPED BOUNDARY
APPROXIMATE LOCATION OF EXISTING PATH

DEQ EASEMENT DOC NO. 2007-29188
PUBLIC ACCESS EASEMENT
VOL. 365, PAGE 925

231 SW 2nd Ave.  |  PO Box 3420
Albany, Oregon 97321
Ph: 541.497.2954  /  Fx: 541.926.4358
<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Full Mailing Address</th>
<th>Email Address</th>
<th>Zip Code</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Reynolds</td>
<td>1420 Water Ave NE</td>
<td><a href="mailto:chakra52812@ymail.com">chakra52812@ymail.com</a></td>
<td>97321</td>
<td>541-405-3736</td>
</tr>
<tr>
<td>Tony Cunningham, Wayne Williams</td>
<td>P.O. Box 3304</td>
<td></td>
<td>97321</td>
<td></td>
</tr>
<tr>
<td>Nala Reve</td>
<td>432 Burkhard St.</td>
<td>Albany OR</td>
<td>97321</td>
<td></td>
</tr>
<tr>
<td>John S McDaniel II</td>
<td>406 Chicago Street</td>
<td><a href="mailto:jmcdaniel@rcc.com">jmcdaniel@rcc.com</a></td>
<td>97321</td>
<td>541-979-1121</td>
</tr>
<tr>
<td>Liga Craft</td>
<td>2025 William Ave</td>
<td><a href="mailto:Luhria@Comcast.net">Luhria@Comcast.net</a></td>
<td></td>
<td>541-990-7503</td>
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Geary Street
February 20, 2018
6:30 p.m.

Neighborhood Meeting
Albany Public Library
2450 14th Avenue, Albany, OR 97332
<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Full Mailing Address</th>
<th>Email Address</th>
<th>Zip Code</th>
<th>Phone #</th>
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<tbody>
<tr>
<td>Paul Alexander</td>
<td></td>
<td><a href="mailto:palexanderfish@akh.com">palexanderfish@akh.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Vic Blermkist</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bob &amp; Dot Wescott</td>
<td>405 Chicago St NE</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gauthin Cooper</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>David Johnson</td>
<td>1125 E 24TH</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Jeff Walpole</td>
<td>1962 Front Ave</td>
<td><a href="mailto:jeffreyd.walpole@gmail.com">jeffreyd.walpole@gmail.com</a></td>
<td>97321</td>
<td></td>
</tr>
<tr>
<td>Jeff Walpole</td>
<td>2004 Front Ave</td>
<td></td>
<td>97321</td>
<td></td>
</tr>
</tbody>
</table>
**Geary Street**  
February 20, 2018  
6:30 p.m.

**Neighborhood Meeting**  
Albany Public Library  
2450 14th Avenue, Albany, OR 97332

### PLEASE PRINT CLEARLY

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Full Mailing Address</th>
<th>Email Address</th>
<th>Zip Code</th>
<th>Phone #</th>
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</thead>
<tbody>
<tr>
<td>Mary Abraham</td>
<td>P.O. Box 2381, Albany, OR 97321</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Melissa Anderson</td>
<td>Can. Dev. Dept., City of Albany</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**PLEASE PRINT CLEARLY**

<table>
<thead>
<tr>
<th>Printed Name</th>
<th>Full Mailing Address</th>
<th>Email Address</th>
<th>Zip Code</th>
<th>Phone #</th>
</tr>
</thead>
<tbody>
<tr>
<td>CHRISTIE LOCKE</td>
<td>1915 WILLAMETTE AVENUE</td>
<td><a href="mailto:clocke90@comcast.net">clocke90@comcast.net</a></td>
<td>97331</td>
<td>5417040881</td>
</tr>
</tbody>
</table>
January 17, 2019

City of Albany Community Development Department
333 Broadalbin Street SW
Albany, OR 97321

Re: Neighborhood Meeting Summary for The Banks Multiple Family Housing Project Located at
595 Geary Street NE

The purpose of this memo is to provide a summary of the comments received at the neighborhood meeting
for the above referenced project, in order to meet the submittal requirements of Albany Development
Code Section 1.207(7). The neighborhood meeting was held on February 20, 2018 at 6:30 p.m. at the
Albany Public Library at 2450 14th Avenue SE. Notice of the meeting was sent to property owners within a
1,000 foot radius of the subject property at the direction of the Community Development Director. The
general concerns raised by the neighbors are enumerated below in italics and followed by the Applicant
responses:

1. Flooding issues
   Response: The land use submittal includes an application for a floodplain development permit which
demonstrates that the project meets all the applicable approval criteria for preventing and
minimizing flood risk. The application includes a hydraulic report showing that the project
will not increase flood levels though the floodplain. Further, the application demonstrates
that the finished floor elevations are planned to be more than one foot above the base
flood elevation.

2. Concerns about the mass of the building and the density proposed for the site.
   Response: The total number of units has been reduced from 120 units to 105 units in the revised site
plan. The revised site plan shows that the units have been distributed across the planned
buildings and that the mass of each individual building has been reduced.

3. Traffic, railroad crossing, and emergency access concerns
   Response: At the time of the neighborhood meeting, the traffic impact study had not been
completed. The traffic study included in the application concludes that the existing
transportation network is adequate to serve the site, that the project will not negatively
impact traffic operations in the surrounding area, and no further mitigation is required.
The deputy fire marshal reviewed the preliminary site plan at the pre-application
conference and did not have any concerns over emergency access.

4. Concerns over park safety and the safety along the riverfront
   Response: The additional residents along the riverfront will likely result in greater surveillance on the
area and increase the likelihood that problems are reported to emergency responders.

5. Concern about the Alco Street driveway
Response: The project anticipates that the Geary Street entrance will be the main entrance to the site. The Traffic Impact Analysis (TIA) included in Exhibit G of the application anticipates that approximately 90% of trips generated by the project will use the Geary Street entrance.

6. Parking concerns

Response: The project will meet the applicable standards to ensure an adequate supply of parking. It is in the interest of the developers to provide adequate parking.

7. Adequacy of streets and infrastructure

Response: The TIA included in the application concludes that the existing transportation network is adequate to serve the site, that the project will not negatively impact traffic operations in the surrounding area, and no further mitigation is required.

The points raised at the neighborhood meeting, to the extent they are directed toward the applicable approval criteria, are also addressed in the responses provided in the application narrative.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Curt Fisher, Land Use Planner
4300 Cherry Avenue NE
Keizer, OR 97303
(503) 400-6028 | fisherc@aks-eng.com
Exhibit J: Pre-Application Conference Summary
Planning Division Pre-Application Notes

PR-0009-18: Geary Street Apartment Complex
Melissa Anderson
February 7, 2018

Proposal Summary
Proposal to develop a ±120-unit apartment complex (35 x 2-bdrm. apts. and 86 x 1 bdrm. apts.)

Site Address or Location
595 Geary Street NE, Map & Tax Lot 11S03W05BD00300
533 Alco Street NE, Map & Tax Lot 11S03W05CA01001
1935 Linn Ave. NE, Map & Tax Lot 11S03W05CA06802
1925 Linn Ave. NE, Map & Tax Lot 11S03W05CA06801
1905 Linn Ave. NE, Map & Tax Lot 11S03W05CA06800
Map & Tax Lots 11S03W05BD00200, 11S03W05CA01100, 11S03W05CA06805

Site Size and Characteristics
Total land area ±6.73 acres

Comprehensive Plan Designation(s)
Residential Medium Density and Residential Low Density

Zoning
RM – Residential Medium Density

Overlay Zones
☒ Floodplain ☒ Wetlands ☐ Hillside ☐ Airport ☒ Willamette Greenway ☐ Historic ☐ Other:____

Required Studies or Reports
☒ Traffic Generation Study
☒ Traffic Impact Analysis (TIA)
☒ TIA include TPR analysis (rezones) OAR 660-012-0060
☐ Urban Conversion Plan (land divisions)
☐ Geo-Tech report (hillside development)
☒ Floodplain study
☐ Drainage study

Neighborhood Meeting Required? ☒ Yes ☐ No Notice Area (ft) 300 foot
Required Planning Applications

1. **Site Plan Review.** This is a usually a staff decision reviewed in accordance with the Type 1-L limited land use procedure. However, if submitted with Willamette River Greenway, the application would follow the Type II procedure discussed below. Site Plan Review Type I-L are staff decisions that are typically made with 6-8 weeks from the date the application is deemed complete, but by law the City has up to 120 days to make the decision. Surrounding property owners within 300 feet are notified. The fee is $2,616, plus 0.15% of construction value over $150,000. Fee for review of design standards is $301. Fee for review of traffic report is $687.

2. **Subdivision Replat.** The site consists of multiple lots. A subdivision replat application is required to combine the lots and remove the internal property lines. This should be a Type I-L staff decision that would be processed concurrently with the site plan review application. The fee is $275. There is no fee for the final plat, other than recording fees at Linn County.

3. **Willamette River Greenway.** The process is a Type II review and it is a staff decision with opportunity for a public hearing. Staff decisions that are typically made with 6-8 weeks from the date the application is deemed complete, but by law the City has up to 120 days to make the decision. If a hearing is requested, the decision could take 10 weeks and possibly longer. The fee is $1,238.

4. **Floodplain Development Permit.** Site improvements in the floodplain and grading, excavation, fill, and paving in the floodplain require land use review. The process is a Type I-L review with staff decision. Fee is $226 plus pass-through charges for third party review.

5. **Tree Felling Permit.** ADC 9.207 requires Site Plan Review for Tree Felling if 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) are to be removed. Albany Municipal Code (AMC) 7.98.040(2) requires that a permit be obtained from the City Forester to remove any tree larger than 25 inches in diameter. If a tree inventory has already been completed in the past, it can be used but it may need to be updated to reflect current status and health of trees on site. The fee for a tree felling permit concurrent with another land use application is $413.

   *All application fees are subject to change annually, beginning July 1st.*

Pertinent Applicable Albany Development Code Articles

☑ Article 1  Administration and Procedures
☑ Article 2  Review Criteria Standards
☑ Article 3  Residential Zoning Districts
☐ Article 4  Commercial and Industrial Zoning Districts
☐ Article 5  Mixed Use Zoning Districts
☑ Article 6  Natural Resource Districts
☐ Article 7  Historic Overlay District
☑ Article 8  Design Standards
☑ Article 9  On-site Development and Environmental
☐ Article 10 Manufactured Home Development Standards
☑ Article 11 Land Divisions and Planned Developments
☑ Article 12 Public Improvements
☐ Article 13 Signs
☐ Article 22 Use Categories and Definitions
Planning Staff Identified Issues

NEIGHBORHOOD MEETING: ADC 1.203 requires a neighborhood meeting when multiple-family development that abuts a single-family zoning district. The project abuts RS-5 zoning district to the south. See ADC 1.204 for the meeting standards. The meeting must be held prior to submittal of the Site Plan Review application. A 1,000 foot notice area is required.

WILLAMETTE RIVER GREENWAY STANDARDS: See ADC 6.540 regarding review criteria. ADC 5.207 lists the "Permawood Site" (Map & Tax Lot 11S03W05BD00300, 11S03W05BD00200, 11S03W05CA01001, 11S03W05CA01100 & 11S03W05CA06805) as exempt from the standard Willamette River setbacks standards of ADC 5.20C and 5.205. For this site, the alternative setback for buildings and parking on the river side of property is 15 feet (per ADC 5.207). For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The 15-foot minimum setback will be measured from the most inland of the: 1) Property line along the river, or 2) City multi-use path easement; or 3) Top of the river embankment.

There is an existing City path easement located on the north boundary of the property. The current trail is unimproved and is not contained entirely within the easement due to the steep river bank. The trail alignment and easement need to be moved to install a new pedestrian path.

ADC 5.207 also states that any proposed fences on the river side of property will be located south of the most inland of the: 1) Property line along the river, or 2) City multi-use path easement, or 3) Top of the river embankment.

FLOODPLAIN DEVELOPMENT STANDARDS: FEMA FIRM Map 41043C0214H shows the property contains an identified floodway and the 100-year floodplain. See ADC 6.110 for site improvement standards, ADC 6.111 for grading, fill and paving requirements, ADC 6.120 for building standards. ADC 6.121 shows standards that may apply to the below-grade parking. ADC 6.125 shows the standards for fence and walls. The floodway is located on the northern portion of the property; no development is allowed in the floodway unless a no-rise analysis is approved per ADC 6.100. A fill permit was approved for the subject property in 2013; however, that permit has since expired and is no longer valid.

BASIC DEVELOPMENT STANDARDS (RM ZONING): See ADC 3.190, Table 1, in the Development Code. This covers setbacks, building height, etc. Density standards state that development may not exceed 25 units per gross acre. In addition, property size for studio and one-bedroom units require 2,000 square feet of land area per dwelling unit; two- and three-bedroom units require 2,400 square feet of land area per dwelling unit; and 4+ bedroom units require 3,000 square feet of land area per dwelling unit.

Minimum front setback (Geary St., Chicago St., Linn Ave, and Alco St.) for buildings and parking lot is 15 feet. The interior setback is 10 feet unless over 3 stories then the 10 feet plus 3 feet for each story over three. ADC 8.270(1) also applies that says when abutting single-family homes, buildings shall be set back at least one foot for each foot in building height from the property line. Maximum height is 45 feet tall. Lot coverage is 70 percent include buildings, pavement or any area not vegetated in a naturally permeable state. All the above must be shown on the site plan.
DESIGN STANDARDS: Multiple family design standards are listed in ADC 8.200-8.300. Some of the sections of the design review standards are listed below.

ADC 8.220 requires common open space and children’s play areas. Common open space is required at a ratio of 0.25 square feet for each 1.0 square feet of living space. An open space credit, not to exceed 25 percent of the common open space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.

ADC 8.230 says dwellings located at finished grade, or within 5 feet of finished grade, shall provide at least 96 square feet of private open space per unit. Dwellings located more than 5 feet from finished grade shall provide a minimum of 80 square feet of private open space per dwelling unit (such as a yard, deck or porch), with no dimension less than 6 feet.

ADC 8.240 says at least 50 percent of the site width shall be occupied by a building(s) placed no further than 25 feet from the front lot line.

ADC 8.260 says as many of the dwelling unit entries as possible shall face public local residential streets and along the internal street system of larger scale developments. Geary Street should be the street to focus on. ADC 8.260(4) says no off-street parking or circulation shall be located between the front of the building and the street.

ADC 8.270 says when abutting single-family homes, buildings shall be set back at least one foot for each foot in building height from the property line.

ADC 8.280 and 8.290 addresses pedestrian connections and vehicle circulation. ADC 8.300 says parking lots, carports, and garages should not be sited between multiple-family buildings and the public local street unless site size and configuration make this impossible.

PARKING: Parking standards in ADC 3.350, Table 3 shows that 1 visitor space for every 4 units is required in addition to the parking spaces required for each apartment unit, which depends on the number of bedrooms per unit. For studio and 1-bedroom units 1.0 space per unit is required, for 2-bedroom units 1.5 spaces per unit is required and for 3- and 4-bedroom units 2.25 spaces per unit is required. Compact spaces are allowed, up to no more than 40% of the total parking spaces.

Parking lots must be of durable surface, have drainage, perimeter curbing. See ADC 4.250 (minimum number required); ADC 9.010-9.200 (construction, design layout; landscaping, etc. standards). Sheet flow of water over sidewalks is not allowed.

Parking spaces must include providing parking for the disabled to meet State of Oregon ADA standards. These are not in addition to the minimum number required of the use. There are specific design requirements for ADA parking spaces. Building Division has the handout.

LANDSCAPING: ADC 9.140(1) and 9.150 apply to this development. Landscaping will be required in the front setback and in the parking lot. Planter bays are required at both ends of each parking bay. The planter bays must be at least 5 feet wide with a 6-inch curb and one canopy tree at least 10 feet high, two shrubs, and decorative ground cover.
TREEmOReMAL: ADC 9.207 requires Site Plan Review Tree Felling if 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) are to be removed. AMC 7.98.040(2) requires that a permit be obtained from the City Forester to remove any tree larger than 25 inches in diameter.

DEQ: Oregon Department of Environmental Quality may require engineering control or other mitigation for the proposed development, as indicated in a letter from DEQ dated April 7, 2008. DEQ will be notified and routed the application when submitted.

PLANS (SITE PLAN & ELEVATION PLAN): All plans submitted with a land use application must be to an identified scale and fully dimensional. Elevation plans are necessary to assess whether this plan meets the requirements, such as height and compatibility with surrounding buildings.

LAND USE QUESTIONS:

1. Please confirm that the conceptual layout (building size, setbacks, driveway, access, internal circulation, etc.) and density meet applicable City standards.

2. Please discuss “site width” related to ADC 8.240, as it applies to the subject property.

3. Please confirm the maximum building height for this property.  
45 foot maximum height in the RM zone.

4. Please discuss the recreation and open space requirements. What areas can be used to meet the requirement for children’s play areas? Is playground equipment required?

5. Please discuss the minimum site landscaping requirements.

6. Please discuss any applicable buffering and screening requirements.

7. Please discuss the minimum vehicle and bicycle parking requirements.

<table>
<thead>
<tr>
<th>RESIDENTIAL VEHICLE PARKING</th>
</tr>
</thead>
<tbody>
<tr>
<td>Multi-Family: Studio and 1-bedroom units</td>
</tr>
<tr>
<td>Multi-Family: 2-bedroom units</td>
</tr>
<tr>
<td>Multi-Family: 3 or more bedroom units</td>
</tr>
</tbody>
</table>

ADC 9.120(13) Bicycle Parking. Bicycle parking space requirements are as follows:
(a) For multiple-family dwellings (three or more units) and units above or attached to a business — one space per four units.
(b) For industrial development — one space for every ten automobile spaces required.
(c) For commercial or office development - one space for every ten automobile spaces required with a minimum of two spaces. [Ord. 5832, 4/9/14; Ord. 5886, 1/6/17]
(d) Exemptions -- the Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking.
Bicycle parking spaces shall meet the following standards:

(e) Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants. Within the HD, CB, CMU, and WF zoning districts, bicycle parking may be located on a public sidewalk with approval from the City Engineer. [Ord. 5894, 10/14/17]

(f) Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.

(g) Bicycle parking areas must provide at least three feet of clearance around all three sides of a fully-loaded bicycle rack and have an overhead clearance of at least seven feet.

(h) At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof overhang or a separate roof at least seven feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces. [Ord. 5673, 6/27/07]

8. Please discuss applicable requirements for on-site lighting.
   No spill-over allowed; needs to be shielded, full-cut-off type lighting.

9. Please discuss applicable solid waste and recycling facility requirements.

**OUTSIDE STORAGE**

3.380 General. In any district, outside storage or display of materials, junk, parts, or merchandise shall not be permitted in required front setbacks or buffer areas.

3.390 Screening of Refuse Containers. The following standards apply to all residential development, except for one- and two-family dwellings. Any refuse container or refuse disposal area which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring fence, wall or hedge at least 6 feet in height. All refuse materials shall be contained within the screened area. No refuse container or refuse disposal area shall be placed within 15 feet of a dwelling window.

10. Please discuss ADC 8.270 and confirm it does not apply relative to the non-residential use at 531 Geary Street.
   It does not apply to a non-residential use.

11. Please discuss ADC 8.260 as it applies to the schematic layout, specifically the building in the southwest corner of the site.

12. Please discuss the requirements and approval criteria for the floodplain overlay. Please confirm that the parking areas in the floodway are acceptable if no fill is used.
   A no-rise analysis will be required to allow any development in the floodway.

13. Please discuss any top of bank setback that may apply to this project.

5.207 Exceptions to the Willamette River Setback Standards. For the following properties, the language in Sections 5.200 and 5.205 shall not apply. Willamette River setback provisions for these properties are set forth below.
For these properties, the minimum setback for buildings and parking on the river side of property along the river is:

<table>
<thead>
<tr>
<th>Area</th>
<th>Minimum Setback</th>
</tr>
</thead>
<tbody>
<tr>
<td>West of Lafayette</td>
<td>5 feet</td>
</tr>
<tr>
<td>East of Lafayette</td>
<td>15 feet</td>
</tr>
</tbody>
</table>

For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The minimum setbacks outlined above will be measured from the most inland of the:

(1) Property line along the river, or
(2) City multi-use path easement, or
(3) Top of the river embankment.  

Fences on the river side of property along the river will be located south of the most inland of the:

(1) Property line along the river, or
(2) City multi-use path easement, or
(3) Top of the river embankment.  

[Ord. 5627, 7/27/05]

14. Please confirm that the planned location of the buildings in proximity to the sanitary sewer line easement is acceptable.  
This is a public works issue.

15. Please confirm that the storage units abutting NE Chicago Street are acceptable.

16. Please discuss the requirements and approval criteria for the Willamette Greenway overlay.  
This is addressed previously in the notes.

17. Are there any other natural resource overlays on the property that we need to address?  
Willamette River Greenway, Wetland/Waterway and Floodplain and Floodway Overlays

18. Please discuss tree removal requirements.  
Replat will be processed concurrently and is addressed previously in the notes.

19. Please discuss the requirements for a subdivision replat to remove the internal property lines.  
Replat will be processed concurrently and is addressed previously in the notes. The criteria is under ADC 11.180.

20. Please let us know if any additional studies or analyses (natural resources, geotechnical, soils, traffic studies, etc.) are necessary.
Transportation study per Ron Irish, Storm Water Drainage Report per Public Works, Floodplain Analysis, including No-Rise Analysis if propose development in the floodway, Soils Report if required by Building Official.

21. Please discuss any applicable accessibility requirements for the planned townhomes adjacent to NE Linn Avenue. 
Building code addresses ADA requirements. Development code addresses pedestrian access in general.

22. Please discuss any planned or in progress changes to the Albany Development Code and what impact those changes may have on this project. 
There are no changes to the ADC that are in process at this time, except sign code changes are anticipated in the near future.

23. Please discuss the neighborhood meeting requirements. Please confirm notice to property owners within 300 feet is required. 
The standards for neighborhood meeting requirements are under ADC 1.203-1.204. The mailing area is is 1,000 foot radius.

24. Please discuss the required land use applications/permits, the submittal requirements for each, the review procedure type, the city application fees, and the anticipated timeline for review. 
This is addressed earlier in these notes.

A pre-application meeting on a preliminary plan is not a land use decision. The purpose of the pre-application meeting is to discuss issues generally that may affect the design and/or cost of a project based on the preliminary plan submitted. Staff also tries to identify obvious additional information, studies, etc. that will be required with the formal application. However, in the course of reviewing the actual application(s), other issues may be discovered that were not anticipated or noticed at the pre-application meeting. The City may request additional details, drawings, information, analyses, or plans relevant to the review up to 30 days following submittal of an application.
TO: Melissa Anderson, Planner  
FROM: Lora Ratcliff, Senior Deputy Fire Marshal  
DATE: April 24, 2017  
SUBJECT: 595 Geary St NE – Site Plan Review for Geary Street Apartments – Pre-application Meeting – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2014 Oregon Fire Code (OFC) per your request and has the following comments:

1. 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. (OFC 503.1.1)

   The site as proposed appears to meet these criteria. The project as illustrated will require the use of private fire apparatus roadways that circulate through the proposed parking lot/access roads that will serve the proposed apartment buildings to meet this requirement. Designated fire apparatus access roads must be identified on your future plans to include annotations showing how fire fighters will access the exterior of all of the proposed buildings.

2. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

   The proposal does not show a dead-end.

3. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface. (OFC 503.2.1) Buildings or portions of buildings or facilities exceeding 30 feet in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus at a minimum unobstructed width of 26 feet wide of improved surface. At least one of the required access routes meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. (OFC D105)

   The height of the structures could not be determined from the submitted material.

4. Private fire apparatus access roadways shall be permanently marked “NO PARKING—FIRE LANE using a combination of “YELLOW” painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
   - Roads 20 to 26 feet in width – Posted both sides
   - Roads more than 26 feet in width – Posted on one side (as approved)

5. Turning radii for all fire apparatus access roads shall be provided and maintained at no less than 30 feet inner and 50 feet outer (OFC 503.2.4 & Appendix D 103.3)

6. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide
written certification to the Fire Department upon completion of all private access road construction.

7. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required for shall be as specified in Appendix B of the fire code. (OFC 507.3).

8. The location and spacing requirements for fire hydrants are based on four project-specific criteria:
   - The distance from the most remote exterior point of the building(s) to the closest available fire hydrant.
   - The calculated "fire flow" of the proposed building(s)
   - The spacing of the existing fire hydrants along the public and private fire apparatus roads serving the property.
   - The location of new required public or private fire apparatus access roads located adjacent to the proposed building(s) to be constructed.

The requirements for fire hydrants for this proposed project will be based on the following requirements:

a. Fire hydrant location: All portions of buildings constructed or moved into the City shall be located within 400 feet (600 feet for residential and fire sprinkler-protected buildings) of a fire hydrant located on a fire apparatus access road using an approved route of travel. (OFC 508.5.1)

   Distances from hydrants to structures could not be determined from the submitted material.

b. Required fire hydrant spacing will be based upon your required fire flows as determined by OFC Appendix C105.1 and Table C105.1. Please note that dead end roads require a reduced spacing.

c. Existing fire hydrant spacing. In addition, OFC Section C102.1; requires the placement of additional hydrants along all of your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See 2012 ICC Commentary, Appendix C, Section C102.1).

d. Fire hydrant spacing along new/required fire apparatus access roads. In addition, OFC Section C103.1; requires the placement of additional hydrants along all of your required fire access roads that are adjacent to any proposed building (and any future additions) and circulating through your private property with spacing requirements per Appendix C 105.1. (See 2009 ICC Commentary, Appendix C-1, Section C103.1).

   Hydrant(s) will need to be installed along the on-site fire access road. Each private fire hydrant shall be capable of supplying a minimum of 1,500 gpm at a minimum of 20 psi as a single point flow.
9. A City of Albany plumbing permit is required to be obtained for any private fire underground and private fire hydrant installations. (C 102.1)

10. All fire hydrants shall be provided with approved STORZ fittings (C 102.1). Private fire hydrants shall be painted WHITE and maintained by the property owner in accordance with NFPA Standard #25. Public fire hydrants shall be painted in accordance with Public Works Department Standards.

11. Location of any Fire Department Connections (FDCs) that will serve any fire sprinkler system(s) protecting your buildings shall be installed at a location approved by the Albany Fire Department and shall be provided with approved STORZ fitting. The FDC shall be located near the site entrance as not to obstruct subsequent arriving fire apparatus and within 40 feet of a fire hydrant (public fire hydrants whenever possible). (OFC 903.3.7 and Albany Fire Department requirements)

12. The Fire Department requests that the buildings for this project be provided with an exterior accessible room or rooms that will provide direct access to any fire sprinkler system risers. The main Fire Alarm Control Panel (FACP) should be located in one of these rooms, with these rooms sized to accommodate all of the fire protection equipment a two fire fighters. Fire sprinkler and fire alarm coverage zone diagrams should be mounted to the walls, with these rooms sized to provide a minimum of 3 feet walking clearance to this fire protection equipment.

13. All buildings shall be provided with an approved fire department key box mounted at a location to be approved by the Fire Department at the time of your Building Permit submittal review. (OFC 506). One box near the Office will suffice.

14. The Civil Site Plans submittal for all future Planning and Building permit approval shall provide information on fire department access and water supply in a form and format as detailed in the Albany Fire Department’s “Fire Site Plan Submittal Checklist – New Construction/Additions” available on the City’s web site at: http://www.cityofalbany.net/images/stories/cd/devcenter/forms/fire_site_plan_review.pdf A copy of this document is attached to these comments
ATTACHMENT G.343

Fire Site Plan Submittal Checklist – New Construction/Additions

Contact Albany Fire Department with questions – 541-917-7700

Note: This checklist and the listed plan sheets as identified are required to be submitted with all building permit applications for commercial and multi-family residential development consisting of new building construction and building additions; and, changes to site access, private fire hydrants and/or parking lot layouts/configuration.

GENERAL SUBMITTAL REQUIREMENTS

Plan sheets labeled “FD-1, FD-2...FD-n”, etc.
☐ Yes

Plan sheets with drawings properly scaled?
☐ Yes

GEOGRAPHIC (GIS) REFERENCE INFORMATION (Sheets FD-1 and FD-2 only)

All site plan information geographically referenced to:
☐ NAD_1983_HARN_StatePlane_Oregon_North_FIPS_3601_FeetIntl?
☐ Yes ☐ N/A (Interior-only remodel)

Location of property lines and “North” directional arrow?
☐ Yes

FIRE ACCESS AND WATER SUPPLY SUMMARY PLAN (Sheet FD-1)

All new and existing public/private fire hydrants on and/or within 600’ of the site?
☐ Yes (Scale not to exceed 1”=100’)

All public and private access roads on or directly serving the site, to include roads with fire hydrants as noted above?
☐ Yes

All new and existing building footprints on the site.
☐ Yes

FIRE SITE PLAN (Sheet FD-2) Scale not to exceed 1”=50’

Building Location and Features (New and any existing buildings to remain on site)

Exterior walls, interior fire walls, interior enclosed/exterior stairways, elevator shafts and their fire-resistive rating (if any)?
☐ Yes

Location of all roof projections/overhangs from exterior walls?
☐ Yes ☐ N/A

Location of roof surfaces > 30 feet above “Building Grade Plane”.
☐ Yes ☐ N/A

Location of building entry/egress points and loading doors/docks?
☐ Yes

Location of building Knox Key Box?
☐ Yes ☐ N/A – No fire alarm/ fire suppression system, Hazmat or mixed commercial/residential use.

Locations of all exterior trash/recycling enclosures/collection sites?
☐ Yes ☐ N/A – Only interior collection room(s) provided.

Location of all exterior utility meters/shut-offs (Nat. gas, Electric).
☐ Yes ☐ N/A – All utility meters are located inside.

Premises address signage location identified?
☐ Yes ☐ No – Site monument sign provided

Water and Fire Hydrants

All existing public/private fire hydrants on and immediately adjacent to the site?
☐ Yes (May require a separate sheet to show offsite fire hydrants for scaling purposes

New fire hydrants provided along required access roads?
☐ Yes Only roads adjacent to buildings (OFC Appendix C)

Most hydraulic remote private hydrant: Annotate with design flow
☐ Yes ☐ N/A (Show Static psi and GPM at 20 psi)

All new/existing private fire water service mains and control valves
☐ Yes ☐ N/A

Location of building Fire Department Connection(s) (FDC)?
☐ Yes ☐ N/A – Not protected with a fire sprinkler system

Access and Roadways

Extent of fire access roadway(s) and any adjacent parking areas/width provided clearly shown?
☐ Yes

Use 20% shading/gradient to identify private fire access road width, excluding adjacent parking.

Note: Fire apparatus roadways are required to be provided at a minimum of 20 feet wide of improved surface. Buildings or facilities where the vertical distance between the grade plane and any portion of the roof surface exceeds 30 feet required to be provided at a minimum of 26 feet wide of improved surface for fire department aerial apparatus. At least one of the required access routes adjacent to the building as selected by the fire department meeting this condition shall be located within a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building.
**ATTACHMENT G.344**

**Albany Fire Department**  
**Fire Site Plans for Commercial & Multi-family Residential Development**

**FIRE SITE PLAN SHEET FD-2 [Continued]**

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>N/A</th>
<th>No (Mitigation proposed via AM&amp;M)</th>
<th>N/A (No curbs. Signs provided)</th>
<th>N/A (No high-rise structures)</th>
<th>N/A (No phasing of access/hydrant installation)</th>
<th>N/A (No alternative required)</th>
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</thead>
<tbody>
<tr>
<td>Turning radii, including the associated center points and their arcs for each turn?</td>
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<tr>
<td>Road surface width and clearance height to overhead projections?</td>
<td></td>
<td>N/A</td>
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<tr>
<td>Annotations showing fire access roads located within 150' hose pull distance of exterior of all structures?</td>
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<td>Yes</td>
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<td>Walkable surfaces to required building openings shown?</td>
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<td>Yes</td>
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<tr>
<td>Location of vehicle parking and loading/unloading zones</td>
<td></td>
<td>N/A</td>
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<tr>
<td><strong>Fire Lane Identification</strong></td>
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<tr>
<td>YELLOW curbs are identified with bold or dashed lines or otherwise clearly annotated?</td>
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<tr>
<td>Location of each “Fire Lane—No Parking” sign shown?</td>
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<td>N/A</td>
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<tr>
<td><strong>Gates and other Obstructions</strong></td>
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<tr>
<td>Location of all gates, fences, road bollards and planters?</td>
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<td>Yes</td>
<td></td>
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<tr>
<td>Vehicle gates identified as manual or electric?</td>
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<tr>
<td>Pedestrian gate provided adjacent to electric vehicle gate</td>
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<td>Yes</td>
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<tr>
<td>Emergency use-only vehicle gates have “No Parking” sign noted?</td>
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<td>Yes</td>
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<tr>
<td>Gate-required Knox key boxes/locks/switches are noted on plans?</td>
<td></td>
<td>Yes</td>
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<tr>
<td><strong>Other Site Information</strong></td>
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<tr>
<td>Premises ID/address monument occasion?</td>
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<td>Yes</td>
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<tr>
<td>Buildings &gt;75' to highest occupiable floor called out?</td>
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<td>Yes</td>
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<tr>
<td>Location and identity of all exterior aboveground storage tanks, private utility equipment (e.g. cell phone towers), non-vehicle storage areas or process equipment locations?</td>
<td></td>
<td>Yes</td>
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<tr>
<td>Fire access/hydrant phasing plan provided?</td>
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<td>Yes</td>
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<tr>
<td><strong>PROJECT FIRE DETAILS (Sheets FD-3 through FD-n as needed)</strong></td>
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<tr>
<td>Vehicle gate detail drawings included on plan? (Include locking arrangement)</td>
<td>Yes</td>
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<tr>
<td>Road and walkway grades &gt;10% shown on plan?</td>
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<td>Yes</td>
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<tr>
<td>Detail drawings of YELLOW curbs/“No Parking signs provided?</td>
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<td>Yes</td>
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</tbody>
</table>

**NOTE:** This is only a listing of basic fire site plan submittal requirements. Other information or requirements may be necessary depending on conditions specific to each project.
Exhibit K: Pre-Application Conference Waiver
Zach,

Melissa Anderson asked me to let you know if a new pre-application would be necessary or not. We can offer you time for a pre-application meeting if it would be helpful, but assuming there are no significant changes to your most recent proposal, a new pre-application meeting is not necessary.

Thank you,

David
ATTACHMENT H

November 30, 2020

Cynthia Cooper
2030 Willamette Ave NE
Albany OR 97321

Melissa Anderson, Project Planner
P.O. Box 490
Albany OR 97321

Attention: Melissa Anderson, Project Planner

I am submitting comments herein regarding the proposed development of 120 dwelling units at Willamette River View Holding, defined as 595 Geary St. NE; 1905, 1925 & 1935 Linn Ave. & 533 Alco St., with regards to approval standards ADC 2.450 Items 3, 5, 6 and 7 and ADC 6.450 Items 1, 2, 6 and 8.

Issues with the land use of the property (ADC 2.450 Items 6 and 7, ADC 6.450 Items 1, 2, 6 and 8):

- The riverfront property at 595 Geary St. is along the Willamette Greenway and is adjacent to both Bowman Park and also Eads Park.
  According to ADC Article 2.270, the Albany Development Code implements the goals and policies of the Albany Comprehensive Plan, which includes Albany’s Willamette Greenway Plan. Any exemption to the ADC that pertains to the Willamette Greenway Plan and associated properties would constitute an amendment to the Willamette Greenway Plan. Per Land Conservation and Development Commission rule 660-020-0065 (Willamette River Greenway Plan), modifications from the LCDC–approved plan would be subject to a public hearing. The Albany community at large and Willamette River Greenway stakeholders did not have adequate notification at the time zoning changed, in order to have opportunity to comment. There really was no public hearing.

Issues with the residential density proposed by the developers (ADC 2.450 Items 3 and 5, ADC 6.450 Items 6 and 8):

- Car traffic next to Bowman Park and through the community would increase dramatically and is not compatible with the character of the two parks and the surrounding neighborhood.
- The proposed development includes eight three-story multi-dwelling units and is not compatible with the character of the two parks and the surrounding single family residence neighborhood.
- City of Albany Liability: If there should be any emergency at all, access to the property is inadequate due to three factors: traffic along Salem Ave, traffic along the railroad, and limited capacity of Geary St.
- In the inevitable event that the property changes hands, the city needs to consider future management and maintenance of the all those multi-story multi-dwelling units and infrastructure on and leading up to the property.

Signed,

Cynthia Cooper

Cynthia Cooper
Ms Anderson,

Please see attached, photos I took January 21, 2012. I don't believe it was a 100 year flood, but it does seem like the area that is going to be built on would be partially underwater during a regularly occurring flooding event such as happened in 2012, and most likely around 1997 when there was also extensive flooding in Corvallis and Albany. I live nearby and every year we watch the water fill lower Bowman Park, just like it fills Bryant Park. It doesn't seem very wise to build there.

I also have concerns about traffic management on Geary, and especially Geary and Salem Ave. Currently that intersection is so busy during much of the day (especially when ATI, City of Albany, and railroad employees are off work) that I drive several blocks out of my way in order to make a left hand turn onto Salem Ave. The traffic issue is compounded several times a day when freight and Amtrak trains use the tracks at Geary and Old Salem. What will be done to handle the extra traffic load?

I also foresee an increase in traffic using 1st Avenue NE (on which I live) and/or Water Avenue (which is a narrow road) to get to and from downtown Albany and North Albany/Highway 20. Will there be additional stop signs added to deter speeders and keep our neighborhoods safe?

Thank you for your consideration,
Heather Harwood
1705 1st Ave NE

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Our property is located on Front Ave and we are very concerned about this application from Willamette River View Holding, LLC going forward. Adding an apartment complex in this area of town, where there are limited outlets, that are already congested is very troubling to us. When a train backs up traffic now, it's very difficult to cross Old Salem Road. Even without a train backing up traffic it's difficult to cross because nobody drives the speed limit of 25MPH on Old Salem Road, at the intersection of Geary St. My father who lives in our property on Front Ave has had many near misses and an accident at that intersection already. Thank goodness he wasn't hurt seriously. I can't imagine how this area could handle any more traffic, especially if there was any kind of emergency. I am definitely against the addition of this apartment complex.

Thank you,
Janet Suyama
161 N West Street
Waynesburg, PA 15370
541.928.1882
Hello,

I am writing this due to a out of city company coming in and trying to build high priced apartments in a low income neighborhood. This is not good for the area. It is also no gradual change in density by doing this. Their initial plan was to put in duplex’s then apartments to have the density be gradual. Now they want to just build this right up on low density. There is not enough parking on linn ave for these. I understand there is parking inside but what happens when it floods or parking is full? It pushes them to linn ave. Alco is way to small for that kind of traffic flow. If these are built it will push a lot of us to move. Because next our taxes will go up. We are barely floating right now during a pandemic. A lot of us are low income we can’t afford a higher tax than it already is. I thought we just fought this and they got denied. Now here we are again... this is stressful for us. Please do not let out of towners come in and do this.

Thank you,
Jennifer Miller
1930 Linn Ave NE Albany Oregon 97321

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November 2, 2020

The Willamette River neighborhood consisting of residents within 1000 feet oppose the proposed 120 unit apartment complex referred to as “The Banks”.

Under 2.450 Site Plan Review
(3)
The transportation system does “not” safely and adequately accommodate the proposed development. The traffic study did not study areas and times to better describe future and present traffic patterns. Because of the mills in Millersburg and the traffic to and from Corvallis, to get off and on the freeway, Salem Avenue, Davidson Street and Geary Street are not your typical peak hour streets that most traffic studies look at. The times are much earlier and much later in the evening. Geary Street is a minor collector only to Front Avenue, not Willamette Avenue as stated before. Front Avenue, because of the deadending at the river and the closing of some railroad crossings, is our major east and west route to get to Geary and Davidson streets not Willamette as studied. Most residents and including Public Works employees, use Water Avenue to go west and also to get to Talking Waters a popular attraction used year around. The traffic study looked at traffic for one hour between Water Avenue and First Avenue on Geary Street and missed traffic using Water Avenue. This is not a typical study area, as the traffic is blocked by the second largest river in Oregon and can only go south. The traffic study is flawed and needs to be redone for this new development.
(5)
The proposed development is “not” reasonably compatible with surrounding development because or building scale and size. Three story apartments are not compatible with single family housing on Linn Avenue. This development is next to open space, parks, a major river and single family housing. The negative impacts have “not” been sufficiently minimized. In our immediate area we do not have large three story homes or large buildings to the extent they are being proposed with this development. The streets in the area are mainly unimproved.
(6)
To be addressed under Floodplain and Willamette Greenway permits.
(7)
Prior land use approvals of this property under Permawood required 2 gated emergency exits and one had to be used during the flood of 1996 to go in and out of this property. This was a condition after the neighborhood took Permawood and city to Land Use Board of Appeals and the development was remanded back to city for corrections.

Willamette Greenway Review
(2) This proposed development does “not” protect, preserve, restore or enhance the property to the “maximum” extent possible. There are huge Oregon native trees on the property that are not being protected but destroyed with this development. Some of the trees are large native White Oak trees needing protection and some may have been there since Native Americans used the site. We request that a Archaeological Study be required as there have been artifacts found on this property over the years as presented in pictures included with these comments.

(3) The areas of the Floodplains and Wetlands are “not” being preserved in their natural state to the maximum extent possible to protect water retention, overflow and other natural functions. They are building much of their parking in the Floodway part of the Floodplain which is the overflow area for the Willamette River and floods more frequently and has swifter floodwater than other parts of the Floodplain. Some of the proposed parking lots are at elevation 194 feet which is 6 feet below base flood level according to FEMA maps. Comments were made that if the area floods they can move the vehicles, but to where? Enclosed is a copy from the cities website regarding flooding. It states “Turn around, don't drown and states it only takes 12 inches to carry away a car. We don't need cars in the Willamette River, especially if people are in them trying to rescue their cars.

(6) The proposed development change and intensification of use is “not” compatible with existing and surrounding land uses. Most of the land is open space, parks and the river. The development with parking in the floodway, does “not” have the maximum possible landscaping or open space. Development Code 6.100 Floodway Restrictions. (4) The temporary storage or processing of materials will not become buoyant, (cars float in 12 inches of water), flammable, hazardous, explosive of otherwise potentially injurious to human, animal or plant life in times of flooding. Parking in the Floodway is really a safety issue. Many times the water comes up higher in the night, like happened in the flooding of Hwy. 34 in April of 2019.

(10) Public access will be provided along the river but we have not seen a proposal to enhance or landscape the path area as Permawood was required to do. Permawood had a well that profided irrigation.

Floodplain Development Review Criteria

(1) The proposal does “not” minimize flood damage around buildings or the entrance to the complex. The builddings may be 1 foot above base flood but travel areas are allowed
one foot below base flood making it hard for cars to get around buildings and to parking areas that are even lower. The only entrance to the complex is approximately 4 feet below base flood height. It is a safety issue and there should be a requirement for an emergency exit when it floods not if it floods. This is a flood hazard zone listed as AE and more precaution needs to be addressed.

The city participates in the Nation Flood Insurance Program and has regulations to follow. Though the below mentioned text is not mandatory, the city shall completely evaluate these standards in flood zone areas and do not increase the danger to human life. Under 60.22 (enclosed) (3) States that all prospective renters in this complex will have to be notified they are in a flood prone area. (7) Provision for alternate vehicular access and escape routes when normal routes are blocked or destroyed by flooding. (15) Requirement of additional elevation above the base flood level for all construction and substantial improvement in Zones AE (the higher the buildings the lower the insurance costs).

Oregon Statewide Planning Goals and Guidelines under Goal 7 (enclosed) (B) Implementation

   (1)Local Governments should give special attention to emergency access when considering development in identified hazard areas. (This is a flood hazard zone).

Considering this developments only entrance is approximately 4 feet below base flood level there should be an emergency exit too. Enclosed is picture of flood in April 2019. The water is almost to their driveway. In 1996 the flood water was 2.71 feet higher and covered this entrance. In 1964 the floodwater was 6.59 feet higher than in picture and entrance was impassable for several days. Adoption for denial of this same proposal earlier this year by the Planning Commission was for not having an emergency exit.

Staff is looking too close at requirements for multifamily housing and not paying enough attention to the requirements for building in the Greenway and Floodplain.

According to the state, “needed” housing in Albany is middle housing. Two story Middle housing would be more compatible with the single family housing on Linn Avenue than 3 story apartments.

Mary Abraham

Dala Rouse
Oregon’s Statewide Planning Goals and Guidelines
GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING
   1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

   2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,1 earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION
   1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

   2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

   3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION
   Upon receiving notice from the Department, a local government shall:
   1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
      a. the frequency, severity and location of the hazard;
      b. the effects of the hazard on existing and future development;
      c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
      d. the types and intensities of land uses to be allowed in the hazard area.

   2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

   3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:
      a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
      b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1)) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.2

   4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

---

2 For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code – ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.
implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION
1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING
1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:
   a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
   b. the beneficial effects that natural hazards can have on natural resources and the environment; and
   c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION
1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:
   a. providing financial incentives and disincentives;
   b. providing public information and education materials;
   c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:
   a. limiting placement of fill in floodplains;
   b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
   c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP’s Community Rating System Program when local governments adopt these and other flood protection measures.
Subpart C—Additional Considerations in Managing Flood-Prone, Mudslide (i.e., Mudflow)-Prone and Flood-Related Erosion-Prone Areas

§ 60.21 Purpose of this subpart.
The purpose of this subpart is to encourage the formation and adoption of overall comprehensive management plans for flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone areas. While adoption by a community of the standards in this subpart is not mandatory, the community shall completely evaluate these standards.

§ 60.22 Planning considerations for flood-prone areas.
(a) The flood plain management regulations adopted by a community for flood-prone areas should:
1. Permit only that development of flood-prone areas which (i) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (ii) is an acceptable social and economic use of the land in relation to the hazards involved, and (iii) does not increase the danger to human life;
2. Prohibit nonessential or improper installation of public utilities and public facilities in flood-prone areas;
(b) In formulating community development goals after the occurrence of a flood disaster, each community shall consider—
1. Preservation of the flood-prone areas for open space purposes;
2. Relocation of occupants away from flood-prone areas;
3. Acquisition of land or land development rights for public purposes consistent with a policy of minimization of future property losses;
4. Acquisition of frequently flood-damaged structures;
(c) In formulating community development goals and in adopting flood plain management regulations, each community shall consider at least the following factors—
1. Human safety;
2. Diversion of development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use;
3. Full disclosure to all prospective and interested parties (including but not limited to purchasers and renters) that
4. Certain structures are located within flood-prone areas;
5. Variances have been granted for certain structures located within flood-prone areas, and
6. Premium rates applied to new structures built at elevations below the base flood substantially increase as the elevation decreases;
7. Adverse effects of flood plain development on existing development;
8. Encouragement of floodproofing to reduce flood damage;
9. Flood warning and emergency preparedness plans;
10. Provision for alternative vehicular access and escape routes when normal routes are blocked or destroyed by flooding;
11. Establishment of minimum floodproofing and access requirements for schools, hospitals, nursing homes, orphanages, penal institutions, fire stations, police stations, communications centers, water and sewage pumping stations, and other public or quasi-public facilities already located in the flood-prone area, to enable them to withstand flood damage, and to facilitate emergency operations;
12. Improvement of local drainage to control increased runoff that might increase the danger of flooding to other properties;
13. Coordination of plans with neighboring community’s flood plain management programs;
14. The requirement that all new construction and substantial improvements in areas subject to subsidence be elevated above the base flood level equal to expected subsidence for at least a ten year period;
15. For riverine areas, requiring subdividers to furnish delineations for floodways before approving a subdivision;
16. Prohibition of any alteration or relocation of a watercourse, except as part of an overall drainage basin plan. In the event of an overall drainage basin plan, provide that the flood carrying capacity within the altered or relocated portion of the watercourse is maintained;
17. Requirement of setbacks for new construction within Zones V1-30, VE, and V on a community’s FIRM;
18. Requirement of additional elevation above the base flood level for all new construction and substantial improvements within Zones A1-30, AE, V1-30, and VE on the community’s FIRM to protect against such occurrences as wave wash and floating
debris, to provide an added margin of safety against floods having a magnitude greater than the base flood, or to compensate for future urban development;
(16) Requirement of consistency between state, regional and local comprehensive plans and flood plain management programs;
(17) Requirement of piling or columns rather than fill, for the elevation of structures within flood-prone areas, in order to maintain the storage capacity of the flood plain and to minimize the potential for negative impacts to sensitive ecological areas;
(18) Prohibition, within any floodway or coastal high hazard area, of plants or facilities in which hazardous substances are manufactured.
(19) Requirement that a plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas be developed and filed with and approved by appropriate community emergency management authorities. [41 FR 46975, Oct. 26, 1976. Redesignated at 44 FR 31177, May 31, 1979, as amended at 50 FR 36025, Sept. 4, 1985; 54 FR 40284, Sept. 29, 1989]

§ 60.23 Planning considerations for mudslide (i.e., mudflow)-prone areas.
The planning process for communities identified under part 65 of this subchapter as containing Zone M, or which indicate in their applications for flood insurance pursuant to Sec. 59.22 of this subchapter that they have mudslide (i.e., mudflow) areas, should include:
(a) The existence and extent of the hazard;
(b) The potential effects of inappropriate hillside development, including
(1) Loss of life and personal injuries, and
(2) Public and private property losses, costs, liabilities, and exposures resulting from potential mudslide (i.e., mudflow) hazards;
(c) The means of avoiding the hazard including the
(1) Availability of land which is not mudslide (i.e., mudflow)-prone and the feasibility of developing such land instead of further encroaching upon mudslide (i.e., mudflow) areas, (2) possibility of public acquisition of land, easements, and development rights to assure the proper development of hillside, and
(3) Advisability of preserving mudslide (i.e., mudflow) areas as open space;
(d) The means of adjusting to the hazard, including the
(1) Establishment by ordinance of site exploration, investigation, design, grading, construction, filing, compaction, foundation, sewerage, drainage, subdrainage, planting, inspection and maintenance standards and requirements that promote proper land use, and
(2) Provision for proper drainage and subdrainage on public property and the location of public utilities and service facilities, such as sewer, water, gas and electrical systems and streets in a manner designed to minimize exposure to mudslide (i.e., mudflow) hazards and prevent their aggravation;
(e) Coordination of land use, sewer, and drainage regulations and ordinances with fire prevention, flood plain, mudslide (i.e., mudflow), soil, land, and water regulation in neighboring communities;
(f) Planning subdivisions and other developments in such a manner as to avoid exposure to mudslide (i.e., mudflow) hazards and the control of public facility and utility extension to discourage inappropriate development;
(g) Public facility location and design requirements with higher site stability and access standards for schools, hospitals, nursing homes, orphanages, correctional and other residential institutions, fire and police stations, communication centers, electric power transformers and substations, water and sewer pumping stations and any other public or quasi-public institutions located in the mudslide (i.e., mudflow) area to enable them to withstand mudslide (i.e., mudflow) damage and to facilitate emergency operations; and
(h) Provision for emergencies, including:
(1) Warning, evacuation, abatement, and access procedures in the event of mudslide (i.e., mudflow),
(2) Enactment of public measures and initiation of private procedures to limit danger and damage from continued or future mudslides (i.e., mudflow),
(3) Fire prevention procedures in the event of the rupture of gas or electrical distribution systems by mudslides,
(4) Provisions to avoid contamination of water conduits or deterioration of slope stability by the rupture of such systems,
(5) Similar provisions for sewers which in the event of rupture pose both health and site stability hazards and
(6) Provisions for alternative vehicular access and escape routes when normal routes are blocked or destroyed by mudslides (i.e., mudflow);
(i) The means for assuring consistency between state, areawide, and local comprehensive plans with the plans developed for mudslide (i.e., mudflow)-prone areas.
PROTECT THE FLOODPLAIN

(floodplain/protect-the-floodplain)

Build responsibly

A permit may be required to build, grade, or fill in a floodplain.

Get a permit before you build

Always check with the Community Development Department at 541-917-7553 or visit the customer counter on the second floor of City Hall, 333 Brodalblin Street SW before you build on or alter property in the floodplain.

Build high, stay dry

Building above the base flood elevation is not only a requirement, but will protect your investment, facilitate financing, and reduce flood insurance.
Preserve and restore native vegetation and trees to reduce flood damage

Recognizing the natural and beneficial functions of floodplains can help to reduce flooding.

Keep it clean, keep it clear

Keep storm drains, ditches, and waterways clean from debris and pollutants to reduce damage from floods.

- Learn more about the Keep the Storm Drain Clean (/component/content/128-public-works/water-system/1136-keep-your-storm-drain-clean?Itemid=645) program.
- Learn more about Stormwater (/component/content/156-public-works/stormwater-utility/1229-stormwater-utility-intro?Itemid=781)

Dumping or debris

If you see dumping or debris in ditches, creeks, or drains, contact the Public Works Department at 541-917-7600.

Benefits of Healthy floodplains

Maintaining or protecting the floodplains benefits to people and nature.

Flood Protection

Floodplains provide a river more room as it rises, thereby reducing pressure on manmade flood protection structures, like levees and dams.

- Learn more about Protecting Floodplain Resources from fema.gov (https://www.fema.gov/media-library/assets/documents/475)

Improved Water Quality

When inundated with water, floodplains act as natural filters, removing excess sediment and nutrients, which can degrade water quality and increase treatment costs. Degradation of water quality due to the loss of floodplain habitat can be noted along smaller rivers and at scale at large river basins. At the largest of scales are hypoxic or "Dead" zones, which are areas in bays or gulls where little life exists due to excess nutrients carried by rivers.

Recharged Aquifers

Outside of a river's main channel, water flow is slowed and has more time to seep into the ground where it can replenish underground water sources (or aquifers), which serve as a primary source of water for many communities and which are critical for irrigation that grows much of the world's crops.

Improved Wildlife Habitat

Floodplains are home to some of the most biologically rich habitats on Earth. They provide spawning grounds for fish and critical areas of rest and foraging for migrating waterfowl and birds.
Protect your family

There are several things you can do to keep your family safe and help minimize flood damage. Even if you don’t live in a floodplain, knowing what to do (and not to do) in a flood can be life-saving.

Develop an emergency plan

Be prepared in advance with an evacuation plan, emergency kit, and detailed checklist because warning of an impending flood may provide little time to prepare.

Safeguard your possessions

Create a personal flood file containing information about all your possessions and keep it in a secure place, such as a safe deposit box or waterproof container.

Prepare your house

Shut off gas and electricity and move valuable belongings upstairs. Store important documents and other irreplaceable items where they are unlikely to be damaged.

Get flood warnings

The Linn-Benton ALERT Emergency Notification System is a service by which residents and businesses can register to be notified by telephone, text, and/or email regarding emergencies or critical protective actions. Register online at: cityofalbany.net/lbalert (http://www.cityofalbany.net/lbalert).

In the event of a flood, regular programming on radio and television will be interrupted to describe the nature of
Avoid flood waters

It is NEVER safe to swim or walk through flood waters. Moving water can move a car—imagine what it can do to you.

Turn around, don't drown

It takes just 12 inches of rushing water to carry away a small car. More than half of the deaths from flooding each year occur in vehicles.

Stay away from power lines and electrical wires

Electrical current can travel through water. Report downed power lines to your electric utility (Pacific Power or Consumers Power) or the county Emergency Management Office.

Current Weather Information

- Willamette River Gauge Data (http://water.weather.gov/ahps2/hydrograph.php?wfo=pqr&gage=albo3&view=1,1,1,1,1)
- Northwest River Forecast Center (https://www.nwrfc.noaa.gov/rfc/)
- Willamette Basin Reservoir Storage Levels (http://www.nwd-wc.usace.army.mil/nwp/teacup/Willamette/)

Useful Safety Information

- Red Cross Disaster Safety Checklist (https://www.redcross.org/prepare/disaster-safety-library)
- How to Protect Your Home From Flood Damage (https://www.redfin.com/blog/2015/03/how-to-protect-your-home-from-flood-damage.html)
- Summer safety (https://www.weather.gov/wxn/summer-safety)
- FloodSmart.gov (https://www.floodsmart.gov/)
December 16, 2020

Melissa Anderson
Planner III
Community Development
City of Albany, OR
333 Broadalbin St SW
Albany, OR 97321

RE: Applicant’s Response to Public Comments for Planning File Nos. SP-19-20, WG-02-20, and FP-04-20

Ms. Anderson,

Thank you for providing the public comments submitted to the City in reference to our pending applications for Site Plan Review, Willamette River Greenway, and Floodplain Development (City of Albany Land Use Planning File Nos. SP-19-20, WG-02-20, and FP-04-20). Please accept this letter into the City’s official record for this land use decision as our response to these comments. Public comments are paraphrased in the numbered bullets below (bold text), with our responses immediately following.

1. Compliance with the Willamette River Greenway Plan and procedures for development approval within the Willamette River Greenway.

   These comments are nearly identical to comments submitted on May 4, 2019 regarding WG-01-19. The goals and policies of the Willamette River Greenway Plan are implemented by Albany Development Code (ADC) Sections 6.500 through 6.560. The application is being reviewed under the Type II process described in ADC 6.520. The Type II process includes multiple opportunities for public comment including a neighborhood meeting, a 14-day public comment period, and a public hearing following the tentative decision, if requested. As indicated in the responses to Willamette River Greenway approval criteria in the submitted narrative, the applicable criteria are met, and the application does not require an amendment to the Willamette River Greenway Plan.

2. Traffic concerns/flaws with traffic study.

   Multiple comments expressed concerns regarding traffic impacts and the adequacy of the traffic analysis. The Applicant has submitted a traffic analysis prepared by a licensed traffic engineer that affirms that the transportation system can safely accommodate the new vehicle trips from the project. Opponents have not provided any specific evidence to refute Applicant’s expert analysis.

3. Compatibility with the character of the surrounding neighborhood.

   In this context of this application for needed housing, the City’s authority to mandate compatibility with the surrounding neighborhood is limited to only those clear and objective criteria applicable to this request for Site Plan Review, Willamette River Greenway, and Floodplain Development. As documented throughout the Applicant’s narrative and supporting exhibits, the project meets all applicable standards pertaining to the subject application including the development standards in RM zoning district, the

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1 11/30/2020 letter from Cynthia Cooper; 11/2/2020 letter from Mary Abraham and Dala Rouse; 12/2/2020 letter from Heather Harwood; 12/3/2020 letter from Janet Suyama; and 12/3/2020 letter from Jennifer Miller
multifamily development standards, and the applicable standards of the Willamette River Greenway and Floodplain overlays. These standards include provisions which promote architectural and environmental compatibility with neighboring land uses and development. Table 1 includes a summary of the major site elements, showing how the project exceeds the applicable development standard for each element and may therefore be found compatible with the surrounding neighborhood and planned use for this site.

Table 1: Site Elements

<table>
<thead>
<tr>
<th>Site Element</th>
<th>Code Requirement</th>
<th>Proposed Plan</th>
<th>Net Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Housing Units</td>
<td>158 (maximum)</td>
<td>120</td>
<td>-38</td>
</tr>
<tr>
<td>Density</td>
<td>25 Units/Acre</td>
<td>19 Units/Acre</td>
<td>-6 Units/Acre</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>45’</td>
<td>36’ 2”</td>
<td>-8’ 10”</td>
</tr>
<tr>
<td>Parking</td>
<td>209 spaces (minimum)</td>
<td>218 spaces</td>
<td>+9 spaces</td>
</tr>
<tr>
<td>Common Open Space</td>
<td>30,548 SF (minimum)</td>
<td>47,427 SF</td>
<td>+16,879 SF</td>
</tr>
<tr>
<td>Total Lot Coverage</td>
<td>70% maximum</td>
<td>43.5%</td>
<td>-26.5%</td>
</tr>
</tbody>
</table>

With specific regard to the interface between new homes along the site’s Linn Ave. frontage, significant attention has been paid to the design of these new homes. As illustrated in the Applicant’s plans, new homes along the site’s Linn Ave. frontage will be set below the adjacent grade of the street to reduce the visual impact of these homes and maintain the transition from the existing single-family homes on the south side of the street. Additionally, numerous architectural details, including changes in material types, colors, and articulations, are used to break up the façade of these homes and provide a lower density feel to the streetscape. Such architectural treatments are not required but are voluntarily offered by the Applicant in response to public feedback received to-date.

4. Emergency access.
   The access shown on the current Site Plan is the result of feedback from the public, City staff, and the Albany Fire Department. Applicant’s original site plan, approved in City Planning File No. SP-01-19, included a second vehicle access at Alco Street NE. In response to that plan, several members of the public expressed concern over the potential for adverse safety and operational impacts to Alco Street NE resulting from the use of this access. Subsequently, and with input from the Albany Fire Department, City Staff conditioned their approval of the application on the closure of this access to vehicle traffic.

   A modified site plan was submitted in 2020 that worked in earnest to address the previous desire to eliminate access to Alco Street NE. Applicant spent considerable energy and resources in revising this plan to accommodate the prior neighborhood opposition to the Alco Street NE access. It is surprising to see that several residents who previously opposed the Alco Street NE Access are now requesting that the access be reinstated for the purpose of improving ingress/egress in the event of a 100-year flood event.

   Emergency access/egress to the site is unchanged with the elimination of the Alco Street NE access. All buildings and habitable living spaces are at least 1-foot above the base flood elevation (BFE) of 200.1 feet. Additionally, while the site access from Geary Street is below the BFE, abutting streets, such as Chicago Street NE, Linn Avenue NE, and Alco Street NE are above the base flood elevation and provide direct pedestrian access/egress to/from the interior of the site. Areas of the site that are below the BFE include some site open space and some vehicle parking areas. Because flood events commonly occur as a result
of sustained wet weather systems and take place relatively gradually, residents can avoid the potential for property damage to vehicles that are parked below the BFE during such an event, by temporarily relocating them to the abutting streets. Residents that are unable or unwilling to relocate their vehicles may experience some damage to this private property. This situation exists for the Bowman Park parking lot, countless other parking areas in the City of Albany, and elsewhere where development is allowed in the floodplain.

As reflected in the Staff Report, the Building and Fire Code does not require a second emergency vehicle access for the site. Based on the feedback received from the public, City Staff, and the emergency responders at the Albany Fire Department, a single access to Geary Street is sufficient to accommodate the current Site Plan.

5. Cultural artifacts.

As it pertains to the City’s local decision making in the context of this application, the City does not have approval criteria related to cultural and historical preservation and therefore such testimony is not germane to this decision. However, the Applicant is aware of the potential that the site may contain important cultural and historic artifacts and has taken proactive measures to identify and preserve them in accordance with State requirements. The applicant engaged Willamette Cultural Resource Associates, LTD (WCRA) to conduct an initial study in early 2020 that was completed on March 2, 2020. WCRA is currently conducting a field archeological survey. WCRA has presented their preliminary plan to the Consolidated Tribes of Grande Ronde and the State Historic Preservation Office (SHPO). The Consolidated Tribes have agreed to the approach and WCRA is awaiting feedback from SHPO. Once that feedback is received, WCRA anticipates beginning fieldwork in February 2021 and submitting their final report in March 2021. The Applicant is diligently and proactively working to meet all applicable State requirements.

6. Floodplain development concerns.

The comments are substantially similar to comments submitted by various individuals on SP-10-20 and FP-01-20. The site is designed so that buildings are placed outside of the regulatory floodway and a Hydraulics Report was submitted with the application demonstrating that the project will not increase base flood elevation levels. As discussed in the previous Staff Report, the elevation at the driveway entrance is set to match the existing street elevation and the floodplain development standards permit driveways and parking areas to be located at or below the base flood elevation. The standards for flood hazard reduction under ADC 6.100 are met.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

Zach Pelz, AICP, Associate
3700 River Rd N, Suite 1, Keizer, OR 97303
(503) 400-6028 | pelz@aks-eng.com
December 16, 2020

VIA ELECTRONIC MAIL: David.Martineau@cityofalbany.net; Melissa.Anderson@cityofalbany.net

David Martineau  
Melissa Anderson  
Community Development Department  
City of Albany  
333 Broadalbin St. SW  
Albany, OR 97321

RE:  Applicant’s Response to Public Comments for Planning File Nos. SP-19-20, WG-02-20, and FP-04-20 (Legal Memorandum)  
Our File No: 30460

Dear Mr. Martineau and Ms. Anderson:

Thank you for your time and attention in this matter. I represent Willamette River View Holdings, LLC ("Applicant") with respect to the above-referenced consolidated limited land use applications (the “Applications”). The Applications concern the real property commonly known as 595 Geary Street NE and 1905, 1925, and 1935 Linn Avenue NE, Albany, Oregon (the “Site”). Following notice to property owners within the notification area, the City of Albany (“City”) received comments from Cynthia Cooper, Mary Abraham, Dala Rouse, Heather Harwood, Janet Suyama, and Jennifer Miller asserting the Applications do not comply with certain standards and criteria and requesting the City to deny the Applications.

The Applicant has satisfied its burden of proof under the applicable standards and criteria. The City cannot apply the standards and criteria in the manner requested by the commenters named above. Applicant explains below three procedural and substantive issues related to their comments, which if granted, would result in violations of ORS 197.195, 197.307(4), and 197.522(2) and (3).
The Applications are for residential development, and the City may apply only clear and objective standards, conditions, and procedures.

The Applications propose residential development under ORS 197.307(4). The City “may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. ORS 197.307(4). Such standards, conditions, and procedures “‘may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

The applicable standards, conditions and procedures are clear and objective only if they do not impose “subjective, value-laden analyses that are designed to balance or mitigate impacts.” Rogue Valley Assoc. of Realtors v. City of Ashland, 35 Or LUBA 139, 158 (1998). They are ambiguous if they are capable of more than one plausible interpretation. Group B, LLC v. City of Corvallis, LUBA No. 2015-19, at 3-5 (finding a setback standard was ambiguous because it could be interpreted in manner that would either prohibit or allow a proposed development).

The comments given by third parties in opposition to the Applications unlawfully invite the City to apply the ADC in a manner that is subjective and/or will result in unreasonable costs or delay. A detailed explanation as to why such requests violate ORS 197.307(4) is stated below.

1. Third-party comments about the Willamette River Greenway do not provide a basis for denial of the Applications because ORS 197.307(4) limits the City’s ability to apply ADC 6.540 (Greenway Criteria).

ORS 197.307 provides in relevant part:

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:
(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

---

1 (4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:
(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.
(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;
(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and
(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.”

The only exceptions to the obligation to apply clear and objective standards, criteria, and procedures are in the statute itself. ORS 197.307(5) excludes developments within the City of Portland’s central city area and developments protected under Goal 5’s historic designated areas. ORS 197.307(6) excludes developments that given the opportunity to choose a clear and objective tract but instead voluntarily opt into a discretionary standard. None of the three possible exceptions apply in this case. ORS 197.307(4) limits the City’s ability to apply Willamette River Greenway regulations under ADC Sections 6.500 through 6.560.

ADC 6.540 provides the approval criteria for an application for development in the Willamette River Greenway, which states in relevant part:

(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.

ADC 6.540(1) requires land to be maintained as open space. Applicant’s written narrative explains the Site is not designated as Open Space, so this subsection does not apply. Even if it did apply, state law prohibits the City from denying the Applications based on this criterion. The application of this approval criterion in a manner that would require denial as requested by the third-party commenters would necessarily result in an unreasonable cost and delay in violation of ORS 197.307(4).

ADC 6.540(2)-(4) and (6) purport to apply as development standards requiring preservation or maintenance of the Site “to the maximum extent possible.” Such a standard is inherently ambiguous, and the City cannot apply it as requested by the third parties in a clear and objective manner. Applicant has supplied findings of fact substantiating compliance therewith; however, Applicant preserves the argument that ORS 197.307(4) prohibits the City from denying the Applications based on these criteria.

ADC 6.540(5) applies to harvesting of timber, which is not applicable in this case.

ADC 6.540(7) and (8) require compatibility to the maximum extent possible with the surrounding area and similarly the minimization of adverse effects. Applicant has supplied findings of fact substantiating compliance therewith; however, Applicant preserves the argument that ORS 197.307(4) prohibits the City from denying the Applications based on these criteria. Neither standard is clear and objective and cannot be a basis for denial of the Applications.

ADC 6.540(9) and (10) are satisfied by the evidence in the record as explained in the proposed findings by Applicant.

2. **The Site Plan Review criteria do not provide a basis for denial of the Applications because ORS 197.307(4) limits the City’s ability to apply ADC 2.430 (Site Plan Criteria).**

Applicant has provided findings of fact substantiating compliance with the Site Plan Review criteria together with comments responding to specific concerns from neighbors. Applicant has proven compliance with the Site Plan Review criteria. However, Applicant preserves the argument that ORS 197.307(4) prohibits the City from denying the Applications based on these criteria. ADC 2.430 provides the review criteria for the City’s Site Plan Review.

ADC 2.430 (1)-(5) are inherently ambiguous:

“Review Criteria. Site Plan Review approval will be granted if the review body finds that the application conforms with the Albany Development Code and meets all of the following criteria that are applicable to the proposed development.

(1) Public utilities can **accommodate** the proposed development.
(2) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

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

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

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

Determinations of what can satisfactorily “accommodate,” what provides for “safety,” and what are “reasonably compatible” are all inherently ambiguous. It is the obligation of the City to apply, if possible, these criteria only in a clear and objective manner that does not result in unreasonable delay or cost to the Applicant. ORS 197.831.

Comments that the public utilities or proposed stormwater facilities cannot accommodate the proposed development cannot be basis to deny the Applications for failure to comply with ADC 2.430(1) or (2) as such an action would violate ORS 197.307(4). Applicant’s proposed findings adequately explain how Applicant’s proposed utilities and facilities will mitigate the Site’s expected impacts. The general requirement that the utilities and facilities adequately accommodate the proposed development is inherently ambiguous. The ADC has no codified standards to objectively determine what is adequate, and the proposal complies with all codified development standards. Denial of the Applications based on a determination that the proposed utilities or facilities can adequately accommodate the development would violate ORS 197.307(4).

Comments that the transportation system cannot safely accommodate the proposed development cannot be basis to deny the Applications for failure to comply with ADC 2.430(3) as such an action would violate ORS 197.307(4). Applicant’s proposed findings together with the Traffic Impact Analysis (TIA) adequately explain how Applicant’s proposal and the conditions of approval will adequately mitigate traffic concerns. The general requirement that the transportation system can safely and adequately accommodate the proposed development is inherently ambiguous. The ADC has no codified standards to objectively determine what is safe and adequate. Rudell v. City of Bandon, LUBA No. 2010-037 (November 29, 2010) (whether a development was “safe to build” is not clear and objective). Denial of the Applications based on a determination that the transportation system cannot safely and adequately accommodate the development would violate ORS 197.307(4). Added conditions of approval based on the inability of such a criterion would be a violation of ORS 197.307(4)(b) for an unreasonable delay and cost.

Assertions of noncompliance or inconsistency with the surrounding properties is not a basis of denial of the Applications or further conditions of approval for an application for needed housing that is a limited land use decision. Any such denial or conditioning will violate ORS 197.307(4) and ORS 197.195. Group B, LLC, at 3 (“We note, initially, that there is no possible dispute that the planned development
standards at LDC 2.5.40.04 requiring ‘compatibility’ with surrounding development, based on 14 factors, are not ‘clear and objective’ approval standards. The LDC 2.540.04 compatibility standard requires “subjective, value-laden analyses that are designed to balance or mitigate impacts.” Rogue Valley Assoc. of Realtors, 35 Or LUBA at 158. Under ORS 197.307(4), such standards generally cannot be applied to needed housing”). Specific concerns about impacts related to traffic, noise and lighting are addressed through adherence to the development standards as described in Applicant’s proposed findings and application materials. Concerns about perceived psychological impact of general aesthetic differences are not a basis for denial or conditions of approval.

3. Third-party comments about the Flood Plain and Flood Way do not provide a basis for denial of the Applications because ORS 197.307(4) limits the City’s ability to apply ADC 6.100-6.122 (Flood Plain Development Standards and Criteria).

Generalized concerns of flooding are inadequate to deny the Applications. Third-party comments have not articulated specifically how any mandatory approval criterion or standard related to ADC 6.110 is not satisfied. Moreover, standards to “minimize flood damage” and ensure that sites be “reasonably safe from flooding” are subjective and value laden standards that are inherently ambiguous. Home Builders Association v. City of Eugene, LUBA Nos. 2001-059, 2001-063, 41 Or LUBA 370, 399-400 (code language requiring developments to “minimize” conflicts violated ORS 197.307). The applicable criteria and standards to not expressly require a secondary access, and the City cannot impute upon the existing criteria and standards new obligations. ORS 197.307(4) prohibits these standards from being the basis of a denial or further conditioning of the Applications.

II. The City must process the Applications as limited land use applications subject only to the rules and procedures authorized in ORS 197.195.

The Applications are for limited land use decisions under ORS 197.195 and ORS 197.015(12). All three consolidated applications are limited land use decisions by application of state law, regardless of the ADC classification of the Willamette Greenway Permit application as a Type II land use decision, and thus, by extension, requiring each of the Applications to be processed as such. The City’s processing of the Applications as a land use decision instead of a limited land use decision creates a procedural error, prejudicing Applicant’s substantial rights in assuring timely and limited review of the Applications.

ORS 197.195 further prohibits the City from applying comprehensive plan policies or other documents as standards or criteria that must be satisfied. The City may only apply those codified standards and criteria in the ADC. For example, ORS 197.195(1) prohibits the City from applying the Willamette River Greenway Plan as review criteria or standards except for those standards expressly codified in ADC 6.500 through 6.560, which are further limited by ORS 197.307(4) as explained above. Requests by commenters for the City to require the Applicant to amend the Willamette River Greenway Plan or otherwise show compliance therewith would result in violations of ORS 197.195.

III. The City must afford Applicant all procedural rights required under ORS 197.522(2) and (3).

The Applications are for needed housing. ORS 197.303(a) (needed housing means all housing on lands zoned for residential uses expressly, including multifamily housing). Therefore, the City cannot deny the Applications without affording Applicant a prior opportunity to modify the Applications or propose an
alternative condition of approval. Such an opportunity to cure any deficiency in the Applications must be preceded by a written determination showing what, if any, mandatory approval criteria have not been satisfied by the evidence in the record and explain how the Applicant may cure such a deficiency. Failure to do so will prejudice Applicant’s substantial rights by causing unnecessary delay and cost.

IV. Conclusion

Members of the community have not raised any other issues with adequate specificity to allow a response, and therefore, their comments are not a basis for denial of the Applications. The City must approve the Applications for residential development as there is no basis for denial or further conditioning of the limited land use decision.

Please feel free to contact me if you wish to discuss any of the issues outlined above.

Sincerely,

ALAN M. SOREM
asorem@sglaw.com
Voice Message #303

AMS
cc: M. Sean Kidd (via electronic mail to sean@longdel.com)
January 5, 2021

We request that we have a public hearing before the Planning Commission regarding 120 unit apartment proposal at 595 Geary Street N.E., Albany Oregon.

We believe the proposal does not meet the criteria to proceed with the construction in the Willamette River Greenway and Floodplain.

Mary Abraham
1815 Willamette Avenue N. E.
Albany, Oregon 97321

Dala Rouse
432 Burkhart St. N.E.
Albany, Oregon 97321
To: Ms. Melissa Anderson  
City of Albany Community Development Department  
P.O. Box 490 Albany, Oregon  

Dear Ms. Anderson:  

Many of my neighbors and I have been contesting Zack Pelz’s (of “SharpCo.”) proposed (RM) housing complex here at tax lot 300; 2275 Linn NE & 533 Alco NE - files: SP19-20, WG-02-20, and FP-04-20 …  

because no alternate route in or out for an ambulance, EMT Service, a single fire truck, or APD vehicle has been provided for any inevitable emergency. We maintain that the comprehensive traffic study - years ago, was deliberately ‘fudged’ - whatever a regardless of Mr. Ron Irish says… We all live here and can see everything some of us for many decades… These roads and alleys are too fragile - for this proposal to be deemed safe, and the ecosystem is too rare on this Willamette River front for this project to be considered appropriate or necessary -- So I again, urge the Planning Commission to not approve this project without further compliance. I’d like to remind you also, of SHPO’s recommendation for an archaeological study; as you know, many artifacts from the Kalapuyan tribes were recovered on the very lot 300, under consideration.  

Thank You for Your Attention - Sincerely, Zelda Bevan
July 21, 2020

Ms. Melissa Anderson  
City of Albany Comm Dev Dept  
PO Box 490  
Albany, OR 97321  

RE: SHPO Case No. 19-0609  
City of Albany Project SP-01-19 et al, The Banks Multi Family Development  
Construct housing  
595 Geary Street NE, Albany, Linn County

Dear Ms. Anderson:

A search through the SHPO archaeological database has revealed that there is a reported archaeological site in the area of the project referenced above. It is important that a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any ground disturbing activities.

A list of archaeological consultants can be found at the Association of Oregon Archaeologists website (www.oregonarchaeologists.com) by clicking on the Contractor Directory. State statutes and federal laws protect archaeological sites, objects, and human remains on both state public and private lands in Oregon. The recommendations above are intended to help the applicant avoid damaging any archaeological sites in the project area and ensure that federal obligations are met.

If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If you have any questions regarding the applicant's need to hire an archaeologist, or wish any additional information about the above comments, feel free to contact the SHPO office. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Jamie French, M.A.  
SHPO Archaeologist  
(503) 986-0729  
Jamie.French@oregon.gov

cc: Zach Peitz, AKS Engineering & Forestry, LLC
January 22, 2021

First I would like to say I am more than a little surprised to be revisiting this site plan.

This exact site plan was denied by the Planning Commission as a modification request on August 21, 2020. The denial reasons:

“Replacement of nine town homes with 24 apartment units was a substantial increase in density, which was inconsistent with the size and scale of the original site plan application. It was inconsistent with surrounding development when comparing the original with the proposed change and the architectural design elements of the façade of the proposed apartment units did not overcome the fact that density had been intensified and significantly modified from the original approved plan. Additionally, the emergency access at Alco Street left only one vehicle access in and out of the development.”

The original site plan was approved on July 5, 2019. One of the site plan review criteria was Albany Development Code (ADA) 2.450:

(5) the design and operating characteristics of the proposed development are reasonably compatible with surrounding developments and any negative impacts have been sufficiently minimized.

When this exact site plan was compared to the original site plan application as a modification the denial stated:

“It was inconsistent with surrounding development when comparing the original with the proposed change....”

So how does a site plan that was said to be inconsistent with surrounding development when comparing the original site plan, which met review criteria ADA 2.450(5) now miraculously meet that same ADC 2.450(5) criteria and be reasonably compatible with surrounding development and land uses? Nothing has changed from when this site plan was said to be inconsistent with surrounding development when compared to a plan that met review criteria saying it was reasonably compatible with surrounding development.

This site plan does not meet ADC 2.450(5), surrounding development is modest single-family homes (most are single story) or parks and open space. No match for three story 12 & 24 plex buildings.

In addition, the removal of the emergency exit on Alco leaves this development with only 1 vehicle access in and out of the development and this access on Geary Street is approximately 5 feet below the 100-year flood level. This development is in a flood hazard zone. A substantial portion is in the flood plain.
Oregon’s statewide planning goals and guidelines Goal 7: areas subject to natural hazards:

B. Implementation

1. Local governments should give special attention to emergency access when considering development in the identified hazard areas. This property is zone AE Flood Hazard.

This site plan negatively impacts the neighborhoods narrow and unimproved streets. This site plan has multiple pedestrian access points to Linn Avenue from the development. This will encourage on street parking on Linn Avenue which is only one block long.

On street parking will be easier access for those units closest to Linn Avenue as parking stalls in the development are farther away. Combine that with the fact that 88 of the 218 parking stalls are located between the River and the buildings with 33 of those 88 in the floodway (moving water) and all 88 are approximately 5 feet lower than the parking stalls in the interior of the developments so people who park back there will have either stairs to climb or elevated sidewalks to manage since side walk elevation in back parking area is 196 feet and sidewalk elevation into closest units are 200-201 feet. This makes the interior parking stalls a premium and on street parking very attractive.

If you look at the location map of the subject property you will see that access to Linn Avenue is from Chicago street or Alco Street via Willamette Avenue or Front Avenue. I have included with my written comments, pictures of the neighborhood streets so that you can see how truly unimproved they are. Linn Avenue is 1 of only two streets in the neighborhood wide enough to allow for parking.

I also noticed that this site plan has only one children’s play area but has 15 more units that a previously approved site plan that had two children’s play areas.

Multi Family Development Criteria 8.220(2)

(a) Children’s play areas shall be placed within 300 feet of the units they are intended to serve. More than one play area may be needed in larger developments.

(c) Placement of children’s play area shall not be allowed in any required set back and shall be centrally located.

This site plan shows the children’s play area located in the North West corner of the development so it is not centrally located and appears to be much further away than 300 feet from many of the apartment units unless those units will not house children.

Thank you for your time and consideration.

Mary Abraham
1815 NE Willamette Avenue
Albany, OR 97321

[Signature]
Corner of Chicago St and Linn Ave

Chicago St. looking north to Linn Ave from Willamette St.
Chicago St between Willamette Ave and Front Ave

Willamette St between Chicago St and George St
Intersection of Alco and Linn Ave

Alco St between Linn Ave and Willamette St.
Williamette between Burk hart and Alco

Williamette Ave looking east from Burk hart St.
Front Ave between Chicago and Geary St

Front Ave between Alco and Chicago
Jan. 21, 2021

Please read letter from Mary Abraham and Dala Rouse dated Nov. 2, 2020.

This letter is an addition to that letter.

Their Transportation Study was not correct regarding our neighborhood, it stated Geary Street was a collector street to Willamette Avenue. Enclosed Attachment A shows Geary St. is only a collector street to Front Avenue not Willamette Avenue. Willamette was studied instead of Front Avenue. Their hours of the study do not represent the true traffic in our area, which is just one of the reasons the study needs to be redone.

Under Site Plan Review, as stated several times by neighbors, three story apartments and the scale of the apartments are not compatible with single family development, parks, and open space. The property is not just zoned multible-family but also in the Willamette River Greenway, Floodplain and AE Flood Hazard Zones.

Under Site Plan Review

(7) Prior land use (besides vacant land) was by Permawood, with an agreement between neighbors, Permawood and the city. The neighbors had taken the proposal to the Land Use Board of Appeals and it was remanded back to the city for some changes.

See Attachment B Conditions 25 and 26 required 2 additional access roads on Alco and Chicago for emergency vehicle and maintenence use only. They understood the importance of having more than one way in and out.

The requirement for the buildings to be sprinkled and only have one exit is a fire issue not a flooding safety issue.

The city participates in the Federal Flood Insurance Program and I have included a portion of their regulations. In Attachment C, please read marked areas under Human Safety. (7) Provisions for alternate vehicular access and escape routes when normal routes are blocked or destroyed by flooding.

I am also including information from the city webservice regarding flooding.

Attachment D On page 3 it mentions, Turn Around Don't Drown because 1 foot of water can carry a car.
Attachment E Is Oregon's Statewide Planning Goal 7.

Marked on page 2. Implementation
1. Local Governments should give “special attention” to emergency access when considering development in identified Hazard Areas. Which this is.

Willamette Greenway Criteria

6.540

(6) The proposed development, change, or intensification of use is “not” compatible with surrounding areas. We have already stated large three story buildings are not compatible with parks, open space and single family housing. The appartments don't have to be that large next to those areas.

Floodplain Development Criteria

6.110

(1) The proposed new development and land division shall be consistant with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding.

With the only entrance between 4 and 5 feet below 100 flood level and streets 1 foot below flood level the building might be safe but you won't be able to reach it without a boat. The parking lot in the Floodway is about 5 to 6 feet below 100 year flood level.

Enclosed is a picture of April 2019 with floodwater up to their driveway.

Attachment F Is a list from FEMA, regarding heights of floods in Albany Oregon. You can see there are a few floods higher than April 2019. In 1964 the flood water was 6.59 feet higher than the picture. In 1996 the flood water was 2.71 feet higher than the picture.

Enclosed also find pictures of area in 1964 and 1996 (blurry). The white areas are the flood waters.

Attachment G is our new Comprehensive Plan Goal 7 adopted September 2020.

Goal to Protect Life and Property.

(3) Restrict new development (including fencing, grading, fill, excavating and paving from locating within floodways that would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-
flood levels. Then the following uses may be considered:

a. Public and private parks and recreational uses.
b. Other uses which would not involve the construction of permanent or habitable structures.
c. Water-dependent structures such as docks, piers, bridges and floating marinas.

I don't see parking lots included in a. b. or c. and several of the parking spaces are in the floodway located by the river.

(6) I don't see any natural amenities in the parking lots either.

Also in our newly adopted Development Code Attachment H for Multible-housing developments.

8.220

(2) Childrens Play Areas

(a) Childrens Play areas shall be placed within 300 feet of units they are intended to serve.

(c) Placement of childrens play areas shall not be allowed in any required setback and “shall be centrally located.”

The developer is allowed a 25 percent credit for open space, by being located close to a park, but that still doesn't say that the play area shouldn't be centrally located and theirs is way off in a corner.

When the city was considering moving Eads Park to its present location, many parents where concerned that it was to close to the river to be safe. Look at where their play area is placed.

8.300

Parking

(2) Parking areas shall be broken into numerous small parking bays and landscaped to minimize their visual impacts. Large uninteruped rows of parking are prohibited. Required parking must be located within 100 feet of
the building entrance for each unit.

Does the large parking area along the river meet this requirement?

There have been numerous arrowheads etc. found on this property over the years and also in Eads Park.

Enclosed is letter from Jamie French from SHPO stating there has been evident of Native American artifacts located on this site and requested an archaeology study done before ground breaking. I would like to request that a study be done as a condition.

I have included several Oregon state laws pertaining to Native American artifacts.

Sincerely,

[Signature]

Dala Rouse
November 2, 2020

The Willamette River neighborhood consisting of residents within 1000 feet oppose the proposed 120 unit apartment complex referred to as “The Banks”.

Under 2.450 Site Plan Review

(3) The transportation system does “not” safely and adequately accommodate the proposed development. The traffic study did not study areas and times to better describe future and present traffic patterns. Because of the mills in Millersburg and the traffic to and from Corvallis, to get off and on the freeway, Salem Avenue, Davidson Street and Geary Street are not your typical peak hour streets that most traffic studies look at. The times are much earlier and much later in the evening. Geary Street is a minor collector only to Front Avenue, not Willamette Avenue as stated before. Front Avenue, because of the deadending at the river and the closing of some railroad crossings, is our major east and west route to get to Geary and Davidson streets not Willamette as studied. Most residents and including Public Works employees, use Water Avenue to go west and also to get to Talking Waters a popular attraction used year around. The traffic study looked at traffic for one hour between Water Avenue and First Avenue on Geary Street and missed traffic using Water Avenue. This is not a typical study area, as the traffic is blocked by the second largest river in Oregon and can only go south. The traffic study is flawed and needs to be redone for this new development.

(5) The proposed development is “not” reasonably compatible with surrounding development because or building scale and size. Three story apartments are not compatible with single family housing on Linn Avenue. This development is next to open space, parks, major river and single family housing. The negative impacts have “not” been sufficiently minimized. In our immediate area we do not have large three story homes or large buildings to the extent they are being proposed with this development. The streets in the area are mainly unimproved.

(6) To be addressed under Floodplain and Willamette Greenway permits.

(7) Prior land use approvals of this property under Permawood required 2 gated emergency exits and one had to be used during flood of 1996 to go in and out of this property. This was a condition after the neighborhood took Permawood and city to Land Us Board of Appeals and the development was remanded back to city for corrections.

Willamette Greenway Review

(2)
This proposed development does “not” protect, preserve, restore or enhance the property to the “maximum” extent possible. There are huge Oregon native trees on the property that are not being protected but destroyed with this development. Some of the trees are large native White Oak trees needing protection and some may have been there since Native Americans used the site. We request that a Archaeological Study be required as there have been artifacts found on this property over the years as presented in pictures included with these comments.

(3)
The areas of the Floodplains and Wetlands are “not” being preserved in their natural state to the maximum extent possible to protect water retention, overflow and other natural functions.

They are building much of their parking in the Floodway part of the Floodplain which is the overflow area for the Willamette River and floods more frequently and has swifter floodwater than other parts of the Floodplain. Some of the proposed parking lots are at elevation 194 feet which is 6 feet below base flood level according to FEMA maps. Comments were made that if the area floods they can move the vehicles but to where? Enclosed is a copy from the cities website regarding flooding. It states “Turn around, don't drown and states it only takes 12 inches to carry away a car. We don't need cars in the Willamette River, especially if people are in them trying to rescue their cars.

(6)
The proposed development change and intensification of use is “not” compatible with existing and surrounding land. Most of the land is open space, parks and the river. The development with parking in the floodway does “not” have the maximum possible landscaping or open space. Parking in the Floodway is also a safety issue.

(10)
Public access will be provided along the river but we have not seen a proposal to enhance or landscape the path area as Permawood was required to do. Permawood had a well that profided irrigation.

Floodplain Development Review Criteria

(1)
The proposal does “not” minimize flood damage around buildings or entrance to the complex. The buildings may be 1 foot above base flood but travel areas are allowed one foot below base flood making hard for cars to get around buildings and to parking areas that are even lower. The only entrance to the complex is approximately 4 feet below base flood height. It is a safety issue and there should be a requirement for an emergency exit for when it floods not if it floods.

This is a flood hazard zone listed as AE and more precaution needs to be addressed.
The city participates in the Nation Flood Insurance Program and has regulations to follow. Under 60.22 (enclosed) States that all propective renters in this this complex will have to be notified they are in a flood prone area. Also it mentions that provisions for an alternative escape routes when normal routes are blocked or destroyed by floodwaters. Oregon Statewide Planning Goals and Guidelines under Goal 7

(B) Implementation

(1) Local Governments should give special attention to emergency access when considering development in indentified hazard areas. (This is a flood hazard zone).

Considering this developments only entrance is approximately 4 below base flood level there should be an emergency exit too. Enclosed is picture of flood in April 2019. The water is almost to their driveway. In 1996 the flood water was 2.71 feet higher and covered this entrance. In 1964 the floodwater was 6.59 feet higher than picture and entrance was impassable for several days. Adoption for denial of this same proposal earlier this year by the Planning Commission was for not having an emergency exit.

Staff is looking too close at requirements for mulifamily housing and not paying enough attention to the requirements for building in the Greenway and Floodplain.

According to the state, needed housing in Albany is middle housing. Two story Middle housing would be more compatible with the single family housing on Linn Avenue.

Mary Abraham

Dala Rouse
RESOLUTION NO. 2480

ADOPTING FINDINGS IN THE GRANTING OF PERMITS TO
PERMAWOOD NORTHWEST CORPORATION UPON A REMAND
BY THE LAND USE BOARD OF APPEALS OF PREVIOUSLY ISSUED
PERMITS AND INCORPORATING CERTAIN AGREEMENTS
AND CONDITIONS ATTACHED HERETO

WHEREAS, on September 23, 1983, H. David Smith, on behalf of
Permawood Northwest Corporation, filed an application with the
City of Albany for the approval of a greenway use permit, site
plan review approval and variance approvals for the operation of
a tile plant on certain property at the north end of Geary Street
containing 5.28 acres located within the City of Albany; and

WHEREAS, a hearing was held on October 17, 1983, before the
Albany Hearings Board which said hearing resulted in an approval
of said requests; and

WHEREAS, the aforesaid approvals were appealed to the
Planning Commission of the City of Albany and a hearing upon said
appeal was held on December 5, 1983, at which time the decision
of the Hearings Board was affirmed and the applications were
again approved; and

WHEREAS, the aforesaid denial of the appeal was appealed to
the City Council of the City of Albany and a hearing upon said
appeal was held on January 10, 1984; and

WHEREAS, the Albany City Council on January 25, 1984,
adopted Resolution No. 2445 which by Exhibit incorporated
findings upholding the previous actions of the Hearings Board and
Planning Commission and which Resolution is hereby superseded;
and

WHEREAS, the decision of the City Council and appurtenant
findings were appealed by the Bowman Park Neighborhood
Association to the State of Oregon Land Use Board of Appeals; and

WHEREAS, the Land Use Board of Appeals revised in part,
upheld in part, and remanded in part, said decision of the City
Council; and

WHEREAS, the City Council set a new public hearing for
July 11, 1984, to hear from the parties in response to the
various parts of the Land Use Board of Appeals decision; and
WHEREAS, at the Public Hearing of July 11, 1984, Permawood Northwest Corporation and the Bowman Park Neighborhood Association presented to the City Council an agreement, attached hereto as Exhibit 3, within which all contested matters presently in dispute have been resolved; and

WHEREAS, the City Council, through adoption of this Resolution, directs the City Manager to sign the agreement, attached as Exhibit 3 and by this reference incorporated herein;

NOW, THEREFORE, BE IT RESOLVED by this City Council of Albany that the applications sought by Permawood Northwest Corporation are hereby approved.

This decision is based upon Title 20 of the Albany Municipal Code adopted September 25, 1981, as Ordinance No. 4441, and subsequently amended October 1, 1982, by Ordinance No. 4528. The Land Conservation and Development Commission acknowledged the Comprehensive Plan and City of Albany Development Code on November 19, 1982.

The City Council hereby resolves that this final decision shall be void upon any appeal.

This decision is based upon the findings and conclusions set forth in Exhibit 1 establishing that the applications comply with the applicable sections of the Development Code.

In addition to the findings cited above, the City Council does hereby find that certain objections argued by the appellants can be mitigated or eliminated through adherence with certain conditions and further that the attachment of certain conditions is desirable to assure full compliance with applicable criteria. These conditions are the same as those previously adopted by this Council as further amended by the agreement attached hereto as Exhibit 3. Therefore, the City Council does also hereby include as a part of this decision attached as Exhibit 2 which by this reference is incorporated herein and entitled "Conditions."

DATED this 11th day of July, 1984.

[Signature]
Mayor

Attest:
[Signature]
Deputy City Recorder
22. Open storage lots shall be screened from any adjacent street right-of-way and the river. Screening shall be sight-obscuring and shall blend with the riparian environment. Fences to be "sight-obscuring" shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence. Hedges shall be of an evergreen species which will meet and maintain year round the same standard within three years after planting. A sight-obscuring, landscaped berm 6 feet in height may also be used. Any fence or hedge shall be located on the property at the required setback line in the same manner as if such berm, fences, or hedge were a building.

23. Maintain 30' vision clearance triangle at entrance to Geary Street. Required landscaping in vision clearance area may not exceed 24" in height with the exception of trees trimmed between the heights of 2 and 8 feet.

24. The driveway approach to Geary Street shall be submitted to the City of Albany's Traffic Division for approval.

25. Alco Street access to be used for emergency vehicles and utility maintenance vehicles only.

26. Access to Chicago Street shall be for emergency vehicles only until such time that Chicago Street is improved to City Standards.

27. Submit Waiver of Remonstrance/Petition for Improvement for Chicago and Alco Street.

28. Submit revised Landscape Plan which reflects amended landscape and screening areas as indicated on Exhibit 46, referred to in the hearing as the "Green Site Map".

29. All future building and paving of the site shall be subject to Site Plan Review.

30. Consolidate existing tax lots on the site into the minimum number permitted by the County Assessor.

31. No building shall be constructed within 70 feet of the top of the bank of the Willamette River. Setback line shall be shown on the final site map.

32. The subject property shall be maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ) or the Greenway Use Permit may be revoked after appropriate public hearings are held or other appropriate legal action taken as determined by the City Attorney.

33. Obtain all necessary fill permits for any fill occurring on the site including submission of sufficient data to determine the average depth of fill and any other engineered data necessary to enable the Public Works Department to determine compliance with applicable standards.

34. Submit Final Site Plan details demonstrating intended conformance with all applicable conditions of approval.
Fire Departments to determine if:

- Building is required to be sprinkled.
- Additional fire hydrants and a larger water main are to be required.
- Detection system in existing 9,000 square foot building is required to be modified to accommodate use.
- Fire walls are to be required for exterior walls on existing and proposed buildings.

13. Provide locking devices on all buildings.

14. Prepare and record a legal instrument granting a minimum 35' easement measured from the fence line as shown on the revised Site Plan to the northerly property line adjacent to the Willamette River for public access to and/or from the river and the construction of a bike path and landscaping and buffering. Said easement area shall, prior to permits being issued for Phase II of the project, be deeded to the City in Fee Title. In addition, an accurate legal description should be required for the entire perimeter of this proposed dedication which should be approved by the City before issuance of Building Permits.

For changes to Conditions 15 through 19, see Condition No. 28.

15. Provide a 40-foot landscaped buffer and screening strip adjacent to the southern boundary line of the subject property adjacent to Tax lots 1001, 6005, and 6004, 11 SW 56A.

16. Provide a 30-foot landscaped buffer strip adjacent to Geary Street.

17. Provide a 40-foot landscaped buffer strip adjacent to Aiko Street.

18. Provide a 40-foot landscaped buffer strip adjacent to Chicago and Tax lot 7200; if area is to be continued to be used as an open storage lot, if area which is zoned R-2 is used as a parking area for the proposed office building, a 40-foot landscaped buffer area would be required.

19. Provide a 20-foot buffer strip adjacent to extension of Chicago Street and Tax Lot 6806, 11 SW 56A for a distance of 40 feet.

20. Install wheel barriers of cement concrete, asphalt, wood, or other materials to designate each required parking space.

21. All buildings and structures, including supporting members and all exterior mechanical equipment, shall be screened, colored, or surfaced so as to blend with the riparian environment. Colors shall be natural earth or leaf tones. Surface shall be non-reflective. Submit proposed colors with building permit plans.
Subpart C—Additional Considerations in Managing Flood-Prone, Mudslide (i.e., Mudflow)-Prone and Flood-Related Erosion-Prone Areas

§ 60.21 Purpose of this subpart.
The purpose of this subpart is to encourage the formation and adoption of overall comprehensive management plans for flood-prone, mudslide (i.e., mudflow)-prone and flood-related erosion-prone areas. While adoption by a community of the standards in this subpart is not mandatory, the community shall completely evaluate these standards.

§ 60.22 Planning considerations for flood-prone areas.
(a) The flood plain management regulations adopted by a community for flood-prone areas should:
(1) Permit only that development of flood-prone areas which (i) is appropriate in light of the probability of flood damage and the need to reduce flood losses, (ii) is an acceptable social and economic use of the land in relation to the hazards involved, and (iii) does not increase the danger to human life;
(2) Prohibit nonessential or improper installation of public utilities and public facilities in flood-prone areas;
(b) In formulating community development goals after the occurrence of a flood disaster, each community shall consider—
(1) Preservation of the flood-prone areas for open space purposes;
(2) Relocation of occupants away from flood-prone areas;
(3) Acquisition of land or land development rights for public purposes consistent with a policy of minimization of future property losses;
(4) Acquisition of frequently flood-damaged structures;
(c) In formulating community development goals and in adopting flood plain management regulations, each community shall consider at least the following factors—
(1) Human safety;
(2) Diversion of development to areas safe from flooding in light of the need to reduce flood damages and in light of the need to prevent environmentally incompatible flood plain use;
(3) Full disclosure to all prospective and interested parties (including but not limited to purchasers and renters) that
§ 60.23 Planning considerations for mud slide (i.e., mudflow)-prone areas.
The planning process for communities identified under part 65 of this subchapter as containing Zone M, or which indicate in their applications for flood insurance pursuant to Sec. 59.22 of this subchapter that they have mudslide (i.e., mudflow) areas, should include:
(a) The existence and extent of the hazard;
(b) The potential effects of inappropriate hillside development, including
(1) Loss of life and personal injuries, and
(2) Public and private property losses, costs, liabilities, and exposures resulting from potential mudslide (i.e., mudflow) hazards;
(c) The means of avoiding the hazard including the
(1) availability of land which is not mudslide (i.e., mudflow)-prone and the feasibility of developing such land instead of further encroaching upon mudslide (i.e., mudflow) areas, (2) possibility of public acquisition of land, easements, and development rights to assure the proper development of hillsides, and
(3) advisability of preserving mudslide (i.e., mudflow) areas as open space;
(d) The means of adjusting to the hazard, including the
(1) establishment by ordinance of site exploration, investigation, design, grading, construction, filing, compacting, foundation, sewerage, drainage, subdrainage, planting, inspection and maintenance standards and requirements that promote proper land use, and
(2) provision for proper drainage and subdrainage on public property and the location of public utilities and service facilities, such as sewer, water, gas and electrical systems and streets in a manner designed to minimize exposure to mudslide (i.e., mudflow) hazards and prevent their aggravation;
(e) Coordination of land use, sewer, and drainage regulations and ordinances with fire prevention, flood plain, mudslide (i.e., mudflow), soil, land, and water regulation in neighboring communities;
(f) Planning subdivisions and other developments in such a manner as to avoid exposure to mudslide (i.e., mudflow) hazards and the control of public facility and utility extension to discourage inappropriate development;
(g) Public facility location and design requirements with higher site stability and access standards for schools, hospitals, nursing homes, orphanages, correctional and other residential institutions, fire and police stations, communication centers, electric power transformers and substations, water and sewer pumping stations and any other public or quasi-public institutions located in the mudslide (i.e., mudflow) area to enable them to withstand mudslide (i.e., mudflow) damage and to facilitate emergency operations; and
(h) Provision for emergencies, including:
(1) Warning, evacuation, abatement, and access procedures in the event of mudslide (i.e., mudflow),
(2) Enactment of public measures and initiation of private procedures to limit danger and damage from continued or future mudslides (i.e., mudflow),
(3) Fire prevention procedures in the event of the rupture of gas or electrical distribution systems by mudslides,
(4) Provisions to avoid contamination of water conduits or deterioration of slope stability by the rupture of such systems,
(5) Similar provisions for sewers which in the event of rupture pose both health and site stability hazards and
(6) Provisions for alternative vehicular access and escape routes when normal routes are blocked or destroyed by mudslides (i.e., mudflow);
(i) The means for assuring consistency between state, areawide, and local comprehensive plans with the plans developed for mudslide (i.e., mudflow)-prone areas.
PROTECT THE FLOODPLAIN

(/floodplain/protect-the-floodplain)

Build responsibly

A permit may be required to build, grade, or fill in a floodplain.

Get a permit before you build

Always check with the Community Development Department at 541-917-7553 or visit the customer counter on the second floor of City Hall, 333 Broadalbin Street SW before you build on or alter property in the floodplain.

Build high, stay dry

Building above the base flood elevation is not only a requirement, but will protect your investment, facilitate financing, and reduce flood insurance.
Preserve and restore native vegetation and trees to reduce flood damage
Recognizing the natural and beneficial functions of floodplains can help to reduce flooding.

Keep it clear, keep it clean
Keep storm drains, ditches, and waterways clean from debris and pollutants to reduce damage from floods.

- Learn more about the Keep the Storm Drain Clean (/component/content/128-public-works/water-system/1136-keep-your-storm-drain-clean?Itemid=645) program.
- Learn more about Stormwater (/component/content/156-public-works/stormwater-utility/1229-stormwater-utility-intro?Itemid=781)

Dumping or debris
If you see dumping or debris in ditches, creeks, or drains, contact the Public Works Department at 541-917-7600.

Benefits of Healthy floodplains
Maintaining or protecting floodplains benefits to people and nature.

Flood Protection
Floodplains provide a river more room as it rises, thereby reducing pressure on manmade flood protection structures, like levees and dams.

- Learn more about Protecting Floodplain Resources from fema.gov (https://www.fema.gov/media-library/assets/documents/475)

Improved Water Quality
When inundated with water, floodplains act as natural filters, removing excess sediment and nutrients, which can degrade water quality and increase treatment costs. Degradation of water quality due to the loss of floodplain habitat can be noted along smaller rivers and at-scale at large river basins. At the largest of scales are hypoxic or "Dead" zones, which are areas in bays or gulfs where little life exists due to excess nutrients carried by rivers.

Recharged Aquifers
Outside of a river's main channel, water flow is slowed and has more time to seep into the ground where it can replenish underground water sources (or aquifers), which serve as a primary source of water for many communities and which are critical for irrigation that grows much of the world's crops.

Improved Wildlife Habitat
Floodplains are home to some of the most biologically rich habitats on Earth. They provide spawning grounds for fish and critical areas of rest and foraging for migrating waterfowl and birds.

Recreational Industries
Avoid flood waters

It is NEVER safe to swim or walk through flood waters. Moving water can move a car – imagine what it can do to you.

Turn around, don’t drown

It takes just 12 inches of rushing water to carry away a small car. More than half of the deaths from flooding each year occur in vehicles.

Stay away from power lines and electrical wires

Electrical current can travel through water. Report downed power lines to your electric utility (Pacific Power or Consumers Power) or the county Emergency Management Office.

Current Weather Information

- Willamette River Gauge Data (http://water.weather.gov/ahps2/hydrograph.php?wfo=pqr&gage=albo3&view=1,1,1,1,1)
- Northwest River Forecast Center (http://www.nwrfc.noaa.gov/rfc/)
- Willamette Basin Reservoir Storage Levels (http://www.nwd-wc.usace.army.mil/nwp/teacup/willamette/)

Useful Safety Information

- Red Cross Disaster Safety Checklist (http://www.redcross.org/prepare/disaster-safety-library)
- How to Protect Your Home From Flood Damage (https://www.redfin.com/blog/2015/03/how-to-protect-your-home-from-flood-damage.html)
- Summer safety (https://www.weather.gov/wrn/summer-safety)
- FloodSmart.gov (https://www.floodsmart.gov/)

Protect your property (/floodplain/protect-your-property)

Insure your property (/floodplain/insure-your-property)

Flood Insurance Rate Maps and Flood Insurance Studies (/floodplain/know-your-flood-risk/maps-studies)
Oregon’s Statewide Planning Goals and Guidelines
GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

A. NATURAL HAZARD PLANNING
   1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.

   2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides,\(^1\) earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.

B. RESPONSE TO NEW HAZARD INFORMATION
   1. New hazard inventory information provided by federal and state agencies shall be reviewed by the Department in consultation with affected state and local government representatives.

   2. After such consultation, the Department shall notify local governments if the new hazard information requires a local response.

   3. Local governments shall respond to new inventory information on natural hazards within 36 months after being notified by the Department of Land Conservation and Development, unless extended by the Department.

C. IMPLEMENTATION
   Upon receiving notice from the Department, a local government shall:

   1. Evaluate the risk to people and property based on the new inventory information and an assessment of:
      a. the frequency, severity and location of the hazard;
      b. the effects of the hazard on existing and future development;
      c. the potential for development in the hazard area to increase the frequency and severity of the hazard; and
      d. the types and intensities of land uses to be allowed in the hazard area.

   2. Allow an opportunity for citizen review and comment on the new inventory information and the results of the evaluation and incorporate such information into the comprehensive plan, as necessary.

   3. Adopt or amend, as necessary, based on the evaluation of risk, plan policies and implementing measures consistent with the following principles:
      a. avoiding development in hazard areas where the risk to people and property cannot be mitigated; and
      b. prohibiting the siting of essential facilities, major structures, hazardous facilities and special occupancy structures, as defined in the state building code (ORS 455.447(1) (a)(b)(c) and (e)), in identified hazard areas, where the risk to public safety cannot be mitigated, unless an essential facility is needed within a hazard area in order to provide essential emergency response services in a timely manner.\(^2\)

   4. Local governments will be deemed to comply with Goal 7 for coastal and riverine flood hazards by adopting and

\(^1\) For "rapidly moving landslides," the requirements of ORS 195.250-195.275 (1999 edition) apply.

\(^2\) For purposes of constructing essential facilities, and special occupancy structures in tsunami inundation zones, the requirements of the state building code - ORS 455.446 and 455.447 (1999 edition) and OAR chapter 632, division 5 apply.
implementing local floodplain regulations that meet the minimum National Flood Insurance Program (NFIP) requirements.

D. COORDINATION

1. In accordance with ORS 197.180 and Goal 2, state agencies shall coordinate their natural hazard plans and programs with local governments and provide local governments with hazard inventory information and technical assistance including development of model ordinances and risk evaluation methodologies.

2. Local governments and state agencies shall follow such procedures, standards and definitions as may be contained in statewide planning goals and commission rules in developing programs to achieve this goal.

GUIDELINES

A. PLANNING

1. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider:
   a. the benefits of maintaining natural hazard areas as open space, recreation and other low density uses;
   b. the beneficial effects that natural hazards can have on natural resources and the environment; and
   c. the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

2. Local governments should coordinate their land use plans and decisions with emergency preparedness, response, recovery and mitigation programs.

B. IMPLEMENTATION

1. Local governments should give special attention to emergency access when considering development in identified hazard areas.

2. Local governments should consider programs to manage stormwater runoff as a means to help address flood and landslide hazards.

3. Local governments should consider nonregulatory approaches to help implement this goal, including but not limited to:
   a. providing financial incentives and disincentives;
   b. providing public information and education materials;
   c. establishing or making use of existing programs to retrofit, relocate, or acquire existing dwellings and structures at risk from natural disasters.

4. When reviewing development requests in high hazard areas, local governments should require site-specific reports, appropriate for the level and type of hazard (e.g., hydrologic reports, geotechnical reports or other scientific or engineering reports) prepared by a licensed professional. Such reports should evaluate the risk to the site as well as the risk the proposed development may pose to other properties.

5. Local governments should consider measures that exceed the National Flood Insurance Program (NFIP) such as:
   a. limiting placement of fill in floodplains;
   b. prohibiting the storage of hazardous materials in floodplains or providing for safe storage of such materials; and
   c. elevating structures to a level higher than that required by the NFIP and the state building code.

Flood insurance policy holders may be eligible for reduced insurance rates through the NFIP’s Community Rating System Program when local governments adopt these and other flood protection measures.
Recent Crests

(1) 27.34 ft on 04/11/2019
(2) 23.21 ft on 12/20/2015
(3) 21.59 ft on 02/17/2014
(4) 24.57 ft on 01/21/2012
(5) 25.50 ft on 01/19/2006
(6) 25.51 ft on 01/19/2006
(7) 20.22 ft on 01/15/2000
(8) 25.32 ft on 12/30/1998
(9) 27.25 ft on 01/02/1997
(10) 27.87 ft on 11/21/1996
(11) 30.05 ft on 02/09/1996
(12) 25.37 ft on 02/24/1986
(13) 26.04 ft on 12/07/1981
(14) 29.00 ft on 01/17/1974
(15) 27.10 ft on 01/23/1972
(16) 33.93 ft on 12/24/1964
(17) 27.71 ft on 02/12/1961
(18) 26.70 ft on 12/23/1955
(19) 28.87 ft on 01/08/1948
(20) 30.00 ft on 12/30/1945
(21) 30.60 ft on 01/02/1943
(22) 30.00 ft on 01/08/1923
(23) 31.00 ft on 11/24/1909
(24) 31.70 ft on 02/06/1907
(25) 26.30 ft on 01/26/1903
(26) 31.20 ft on 01/15/1901
(27) 28.90 ft on 02/04/1890
(28) 27.80 ft on 01/14/1881
(29) 41.00 ft on 12/04/1861

(P): Preliminary values subject to further review.
RE: pictures

Do you happen to have one of flood in 1996? Thank you for clearing the date up because I thought the April flood was higher. It is really great you have these old pictures. How do you get them?
Dala

--- Original Message ---
From: "Steffensmeier, Gordon"
Sent: Dec 8, 2020 6:02 AM
To: "EXTERNAL - Rouse, Dala"
Subject: RE: pictures

Dala,
I need to correct myself. The first photo is from a flood in January of 2012, not April of 2019.
GOAL 7: FLOOD HAZARDS & HILLSIDES

GOALS, POLICIES, & IMPLEMENTATION METHODS

GOAL

Protect life and property from natural disasters and hazards.

POLICIES

1. Continue to participate in the National Flood Insurance Program and comply with applicable standards.

2. Review any development that could potentially affect the floodway or increase the area subject to the Special Flood Hazard Area (100-year floodplain), unless otherwise exempted. [Ord. 5746, 9/29/2010]

3. Restrict new development (including fencing, grading, fill, excavation, and paving) from locating within floodways that would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered: [Ord. 5746, 9/29/2010]
   a. Public and private parks and recreational uses.
   b. Other uses which would not involve the construction of permanent or habitable structures.
   c. Water-dependent structures such as docks, piers, bridges, and floating marinas.

4. Concurrent with new development, and when appropriate, secure dedications and easements adequate for channel maintenance and conveyance of storm water along natural drainageways and where identified on adopted master plans, secure easements for public open space, and future recreation use along all floodways and natural permanent drainageways.

5. Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.

6. Ensure that development proposals in the flood fringe and adjacent to drainageways are consistent with Federal Emergency Management Agency (FEMA) and other applicable local regulations in order to minimize potential flood damage. Development proposals in areas subject to flooding may be reviewed according to the following criteria:
   a. Proposed development activities shall not change the flow of surface water during flooding so as to endanger property in the area. Special engineering reports on the changes in water flow and potential damage which may be caused as a result of proposed activities may be required. If necessary, local drainage shall be improved to control increased runoff that might increase the danger of flooding to other property.
   b. Impacts on significant fish and wildlife habitat have been considered and appropriate protection measures included in project design.
   c. Problems of ponding, poor drainage, high water table, soil instability, or exposure to other flood hazards have been identified and mitigated. Evaluations and mitigating measures shall be based on a base year flood and wet season characteristics.
   d. If adjacent to a designated floodway, the development shall be designed to use the natural amenities of the floodway including open space, scenic views and vegetation in accordance with an approved site plan.

7. Locate and construct all public utilities and facilities such as sewer, gas, electrical, and water systems to minimize or eliminate flood damage. Require that new or replacement water supply systems and/or sanitary sewer systems be designed to minimize or eliminate infiltration of flood waters into the systems and
discharges from the systems into flood waters, and require on-site waste disposal systems to be located to avoid impairment of them or contamination from them during flooding.

8. Locate and construct critical facilities to minimize or eliminate flood damage and to facilitate emergency operations. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and other emergency responders, and installations that produce, use or store hazardous materials. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. New critical facilities must be floodproofed to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 5746, 9/29/2010]

9. Ensure that any filling or construction within the floodplain meets the following criteria:

   a. Require that a floodplain development permit is issued prior to any grading, fill, excavation, or paving activity, unless otherwise exempted, and that all grading, fill, excavation, or paving is engineered and compacted to applicable standards. Grading, fill, excavation, or paving areas for dwellings shall have engineering certification that loading rates are adequate for dwellings. [Ord. 5042, 4/14/1993; Ord. 5746, 9/29/2010]

   b. The lowest finished floor elevation shall be built at least one (1) foot above the base-year flood level. Special engineering reports or structural work may be required.

   c. Require property owners or developers to file a elevation certification approved by the local community permit official, registered professional engineer, architect, or surveyor indicating elevation of the surrounding grade or lowest habitable floor (including basement) of all new residential structures. This information shall be maintained to indicate compliance with Federal Emergency Management Agency (FEMA) regulations.

10. For construction, remodeling, or major repairs to structures (including prefabricated and mobile homes) within the floodplain, review building permits to ensure that:

   a. Building location and grading are designed to protect the structure during a base year flood,

   b. Construction materials and utility equipment are resistant to flood damage,

   c. Construction methods and practices will minimize flood damage.

   d. Where appropriate, structures are designed or modified to prevent flotation, collapse, or lateral movement of the structure.

11. Development approval within the flood fringe shall be reviewed to protect property and public safety and significant natural values.

12. The City may provide density bonuses which encourage the protection and preservation of flood fringe areas.

13. Prior to annexation of hillside areas, adopt hillside development regulations for slope areas in excess of 12% in order to protect against geologic mass movement, excessive erosion and storm water runoff, and protection of important natural vegetation.

14. Require land divisions and planned developments in slope areas to: [Ord 5042, 4/14/1993]

   a. Minimize cut and fill requirements.

   b. Ensure that the location and design of streets, structures, and other development give full consideration to natural contours, drainage patterns, and vegetation features of the site.

   c. Protect against temporary and long-term erosion.

   d. Control storm drainage to minimize the amount and rate of storm water flowing onto adjacent property and city streets.
July 21, 2020

Ms. Melissa Anderson  
City of Albany Comm Dev Dept  
PO Box 490  
Albany, OR 97321

RE: SHPO Case No. 19-0609  
City of Albany Project SP-01-19 et al, The Banks Multi Family Development  
Construct housing  
595 Geary Street NE, Albany, Linn County

Dear Ms. Anderson:

A search through the SHPO archaeological database has revealed that there is a reported archaeological site in the area of the project referenced above. It is important that a cultural resource survey be conducted to identify the location, boundaries and significance of any cultural remains within the project area prior to any ground disturbing activities.

A list of archaeological consultants can be found at the Association of Oregon Archaeologists website (www.oregonarchaeologists.com) by clicking on the Contractor Directory. State statutes and federal laws protect archaeological sites, objects, and human remains on both state public and private lands in Oregon. The recommendations above are intended to help the applicant avoid damaging any archaeological sites in the project area and ensure that federal obligations are met.

If you have not already done so, be sure to consult with all appropriate Indian tribes regarding your proposed project. If you have any questions regarding the applicant's need to hire an archaeologist, or wish any additional information about the above comments, feel free to contact the SHPO office. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Jamie French, M.A.  
SHPO Archaeologist  
(503) 986-0729  
Jamie.French@oregon.gov

cc: Zach Pelz, AKS Engineering & Forestry, LLC
This is the site where these 71 Arrowheads were found.
Law

Archaeological sites and objects, including those found on the surface of the ground, are protected under a number of Federal and State laws.

If you suspect a violation NEVER get involved at the scene. ALWAYS report the activity to authorities.

In Oregon, contact Dennis Griffin, State Archaeologist, regarding discovery or potential damage to archaeological sites. He can be reached at (503) 378-4168 ext. 312 or by email at dennis.griffin@state.or.us. If damage is imminent, report it to the local law enforcement agency.

In Washington, contact the State Historic Preservation Offices (206) 586-6125, Washington State Police (360) 696-6161 or your county sheriff’s office.

Federal law prohibits the purchase, exchange, or transportation of any archaeological object that was illegally removed from Federal, Indian, State, or private land. Removal from Federal or Indian land require a permit. A permit is required for excavation or alteration of any archaeological site, or removal of artifacts located on Federal or Indian land.

Violation of Federal Law is punishable by up to one year imprisonment and/or up to $10,000 fine if the artifact or damage is $500 or less. If the value exceeds $500, the punishment is up to two years in jail and/or up to a $250,000 for the first offense. A second offense can bring up to five years imprisonment. In addition, there can be forfeiture of all vehicles, equipment and property used plus restitution of costs needed to repair any damage done to the archaeological or historic site.

Oregon State law prohibits the sale, purchase, trade, barter, or exchange of archaeologi-
cal objects illegally removed from State public land or private land. The sale, trade, barter, or exchange of archaeological objects is prohibited unless the purchaser is given a notarized certificate of origin. The possession, public display, or sale of Native American sacred or other special objects is also prohibited.

Oregon law prohibits the excavation, destruction, or alteration of any archaeological site or the collecting of archaeological objects, other than "an arrowhead" (one) located on State public land or private land unless a State permit and written permission from the landowner are obtained. Collecting arrowheads on State public land or private land is prohibited if any tool is used in the activity, unless a State permit and written permission from the landowner are obtained. The destruction or damage to any human burial, human remains, or Native American sacred (or other special) objects is prohibited unless a State permit and written permission from the landowner are obtained.

Violation of the law is punishable by up to five years imprisonment and/or a $5,000 fine (if the violation involves a burial, human remains or other special Native American objects). A $250 criminal fine for all other types of violations will be imposed, plus forfeiture of all property used in the violation, and of the artifacts taken. Violators will also be liable for recovery of court costs, expert witness fees, and attorney fees.

Washington State law. Any violation of Washington State law protecting these sites that involves theft, disturbance, or damage to a Native American grave or cairn or cryptic or painted record or an historic grave is punishable as a Class C felony. A Class C felony is punishable by up to five years imprisonment and/or a fine of up to $10,000. All other violations are misdemeanors. Each day of continued violation constitutes a separate and distinct offense. Misdemeanors are punishable by up to ninety days imprisonment and/or a fine of up to $1,000 for each violation.
ORS 358.905¹
Definitions for ORS 358.905 to 358.961

- interpretation

(1) As used in ORS 192.005 (Definitions for ORS 192.005 to 192.170), 192.338 (Exempt and nonexempt public record to be separated), 192.345 (Public records conditionally exempt from disclosure), 192.355 (Public records exempt from disclosure), 358.905 (Definitions for ORS 358.905 to 358.961) to 358.961 (Time limitations on actions or proceedings) and 390.235 (Permits and conditions for excavation or removal of archaeological or historical material):

(a) "Archaeological object" means an object that:

(A) Is at least 75 years old;

(B) Is part of the physical record of an indigenous or other culture found in the state or waters of the state; and

(C) Is material remains of past human life or activity that are of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.

(b) "Site of archaeological significance" means:

(A) Any archaeological site on, or eligible for inclusion on, the National Register of Historic Places as determined in writing by the State Historic Preservation Officer; or

(B) Any archaeological site that has been determined significant in writing by an Indian tribe.

(c) (A) "Archaeological site" means a geographic locality in Oregon, including but not limited to submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with:

(i) Each other; or

(ii) Biotic or geological remains or deposits.

(B) Examples of archaeological sites described in subparagraph (A) of this paragraph
include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and townsites.

(d) "Indian tribe" has the meaning given that term in ORS 97.740 (Definitions for ORS 97.740 to 97.760).

(e) "Burial" means any natural or prepared physical location whether originally below, on or above the surface of the earth, into which, as a part of a death rite or death ceremony of a culture, human remains were deposited.

(f) "Funerary objects" means any artifacts or objects that, as part of a death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later.

(g) "Human remains" means the physical remains of a human body, including, but not limited to, bones, teeth, hair, ashes or mummified or otherwise preserved soft tissues of an individual.

(h) "Object of cultural patrimony":

(A) Means an object having ongoing historical, traditional or cultural importance central to the native Indian group or culture itself, rather than property owned by an individual native Indian, and which, therefore, cannot be alienated, appropriated or conveyed by an individual regardless of whether or not the individual is a member of the Indian tribe. The object shall have been considered inalienable by the native Indian group at the time the object was separated from such group.

(B) Does not mean unassociated arrowheads, baskets or stone tools or portions of arrowheads, baskets or stone tools.

(i) "Police officer" has the meaning given that term in ORS 181A.355 (Definitions for ORS 181A.355 to 181A.670).

(j) "Public lands" means any lands owned by the State of Oregon, a city, county, district or municipal or public corporation in Oregon.

(k) "Sacred object" means an archaeological object or other object that:

(A) Is demonstrably revered by any ethnic group, religious group or Indian tribe as holy;

(B) Is used in connection with the religious or spiritual service or worship of a deity or spirit power; or

(C) Was or is needed by traditional native Indian religious leaders for the practice of
(L) “State police” has the meaning given that term in ORS 181A.010 (Definitions for ORS 181A.010 to 181A.350).

(2) The terms set forth in subsection (1)(e), (f), (g), (h) and (k) of this section shall be interpreted in the same manner as similar terms interpreted pursuant to 25 U.S.C. 3001 et seq. [1983 c.620 §1; 1993 c.459 §1; 1995 c.588 §1]

January 19, 2021

Lane Brown
Vault 244 Bistro
2441st Avenue NW
Albany, OR 97321

City of Albany
Planning Commission
555 Broadalbin Street SW
Albany, OR 97321

Dear Planning Commission Members,

I welcome more housing close to downtown, which will help support the local area businesses and restaurants. Please approve The Banks.

Sincerely,

Lane Brown, Owner/Operator
Vault 244 Bistro
January 21, 2021

Mariano Battro
La Mariposa
815 1st Avenue E, Suite B
Albany, OR 97321

Planning Commission
City of Albany
555 Broadalbin Street SW
Albany, OR 97321

To the Members of the Planning Commission,

I support the Banks housing development. I’m a small business owner, that sells to retailers as well as at Farmers Markets in the area. I welcome more residents supporting small businesses like mine.

Please approve The Banks Apartments and help support local businesses.

Sincerely,

Mariano Battro
Owner
La Mariposa
January 21, 2021

La Belle Boutique
337 1st Avenue NW
Albany, OR 97321

Planning Commission
City of Albany
555 Broadalbin Street SW
Albany, OR 97321

Dear City of Albany Planning Commission,

I am submitting this letter of support as a local business owner in Albany for the construction of The Banks Multifamily Development. The City of Albany’s Planning Department has already approved this development and in light of the current economic environment, the addition of more residents and their accompanying spending power is nothing but a positive for our city.

Please vote to approve The Banks!

Sincerely,

Beth Walker, Owner
La Belle Boutique
January 22, 2021

Brick & Mortar Café
222 1st Avenue West, Suite 4
Albany, OR 97321

City of Albany
Planning Commission
555 Broadalbin Street SW
Albany, OR 97321

Dear Planning Commission Members,

I am writing to show support for the proposed apartment complex, The Banks, located at 595 Geary St. NE, Albany. This development of 120 new multifamily units would not only bring necessary housing to the City of Albany, but more residents and spending power to patronize local businesses.

I strongly encourage you to uphold the Planning Department’s decision and vote to support this project.

Sincerely,

[Signature]

Camille Romania
Brick & Mortar Cafe