

ORDINANCE NO. 5744

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, TO AMEND THE ZONING MAP DESIGNATION OF LOTS 5, 6, 7 AND 8 OF THE RUPP SUBDIVISION LOCATED ON 16TH AVENUE SE; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Planning Commission recommended approval of the proposed Zoning Map amendment application (File ZC-01-10) following a public hearing on July 26, 2010, and

WHEREAS, the Albany City Council held a public hearing on the proposed Zoning Map amendment application (File ZC-01-10) on August 11, 2010.

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

Section 1: The Zoning Map designations of the subject four properties shown on the map attached to this Ordinance as Exhibit A are hereby amended from OP (Office Professional) to RM (Residential Medium Density).

Section 2: The properties affected by the zoning amendment contain four subdivision lots totaling approximately 0.77 acres of land. A legal description of the four lots is attached to this Ordinance as Exhibit B.

Section 3: The Findings of Fact and Conclusions of Law in the staff report attached to this Ordinance as Exhibit C are hereby adopted in support of this decision.

Section 4: A copy of the map showing the amendments to the Zoning Map shall be filed in the Office of the Albany City Recorder and the changes shall be made on the official City of Albany Zoning Map.

Section 5: A copy of the legal description of the affected properties and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this Ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the city of Albany, an emergency is hereby declared to exist; and this Ordinance shall be in full force and effect immediately upon its passage by the City Council and approval by the Mayor.

ATTEST:

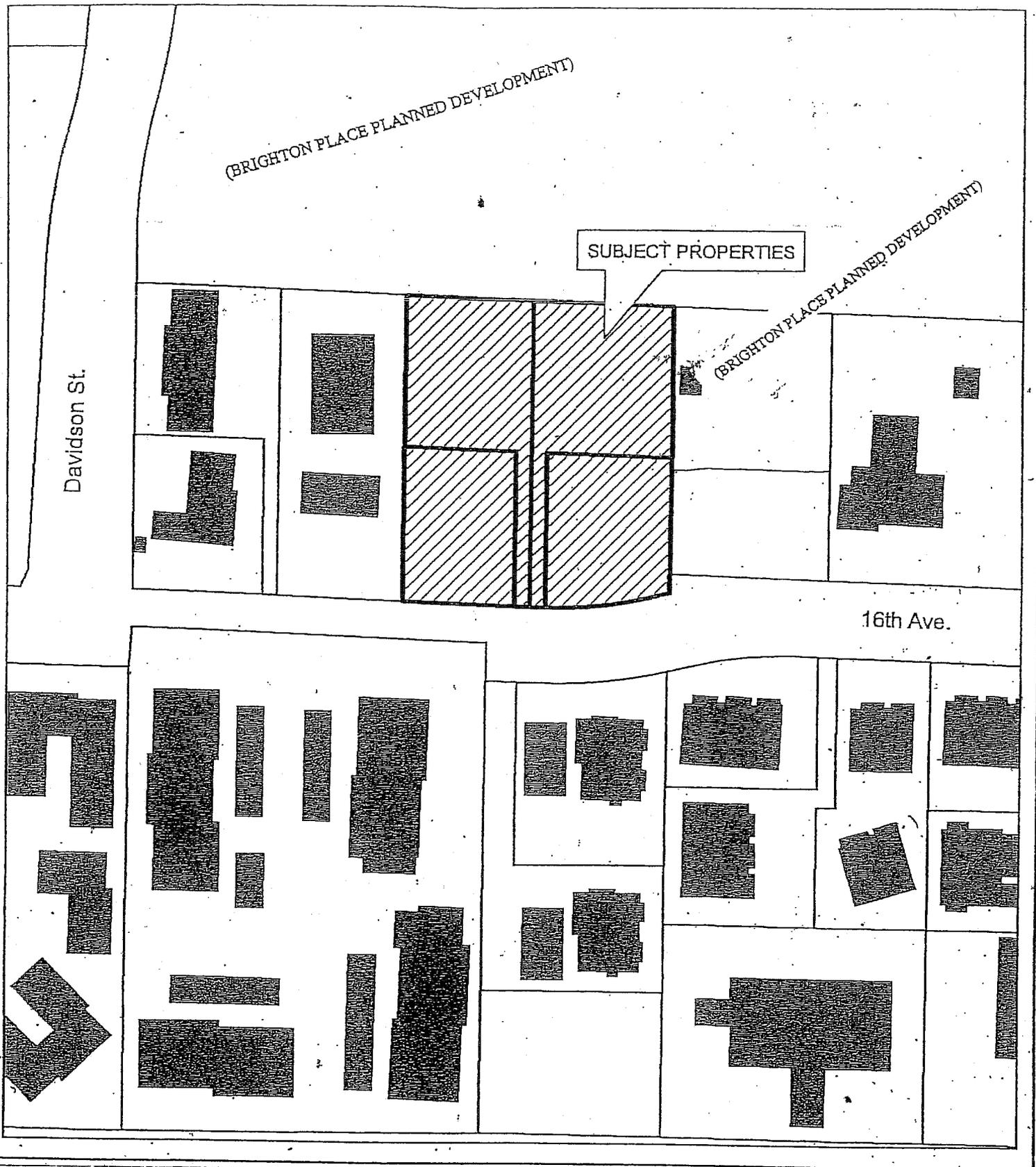

City Clerk

Passed by Council: August 11, 2010

Approved by Mayor: August 11, 2010

Effective Date: August 11, 2010


Mayor



Julius and Dolores Rupp - Zone Map Change from OP to RM (File ZC-01-10)
 Linn County Tax Assessor Map 11S-03W-08DB; Tax Lots 2000, 2100, 2200, 2300 -



The City of Albany Information records, drawings, and other documents have been prepared under various conditions, using differing standards for quality control, documentation, and verification. All of the data provided represents information as it is available. The City of Albany does not warrant the accuracy or completeness of the information. It is specifically advised that you independently verify the information contained in this record.



0 25 50 100

Subject Property Location Map

Planning Division

RUPP ZONE CHANGE DESCRIPTION

ALL of Lots 5, 6, 7 and 8, Block 1 in "RUPP SUBDIVISION", a subdivision of Record in Linn County, Oregon and being more particularly described as follows:

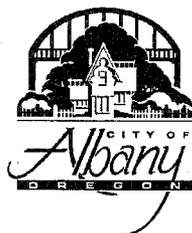
Beginning at the southeast corner of said Lot 8, which point being on the north right-of-way line of 16th Avenue; thence along the boundary of said Lots 5, 6, 7 and 8 the following six (6) courses: 1) thence along said right-of-way line on the arc of a 300 foot radius curve to the left (chord bears South 73°10'17" West 5.35 feet) a distance of 5.35 feet; 2) thence continuing along said right-of-way line on the arc of a 250 foot radius curve to the right (chord bears South 81°19'45" West 75.38 feet) a distance of 75.68 feet; 3) thence North 90°00'00" West, along said right-of-way line, 92.090 feet to the southwest corner of said Lot 5; 4) thence North 01°36'11" West 197.80 feet to the northwest corner of said Lot 6; 5) thence North 90°00'00" East 172.00 feet to the northeast corner of said Lot 7; thence South 01°36'11" East 185.60 feet to the Point of Beginning.

September 17, 2009

RUPP ZONE CHANGE

(09-84) JRB:nm

File: nm\shared\legal\09-84 RUPP ZONE CHANGE DESCRIPTION.docf



Community Development Department

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STAFF REPORT

Zoning Map Amendment – Land Division (Replat) – Site Plan Reviews

(This report has been updated to reflect recommended changes by the Planning Commission.)

HEARING BODY

CITY COUNCIL

HEARING DATE

Wednesday, August 11, 2010

HEARING TIME

7:15 p.m.

HEARING LOCATION

Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:

August 4, 2010

FILES:

ZC-01-10; RL-01-10; SP-05-10; SP-07-10

TYPE OF APPLICATIONS:

- 1) ZC-01-10: Zoning Map Amendment that would change the zoning designation of 0.77 acres (33,635 square feet) of property from OP (Office Professional) to RM (Residential Medium Density).
- 2) RL-01-10: Replat of Lots 5, 6, 7 and 8 of the Rupp Subdivision to reconfigure the lots into three parcels.
- 3) SP-05-10 (A): Site Plan Review for construction of a triplex (3 units) on proposed Parcel 1
- 4) SP-05-10 (B): Site Plan Review for construction of a triplex (3 units) on the proposed Parcel 2
- 5) SP-05-10 (C): Site Plan Review for construction of two triplexes (6 units) on proposed Parcel 3.
- 6) SP-07-10: Site Plan Review to fell 8 trees on the subject properties that have trunks larger than 25 inches in circumference.

REVIEW BODY:

City Council

**PROPERTY OWNERS/
APPLICANTS:**

Julius and Dolores Rupp; 2433 16th Avenue SE; Albany, OR 97322

**APPLICANTS'
REPRESENTATIVES:**

Vernon Rupp; 19635 NW Quail Hollow Drive; Portland, OR 97229
Jack Burrell; K&D Engineering, Inc.; PO Box 725; Albany OR 97321

ADDRESSES/LOCATIONS:

Vacant Land; No assigned addresses yet. Properties are located on the north side of 16th Avenue SE, between Davidson Street SE and Waverly Drive SE

MAP/TAX LOTS:

Linn County Assessor's Map No. 11S-3W-08DB; Tax Lots 2000, 2100, 2200, and 2300 Lots 5, 6, 7 and 8 of the Rupp Subdivision

CURRENT ZONING:

OP (Office Professional)

TOTAL LAND AREA: 0.77 acres (33,635 square feet)
EXISTING LAND USE: Vacant land
NEIGHBORHOOD: Santiam
SURROUNDING ZONING: North: OP (Office Professional) and RM (Residential Medium Density)
South: RM
East: RM
West: OP and RMA (Residential Medium Density Attached)
SURROUNDING USES: North: Planned Development (two offices and 45 attached single family townhouses; City library, multiple and single-family structures.
South: Single and Multiple-family structures
East: Vacant lot, single family and duplex structures
West: Multiple-family structures, a residential care facility, Valley Professional Center

PRIOR HISTORY: The subject four lots are part of an eight lot subdivision that was platted December 29, 1976 (File M1-14-76). In 2003, at the applicant's request, as part of the City's Goal 9 work, the subject four lots (plus the four lots to the west owned by the Rupp) were rezoned from (Residential Limited Multiple Family(RM-5) to Office Professional (OP) (File ZC-01-02/ORD 5555).

NOTICE INFORMATION

A Notice of Public Hearing on these applications was mailed to surrounding property owners and residents on July 16, 2010, in accordance with ADC 1.360. The Notice included information about both the Planning Commission hearing of July 26, 2010, and the City Council hearing of August 11, 2010. Also, on or before July 19, 2010, the subject properties were posted with a notice board in accordance with ADC 1.410.

PLANNING COMMISSION AND STAFF RECOMMENDATION

On July 26, 2010, the Planning Commission held a public hearing on these concurrent applications. Staff recommended the applications be approved, or approved with conditions where conditions were necessary. Don Johnson, an adjacent property owner, spoke in favor of the applications. No one spoke in opposition. The Planning Commission voted unanimously to recommend the City Council approve the applications as modified. The staff report reflects the recommended modifications to two conditions of the Site Plan Review application SP-05-10.

PROPOSED MOTIONS

Note: If the City Council denies the zone change application, none of the concurrent applications can be approved because they have been designed based on the development standards for RM zoning and a particular development for the land.

MOTION TO APPROVE

If no new evidence is presented at the public hearing, the City Council may approve the applications based on the findings and conclusions of the staff report.

I MOVE that the City Council adopt the Ordinance which will APPROVE zoning map amendment application ZC-01-10 to change the zoning designation of 0.77 acres identified on Linn County Tax Assessor's Map 11S-03W-08DB as Tax Lots 2000, 2100, 2200, and 2300, from Office Professional (OP) to Residential Medium Density (RM).

I ALSO MOVE that the City Council APPROVE WITH CONDITIONS land division application RL-01-10 to reconfigure four subdivision lots into three parcels; Site Plan Review applications SP-05-10 A, B and C to

construct apartments on each of the reconfigured parcels, and Site Plan Review application SP-07-10 to allow felling of eight trees that have trunks larger than 25 inches in circumference.

These motions are based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO RECOMMEND APPROVAL WITH CONDITIONS AS MODIFIED

If there is information not included in the staff report or new information presented at the public hearing, the City Council may propose new findings and conditions, and approve the application.

I MOVE that the City Council adopt the Ordinance which will APPROVE zoning map amendment application ZC-01-10 to change the zoning designation of 0.77 acres identified on Linn County Tax Assessor's Map 11S-03W-08DB as Tax Lots 2000, 2100, 2200, and 2300, from Office Professional (OP) to Residential Medium Density (RM).

I ALSO MOVE that the City Council APPROVE WITH CONDITIONS as modified (insert modification here) land division application RL-01-10 to reconfigure four subdivision lots into three parcels; Site Plan Review applications SP-05-10 A, B and C to construct apartments on each of the reconfigured parcels, and Site Plan Review application SP-07-10 to allow felling of eight trees that have trunks larger than 25 inches in circumference.

These motions are based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO TENTATIVELY DENY

If the City Council finds that the applicant has not provided sufficient evidence to demonstrate that all of the review criteria have been met, or if they find the applicant has presented incorrect information, the City Council may deny an application.

I MOVE that the City Council TENTATIVELY DENY the zoning map amendment application ZC-01-10 to change the zoning designation of 0.77 acres identified on Linn County Tax Assessor's Map 11S-03W-08DB as Tax Lots 2000, 2100, 2200, and 2300, from Office Professional (OP) to Residential Medium Density (RM).

The zone change application must be denied because the applicants have not demonstrated that Criterion _____ is not met for the following reason(s): _____ (insert here).

Because the concurrent Land Division (file RL-01-10) and Site Plan Review applications (SP-05-10 A, B, and C and SP-07-10) are dependent on approval of the zone change, they are also tentatively denied.

I ALSO MOVE that the City Council direct staff to prepare findings to support denial based on the testimony presented at the public hearing and to present these findings to the City Council for consideration at a future meeting.

APPEALS

A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice of intent to appeal not later than 21 days after the decision becomes final.

STAFF ANALYSIS

Quasi-Judicial Zoning Map Amendment File ZC-01-10

Background Information

The request is to change the zoning designation of land that is currently configured as four adjoining subdivision lots from OP (Office Professional) to RM (Medium Density Residential). The lots are located on the north side of 16th Avenue, between Waverly Drive SE and Davidson Street SE. They are all owned by the applicants, Julius and Dolores Rupp. The Rups also own several abutting developed lots to the west. For simplicity, these properties collectively may be referred to in the staff report as "the Rupp property."

Before these lots were zoned OP, they were zoned RM-5 (which today corresponds to RM). The property owners went to the Planning Commission for a recommendation to change it to commercial in 2001. At that time City staff was reviewing the Comprehensive Plan and Zoning Map as part of Periodic Review in relation to Goal 9, Economic Development. The minutes from a Planning Commission work session on December 19, 2001, say under the heading "Other Property-Owner Requests; NE corner properties at 16th Avenue SE and Davidson: The owner would like these seven RM-5 lots to be rezoned commercial. Planning staff recommends keeping the parcels residential, due to the adjacent residential developments and access. The Commission agreed with staff's recommendation."

The proposal was not included in the list of changes that moved forward to a June 3, 2002, Planning Commission hearing. The staff report and a map done for the June 3, 2002, hearing did not include reference to this property.

A few zone changes requested by other property owners that were recommended for approval by the Planning Commission went forward to the City Council. Based on the Planning Commission decision not to recommend the zone change requested by the Rups, it was not forwarded to the City Council for further discussion. A June 17, 2002, staff report to the City Council that includes recommendations for changes to other properties that did receive a favorable recommendation from the Planning Commission does not include the Rupp property.

Jay Rupp, however, came to the City Council meeting on June 17, 2002, and asked them to make the change anyway. Minutes of the June 17, 2002, City Council work session say "Jay Rupp, P.O. Box 2241, Albany, asks for a zone change [for] the eight lot Rupp Subdivision at 16th and Davidson. He presented a location map to the Council (attached to these minutes). The property is currently zone RM-5 (limited multi-family), but he would like it to be OP. Konopa asked what the use is to the north. (Anne) Giffen said the land is zoned OP and occupied by Unitrin offices. Alterra is to the west, and there are other office buildings nearby. The streets are local streets. Rupp originally asked for CC zoning, but he meant OP, for office and residential uses."

The minutes of more City Council work sessions on July 1, 2002; July 8, 2002; and August 5, 2002; do not include further discussion about the Rupp property. A decision to change the zoning of the Rupp property from RM-5 to OP was made by the City Council at the August 12, 2002, work session. The City Council adopted the ordinance (5555) that changed the zoning of the Rupp property at the City Council meeting held January 8, 2003.

Review Criteria

The Albany Development Code includes the following review criteria which must be met for this zone change application to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Criterion (1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080, ADC Article 2.

FINDINGS OF FACT

- 1.1 The applicants propose to change the Zoning Map designation of 0.77 acres of property from OP (Office Professional) to RM (Residential Medium Density).
- 1.2 The Comprehensive Plan designation of the property is Residential Medium Density.
- 1.3 The Plan Designation Zoning Matrix in the Comprehensive Plan (page 9-13) shows that the proposed RM zoning is consistent with the Residential Medium Density Comprehensive Plan Map designation of the property.

CONCLUSION

- 1.1 The proposed RM zoning of the property is consistent with the Residential Medium Density Comprehensive Plan Map designation of the property. This criterion is met.

Criterion (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.

FINDINGS OF FACT

- 2.1 The Rupp property is located on the north side of 16th Avenue SE about 200 feet east of Davidson Street SE. The total area of the four lots is 33,671 square feet. The zone change would change the designation of the property from Office Professional (OP) to Residential Medium Density (RM).
- 2.2 Sixteenth Avenue SE is classified as a local street and is constructed to City standards with the exception of sidewalk.
- 2.3 Albany's Transportation System Plan (TSP) does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.4 A Trip Generation Study was not required to be submitted with the zone change application.
- 2.5 The current OP zone designation on the site would allow for development of office, retail, and residential uses on the site. Multiple-family development is allowed, with a minimum lot area of 1,600 square feet per single bedroom unit. Based on the area of the property, up to 21 such units may be constructed on the site.
- 2.6 The RM zone designation allows for construction of multi-family residential development. A minimum lot area of 2,000 square feet per unit is required (studio and one-bedroom units). Based on the area of the property, up to 16 such units may be constructed on the site. A separate site plan application has been submitted for the property showing construction of a total of 12 units on this land area.

CONCLUSIONS

- 2.1 The street system adjoining the development is constructed to City standards except for sidewalk.
- 2.2 Albany's TSP does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.3 The requested zone designation to RM would allow for fewer units to be developed on the site, thereby resulting in fewer trips and less impact on the transportation system, than could occur under the current zone designation of OP.

- 2.4 Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation. This criterion is met.

Criterion (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.

Sanitary Sewer.

- 3.1 City utility maps show an 8-inch public sanitary sewer main in 16th Avenue SE along the full length of the subject properties' frontages.
- 3.2 The City's Wastewater Facility Plan shows no system deficiencies downstream of this site.
- 3.3 Residential uses typically produce more wastewater discharge than office or commercial uses on a per acre basis. Staff's analysis concludes that the most sewer intensive use on the property would be residential development. ADC 3.190 (Table 1) indicates that in the RM zone the density restrictions would require 2,000 square feet per dwelling unit for studio and 1-bedroom units, and 2,400 square feet per dwelling for 2 and 3 bedroom units. ADC 4.090 (Table 1) shows that in the OP zone the land area required for residential uses is only 1,600 square feet per dwelling unit regardless the number of bedrooms.

Water.

- 3.4 City utility maps show an 8-inch public water main in 16th Avenue SE along the eastern portion of the property, and a 6-inch main along the western portion of the property. A 12-inch water main exists in Waverly Drive SE from 16th Avenue SE to 14th Avenue SE; a 12-inch water main exists in 14th Avenue SE from Waverly Drive SE to Davidson Street SE; and, an 8-inch water main exists in Davidson Street SE from 14th Avenue SE to 16th Avenue SE.
- 3.5 The City's Water Facility Plan shows no system deficiencies in this area.
- 3.6 Residential uses typically have higher average water consumption than office or commercial uses on a per acre basis. Staff's analysis concludes that the most water intensive use on the property would be residential development. ADC 3.190 (Table 1) indicates that in the RM zone the density restrictions would require 2,000 square feet per dwelling unit for studio and 1-bedroom units, and 2,400 square feet per dwelling for 2 and 3 bedroom units. ADC 4.090 (Table 1) shows that in the OP zone the land area required for residential uses is only 1,600 square feet per dwelling unit regardless the number of bedrooms.

Storm Drainage.

- 3.7 City utility maps show a 12-inch public storm drainage main in 16th Avenue SE. A private ditch along the north boundary of the site collects runoff from about four different properties, including the subject properties. This ditch collects stormwater and carries the runoff to an existing 24-inch public storm drain line that runs west to Davidson Street SE from the northwest corner of the subject properties.
- 3.8 The City's Storm Drainage Master Plan shows no system deficiencies downstream of this site. On-site storm water detention is likely to be required on the subject property regardless of its zone or the specific development proposal for the site.
- 3.9 The amount of stormwater runoff from a site is closely tied to the amount of impervious surface on the property. Impervious surfaces typically consist of buildings, driveways, parking lots, sidewalks, etc. The Albany Development Code (ADC) allows for up to 70% lot coverage in both OP and RM zones.

Schools

- 3.10 As discussed under Findings 3.3 and 3.6 above, changing the zoning designation of the subject site from OP to RM will not allow an increase in the density of housing or other development that can be built on the property. The Greater Albany Public School District 8J did not respond to the City's notice to them of these applications so it is presumed they have no concerns or objections.

Police and Fire Protection

- 3.11 The Albany Fire Department and the Albany Police Department currently provide service to this area of Albany and will continue to do so. As discussed under Findings 3.3 and 3.6 above, changing the zoning designation of the subject site from OP to RM will not result in an increase in the density of housing or other development that can be built on the property.

CONCLUSIONS

- 3.1 Development of the property for residential uses under OP zoning would result in a higher water and sewer usage than multiple-family residential development under RM zoning. The maximum amount of stormwater runoff produced on the subject properties after development would be very similar whether zoned RM or OP.
- 3.2 School, fire, and police providers will not be affected by the change in zoning.
- 3.3 Existing or anticipated services can accommodate potential development on the Rupp property without adverse impact on the affected service area. This review criterion is met.

Criterion (4) Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic districts will not be jeopardized as a result of the proposed rezoning.

- 4.1 Floodplains: *Comprehensive Plan Plate 5: Floodplains*, does not show a floodplain on the Rupp property. FEMA/FIRM Community Panel No. 410137 0004F, dated July 7, 1999, shows the property is in Zone X, an area determined to be outside any 500-year floodplain.
- 4.2 Wetlands: *Comprehensive Plan Plate 6: Wetlands*, does not show any wetlands on the property. The National Wetlands Inventory does not show any wetlands on the property. The property is not included in any of the City's Local Wetland Inventories.
- 4.3 Slopes: *Comprehensive Plan Plate 7: Slopes*, does not show steep slopes on the property. The site plan submitted by the applicants with the concurrent Site Plan Review application shows that elevations on the property vary from about 225 to 222 feet in elevation.
- 4.4 Significant Natural Vegetation: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property. There are approximately 47 trees (cottonwood, birch, maple, hawthorn, and fir) on the property. Many of these trees were planted by the property owner to establish a screen along 16th Avenue. The concurrent Site Plan Review staff report reviewed below (SP-07-10) addresses the applicants' request to remove 8 of the 24 trees on the property that are the sizes subject to regulation. None of these trees were found to be significant.
- 4.5 Historic Districts: *Comprehensive Plan Plate 9: Historic Districts*, shows the property is not in a historic district.

CONCLUSION

- 4.1 There are no unique natural features or special areas associated with this property. Rezoning the property will not affect any special features of the site. This review criterion is met.

Criterion (5) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

- 5.1 The current zoning designation of the Rupp property is OP (Office Professional). The proposed designation is RM (Residential Medium Density).
- 5.2 This review criterion requires that the intent and purpose of the proposed RM zoning district “best satisfies” the goals and policies of the Comprehensive Plan.
- 5.3 In 2001, the property owners asked the Planning Commission to change the zoning designation of this property from RM-5 to OP. The property owner now requests to change the zoning designation of the property back from OP to RM. (RM is the new name adopted with subsequent code changes for what was previously called RM-5).

In 2001, the Planning staff recommended the zoning not be changed from RM-5 to OP. The Planning Commission decided the zoning should not be changed.

In June 2002, Jay Rupp went to the City Council to ask that the zone change be made. The City Council decided to change the zoning. The decision was apparently based on a discussion at the June 2002 work session and a written summary provided by staff at the August work session. The discussion at the June 2002 work session included the following: The land to the north is zoned OP and is occupied by Unitrin offices (the Unitrin property and building are now a city library). Alterra [an assisted living facility] is to the west, and there are other office buildings nearby. The written summary at the August 2002 work session provides a description of the requested zone change and identifies “issues.” The “issues” category includes the following comment: “Ron Irish said there would be no traffic impacts on the transportation system going from RM-5 to OP.” Ron Irish is the City’s transportation analyst.

- 5.4 The City Council decision referenced above was a legislative decision made as part of a broad evaluation of zoning for a wide variety of properties throughout the city and the need for property with various types of zoning related to economic development. The application submitted by the property owner now is a quasi-judicial application that requires focused consideration of just the Rupp property. The review criteria for quasi-judicial zoning map amendments are more specific to a particular property and the findings needed to explain a quasi-judicial decision must be more detailed than the findings needed to explain a legislative decision.
- 5.5 In findings submitted with the Zoning Map Amendment application, the applicants’ representative explains that:

“A part of the City’s Goal 8 work (under ZC-01-02), the owner was given the opportunity to change the zone from Residential Medium Density – RM to Office Professional (OP). The discussions with City Development staff confirmed for the owners that the change in the zoning would continue to allow Multiple Family uses on the property. The owners would not have requested the change if it had been apparent to them that the standards for building height would be reduced by 15 feet and allow for a maximum height of 30 feet under the OP zone rather than the 45 foot height maximum allowed in the RM zone. This is the reason the zone change is now being sought.” (Applicants’ findings, page 6.)

The applicants' representative further explains:

"A concurrent Site Plan Review application has been submitted to construct apartments on the subject property. Multiple family uses are allowed in both the OP and RM zoning districts. There are differences in development standards for the two zones. The owner wishes to build 3 story apartments that exceed 30 feet in height. The OP zone has a maximum height of 30 feet. The RM zone allows building heights up to 45 feet. The apartments that are planned for the site are approximately 35 feet in height." (Applicants' findings, page 6.)

INTENT AND PURPOSE OF OP AND RM ZONING DISTRICTS

- 5.6 The proposed zoning district is RM (Residential Medium Density).
- 5.7 ADC 3.020(5) says, "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."
- 5.8 ADC 4.020(1) says that "The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts."

CITY OBLIGATION IN REGARD TO GOALS AND POLICIES

- 5.9 The Comprehensive Plan defines a goal as, "a general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation in regard to goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed." (Comprehensive Plan, page ii)

- 5.10 The Comprehensive Plan (page 3) defines a policy as, "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation in regard to policies as follows: "The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage)." (Comprehensive Plan, pages ii and iii)

RELEVANT GOALS AND POLICIES OF THE COMPREHENSIVE PLAN

- 5.11 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM zoning designation "best satisfies" the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in *bold italic* print.

5.12 Goal 9: Economy – Economic Development

Albany's Economy

Goals

1. ***Diversify the economic base in the Albany area and strengthen the area's role as a regional economic center.***

This goal indicates that Albany wants to have a diverse economic base and be the regional economic center. To do this, the goals listed below were adopted.

5. ***Strive for a balance of growth in jobs and housing for Albany and the region.***

This goal is not clear whether there should be a balance of jobs and housing across the whole City or within specific areas. Nor does it indicate what the balance should be. We have to rely on the policies listed below as guides to how this goal is to be implemented.

Land Use

Goals

1. ***Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.***

The zoning designation of the Rupp property was changed from RM-5 (Residential Multiple Family) to OP (Office Professional) in 2003 as part of the City's periodic review update of the zoning map. The property owners requested the change.

In 2007, consultants hired by the City did an update of the "Economic Opportunities Analysis"(EOA) that evaluates the demand for commercial and industrial land over the next 20 years (from 2007 to 2027) and how much commercial and industrial land we had at that time. The EOA was adopted by the City Council in March 2008.

The EOA finds that Albany will need 50-100 commercial sites less than one acre in the next 20 years. There were 29 sites available when the inventory for the EOA was done. So, there is a shortage of 21-71 sites less than one acre. (EOA, Table 15, page 23, attachment 4).

The EOA does not include a conclusion or recommendation that the City provide more commercial sites less than one acre (Table 16, and "Conclusions and Recommendations," page 24). Nevertheless, the EOA does find there will be a shortage of this size of site over the next 20 years.

(As noted above under Background Information, the property owner had requested then a change of zoning of this property from RM-5 to OP.)

2. ***Achieve stable land-use growth that results in a desirable and efficient land-use pattern.***

It is not clear what "stable land-use growth" means, nor is there a definition of what might be a "desirable and efficient land-use pattern." We interpret an efficient land-use pattern to mean a pattern of land uses that do not conflict, connected by a transportation system that includes streets where the volume of traffic does not exceed available capacity, with pedestrian routes along the connecting streets.

The proposed change of zoning of the subject property from RM to OP will extend the pattern of RM land west. The description in ADC 4.020(1) says "The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood.

The property to the south (across 16th Avenue) of the Rupp property is zoned RM and has developed as multiple family. The property immediately to the east is zoned RM and is vacant. The properties further to the east are zoned RM and have developed with single or duplex structures. The abutting properties to the west (to Davidson Street) are owned by the Rupps and are zoned OP. They have been developed with apartments. An assisted living facility is located on the property further to the west across Davidson Street. That site is zoned RMA (Residential Medium Density Attached). The abutting land to the north is zoned OP and has planned development approval for two office buildings and attached single family townhouses with building height of up to 45 feet (File PD-02-07, Brighton Place).

Policies

1. ***Provide opportunities to develop the full range of commercial, industrial and professional services to meet the needs of Albany's residents and others.***

See the discussion about the EOA and the supply of commercial land above.

2. ***Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.***

The Rupp property is in an area that includes a mix of residential, office, and retail uses. A public library, Heritage Mall and planned offices and attached single family houses are located to the north. Multiple-family developments are located to the south. Multi-family developments, an assisted living facility, and more commercial uses are located to the west. Land to the east is zoned RM, but contains single-family or duplexes. This mix of uses allows people to live, work, and shop in the same area traveling from place to place either in vehicles, by walking, riding a bike, or by bus.

3. ***Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.***

See the discussion about the EOA and the supply of commercial land above.

Findings submitted with the Zoning Map Amendment application cite ADC 3.030, Schedule of Permitted Uses and ADC 4.040, Schedule of Permitted Uses. The applicants' representative points out that some uses allowed in RM zones, but not in OP zones, provide jobs. For example, educational institutions, entertainment and recreation, and plant nurseries are uses allowed in RM zones. These uses could provide jobs in an RM zone. They are not allowed in OP zones, so changing the zoning of the property could provide the opportunity for some jobs (Applicants' findings, page 4).

The applicant's representative goes on to explain that "The intention of the applicant is to build multiple family units on the property, and concludes that whether the property is zoned OP or RM, "...the property will not be used for job related uses. The property will be used to provide housing." (Applicants' findings, page 6.)

5.13 **Goal 10: Housing**

Goals

1. ***Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.***

Policies

1. ***Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.***

In 2006, Planning Division staff completed a "Housing Needs Analysis" for the City. The City Council adopted it in April 2007. The Housing Needs Analysis evaluates the demand for a variety of types of residential land over the next 20 years (from 2005 to 2025) and how much residential land we had at that time.

The Housing Needs Analysis concluded that we will need an additional 13.9 acres of RM land over the next 20 years. (Table 5-9, page 56, attachment 5.)

A note under Table 5-9 says "Development areas less than one acre in RM-3 and RM-5 zones were excluded from the Available Land total because these properties will likely develop or already have been developed as single-family lots." This may call into question whether the Rupp property would be considered as adding to the supply of RM land because it is less than one acre.

2. ***Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.***
3. ***Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives. Examples include:***
 - a. ***Attached single-family housing and condominium ownership opportunities in the Waterfront zoning district***
 - b. ***The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes.***
 - c. ***Mixed housing types and price ranges at a minimum of ten units per acre in Village Center Comprehensive Plan districts.***
 - d. ***Neighborhoods with a variety of lot and housing sizes and types.***
 - e. ***Accessory dwelling units.***
 - f. ***Other actions directed at reducing housing costs which conform to the Comprehensive Plan, including innovative Development Code regulations.***

As noted above, changing the zoning of the Rupp property from OP to RM would allow taller residential buildings on the property. This may encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.

5.14 **Goal 14: Urbanization**

Goals

1. ***Achieve stable land use growth which results in a desirable and efficient land use pattern.***

This same goal is included under Goal 9: Economy, Land Use, Goal 2. See the discussion under Finding 5.12 above.

Policies

13. Encourage residential [office] professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

The Rupp property is located between property zoned RM on the east and property zoned OP on the west. As noted above, the uses allowed in OP zones (like the one to west) are chosen for their compatibility with residential uses and the desired character of the neighborhood. With the current OP zoning, the Rupp property does not serve as a buffer between intensive commercial uses and less intensive residential uses. An OP zone more typically serves as a buffer between a residential area and property zoned CC (Community Commercial) where allowed commercial uses are more intensive than the commercial uses allowed in OP zones.

15. Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

This same policy is included under Goal 9: Economy, Land Use, Goal 2, as Policy 2. See the discussion under Finding 5.12 above.

CONCLUSIONS

5.1 RM zoning allows buildings on a property to be a maximum 45 feet in height. OP zoning allows buildings to be a maximum of 30 feet in height. Changing the zoning of the Rupp property from RM to OP would allow buildings on the property to be up to 45 feet in height instead of up to 30 feet in height.

5.2 ADC 3.020(5) says, "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."

ADC 4.020(1) says that "OP [zoning] is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts."

The Rupp property has frontage on 16th Avenue. This street is classified as a local street, not a collector or arterial street.

5.3 The Rupp property is located adjacent to land zoned OP to the north and west, and land zoned RM to the east and across 16th Avenue to the south. The Rupp property does not serve the purpose of a transitional zone between more intense commercial or industrial districts. (Intense commercial or industrial uses are not allowed on any of the adjacent properties.) The OP designation of the Rupp property is not necessary to provide a buffer between intense commercial uses and residential uses.

5.4 The Economic Opportunities Analysis (EOA) updated in 2007 finds that Albany needs more commercial sites less than one acre. The Rupp property is less than one acre. OP zoning is "...intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses."

RM zoning "...is primarily intended for medium-density residential urban development."

OP zoning allows commercial development. RM zoning does not. Changing the zoning of the Rupp property from OP to RM would decrease the supply of potential commercial sites less than one acre when Albany needs more commercial sites less than one acre, not fewer sites.

- 5.5 OP zoning also allows residential development. ADC 4.050, Schedule of Permitted Uses, shows that, in OP zoning districts, single-family residences are allowed outright, attached single-family units are allowed through the Planned Development process, two-family residences require a conditional use review, and three or more units (apartments) require a conditional use review.

With its current OP zoning, the Rupp property could be developed with single-family homes for which no land use application or review required. Any other proposed residential use would require a land use application and review. Conditional use applications can be denied based on a conclusion that the use or proposed structure(s) is not compatible with surrounding uses.

A townhouse development with buildings up to 45 feet in height has been approved on the property that abuts the Rupp property to the north. The Rupp also own the property to the west that has multi-family development on it. An assisted living facility is located on the property further to the west across Davidson Street.

- 5.6 The applicants' representative explains that it is the Rupp's intention to develop their property with some type of residential use regardless of whether it is zoned OP or RM. The property is currently configured as four lots that lend themselves most efficiently to single-family houses.
- 5.7 Changing the zoning of the Rupp property from OP to RM would extend the existing RM zoning of the property to the east further west. The current pattern of RM-zoned property abutting OP-zoned property would simply move to the west by about 172 feet (the width of the Rupp property). The City's transportation analyst has found that 16th Avenue can accommodate traffic from residential development at the density allowed on the Rupp property with either OP zoning or RM zoning.
- 5.8 Either OP zoning or RM zoning for the Rupp property would further the Comprehensive Plan policy to encourage land use patterns that take advantage of density and location to reduce the need for travel and dependency on the private automobile, etc. This is a mixed use area where either residential development or commercial development on the Rupp property will contribute to a desirable mix of uses.
- 5.9 Because the property owners have expressed their intention to develop the property with a residential use, it is unlikely at this time that the property will be developed with a commercial use.
- 5.10 The Housing Needs Analysis, updated in 2006, finds that Albany needs more RM-zoned land. A note with that finding, however, says that the authors find it is unlikely RM-zoned land less than one acre will be developed with multi-family uses; it is more likely it will be developed with single-family houses. On the other hand, the Rupp have expressed their intention to reconfigure their property from the four lots that appear intended for single-family houses to three parcels that can be developed with multi-family uses and have submitted applications to do that.
- 5.11 Rezoning the Rupp property from OP to RM will allow taller residential buildings which may contribute to the ability to provide an innovative housing type and/or design as encouraged in Goal 10, Housing, Policy 3.
- 5.12 The current OP zoning of the property would theoretically allow up to 21 multi-family units to be developed on the property based on the amount of land required in ADC 4.090, Table 1, Note 1 for each unit (1,600 square feet per unit). But the concurrent site plan submitted by the Rupp for a multi-family development on the property demonstrates that in practice, 12 units is probably the maximum number of units that can be developed on this property.
- 5.13 No commercial zoning other than OP is feasible at this location because the property is located on a local street and is surrounded by either other OP-zoned or RM-zoned land. A higher intensity commercial zone other than OP would not be compatible with surrounding zoning and/or land uses.

5.14 The intent and purpose of the proposed RM zoning district best satisfies the goals and policies of the Comprehensive Plan. This review criterion is met.

Criterion (6) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

6.1 There is no applicable City contracted or funded land use or transportation plan or study that recommends a different land use or transportation pattern for the subject properties. This criterion is not applicable.

STAFF ANALYSIS

Land Division to Replat Four Subdivision Lots into Three Parcels.

File RL-01-10

Review Criteria. Albany Development Code (ADC) Section 11.180 states that the following review criteria must be met for this land division application to be approved. The code criteria are written below in *bold italics* and are followed by findings, conclusions and conditions, if any.

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

FINDING OF FACT

1.1 The applicants own all of the subject's four lots. All of the land within the four lots will be reconfigured into three parcels.

CONCLUSION

1.1 This review criterion does not apply to the replat because there will be no remainder of property to consider.

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

FINDINGS OF FACT

2.1 This criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.

2.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.

2.3 The subject's four lots have adjoining lots on the north, east and west. All of these properties have existing access to public streets.

CONCLUSIONS

2.1 All adjoining land have existing access to public streets. The replat to reconfigure the lots will not affect the access of adjoining properties.

2.2 This criterion is met.

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

FINDING OF FACT

3.1 The proposed development is located on the north side of 16th Avenue SE about 200 feet east of Davidson Street. The purpose of the replat is to reconfigure Lots 5, 6, 7, and 8 of the Rupp Subdivision into three parcels.

- 3.2 Sixteenth Avenue is classified as a local street and with the exception of sidewalk is constructed to City standards. Sidewalk does not currently exist along the frontage of the development. Improvements include: curb and gutter; a travel lane in each direction; and on-street parking.
- 3.3 The proposed replat would reduce the number of developable properties from four to three.
- 3.4 No new streets are proposed with the development. Access to the parcels would be provided by a single shared driveway to 16th Avenue.
- 3.5 ADC 11.090(9) requires that if a point of access is shared by more than one lot or parcel, the vehicle access way shall be 24 feet wide. The proposed replat would result in three parcels sharing a 24-foot-wide access easement. The total width of the easement is 32 feet as it includes four-foot-wide pedestrian access on both sides of the driveway.
- 3.6 ADC 12.090 states that: "In general, creating access easements between property owners is discouraged. However, sometimes an access easement is the only viable way to provide access to a developable lot. The review body will approve an access easement when the applicants have demonstrated that all of the following criteria have been met:
- (1) No more than two parcels or uses will be served by the proposed access easement;
 - (2) There is not enough room for a public right-of-way due to topography, lot configuration or placement of existing buildings; and
 - (3) The City Engineer has determined that there is no need to a public street in this location."
- 3.7 It has been the City's policy to allow up to three parcels to use a single access because at least one of the properties sharing the access would have frontage on the street and could instead take direct access to it. The City also encourages sharing driveways as a way to reduce potential conflicts and increase carrying capacity of the abutting street [ADC 12.100(4) and (5)].
- 3.8 The Rupp property collectively is 172 feet wide. If a 54-foot-wide public street was required to serve the proposed three parcels, after setbacks (20 feet in the front for garage and 10 feet for interior) the resulting remaining building width for a structure would be 29 feet.
- 3.9 The City Engineer has determined there is no need for a public street in this location because the vacant property to the north has planned development approval to be served by an internal private street system that connects to Davidson Street and Waverly Drive. The properties to the east and west have direct access to a public street (16th Avenue). Instead of public sidewalks, which is part of a 54-foot right-of-way, the development of the subject property is providing private pedestrian access on both sides of the vehicle driveway.
- 3.10 The applicants were not required to submit a traffic study because the development would not meet the City's threshold of generating 50 peak hour trips. Using the Institute of Transportation Engineers (ITE) trip generation rate for category 220, "Apartment," City staff has estimated each of the proposed concurrent multiple family developments (SP-05-10) would generate about eight peak-hour trips to the transportation system.
- 3.11 Albany's TSP does not identify any capacity problems adjacent to the development.
- 3.12 The current zone designation on the site is Office Professional (OP). A concurrent application would change the designation to Residential Medium Density (RM). Both zone designations allow for multi-family development. As a result, the proposed replat would not result in an increase in the potential intensity of development allowed to occur on the site.
- 3.13 ADC 12.290 requires installation of public sidewalk with the construction of local streets that serve multi-family development. Sixteenth Avenue is a local street serving multi-family development.

- 3.14 All approaches and driveways to public streets are to be paved [ADC 12.100(1)]. When access is shared, to avoid potential timing of development conflicts between the owners of the individual parcels, the City requires that before the final plat is signed, the driveway must be paved the full width and length that is to be shared. In lieu of construction, a short-term financial assurance for the paving may be provided when the final plat is submitted for review and approval.
- 3.15 The shared driveway for the three parcels must be paved 24 feet wide from the back of the driveway approach north of the end of the easement. Parking is not allowed in the shared access.
- 3.16 A reciprocal access and utility easement for the parcels shall be placed over the entire width and length of the shared access. If a separate maintenance agreement for this easement area is not included, ORS 105.175(3) law states: "The cost of maintaining the easement in repair in the absence of an agreement and the absence of maintenance provisions in the recording instrument creating the easement shall be shared by each holder of an interest in the easement in proportion to the use made of the easement by each holder of an interest in the easement."

CONCLUSIONS

- 3.1 The proposed replat would reduce the number of parcels on the site from four to three.
- 3.2 Access to the development will be provided by 16th Avenue by a shared access easement. The City engineer has determined a public street is not needed to serve this property or abutting properties.
- 3.3 Sixteenth Avenue is classified as a local street that, except for sidewalk, is improved to City standards.
- 3.4 The proposed replat will not result in an increase the intensity of development allowed on the site.
- 3.5 Albany's TSP does not identify any capacity problems adjacent to the development.
- 3.6 This criterion is met when the following conditions are satisfied.

CONDITIONS

- 3.1 Before the City will approve the final plat, the applicant must install, or financially assure, the construction of a public sidewalk along the 16th Avenue frontages of Parcel 1 and 3. Sidewalk installation may be deferred until final inspection for any building located within the parcels.
- 3.2 Before the City will approve the final plat, a 32-foot-wide reciprocal access and utility easement shall be provided over the shared vehicle and pedestrian access shown on the tentative plat. The applicants shall also provide a means to ensure that the access will be maintained and kept unobstructed at all times.
- 3.3 Before the City will approve the final plat, the applicant must:
 - (a) Pave the shared private driveway and pedestrian accesses as shown on the tentative plat. The vehicle pavement must be 24 feet wide from the back of the driveway approach on 16th Avenue north of the end of the easement. The pedestrian access shall be a minimum of four feet wide on both sides of the vehicle access. "Pave" means installation of a durable hard surface material such as concrete or asphalt.

Or

 - (b) Provide a temporary financial assurance (Mutual Improvement Agreement) for construction of the accesses. Construction may be deferred until final inspection is requested for the first building to be constructed on any of the three parcels.

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

FINDINGS OF FACT

Sanitary Sewer

- 4.1 City utility maps show an 8-inch public sanitary sewer main in 16th Avenue. The parent property (Tax Lots 2000, 2100, 2200, and 2300) has never been developed, but has paid an assessment for this public sewer main.
- 4.2 Proposed Parcel 1 and Parcel 3 will have direct access to the public sanitary sewer system via the existing main along their frontages on 16th Avenue. Proposed Parcel 2 will not have direct access to the public sewer because it will not have frontage on 16th Avenue. To assure that Parcel 2 has legal access to the public sewer main in 16th Avenue a private utility easement must be granted over either Parcel 1 or Parcel 3.
- 4.3 A private utility easement must be granted that will provide Parcel 3 with the ability to access the public sewer main in 16th Avenue and construct and maintain a sewer lateral to serve Parcel 3.
- 4.4 The applicants' preliminary plat shows a 32 foot wide access and utility easement for the benefit of all three parcels.

Water

- 4.5 City utility maps show an 8-inch public water main in 16th Avenue along the eastern portion of the property, and a 6-inch main along the western portion of the property. The parent property (Tax Lots 2000, 2100, 2200, and 2300) has never been developed, and has not paid an assessment for this public water main.
- 4.6 Proposed Parcel 1 and Parcel 3 will have direct access to the public water system via the existing main along their frontages on 16th Avenue. Proposed Parcel 2 will not have direct access to the public water because it will not have frontage on 16th Avenue. To assure that Parcel 2 has legal access to the public water main in 16th Avenue a private utility easement must be granted over either Parcel 1 or Parcel 3.
- 4.7 The applicants' preliminary plat shows a 32-foot-wide access and utility easement for the benefit of all three parcels.
- 4.8 A private utility easement must be granted that will provide Parcel 3 with the ability to access the public water main in 16th Avenue and construct and maintain a private water service to serve Parcel 3.

Storm Drainage

- 4.9 City utility maps show a 12-inch public storm drainage main in 16th Avenue and a ditch along the north boundary of the site. This ditch discharges to an existing 24-inch public storm drain line that runs west to Davidson Street from the northwest corner of the subject property.
- 4.10 Proposed Parcel 1 and Parcel 3 will have direct access to the public storm drainage system in 16th Avenue; and Parcel 2 and Parcel 3 will have access to the public storm drainage ditch along the north portion of the site.
- 4.11 ADC 12.370 requires the dedication of public utility easements of at least 15 feet in width, centered over the main, for all public storm drain lines and appurtenances. Permanent structures are not allowed to encroach on a public utility easement, or be placed over a public storm drain line. ADC 12.540 states that

open drainage ways, when approved by the City, must be provided with a public utility easement of sufficient width to allow for conveyance, access, and maintenance.

CONCLUSIONS

- 4.1 Public utilities (sewer, water, and storm drainage) exist along the property's 16th Avenue frontage. No public utility extensions will be required for the proposed replat.
- 4.2 Parcels 1 and 3 will have frontage on 16th Avenue and therefore will have direct access to the public utilities. Parcel 2 will not have frontage on 16th and must be granted a private utility easement that will assure that it has access to the public utilities in 16th Avenue and rights to maintain its private utility lines.
- 4.3 The applicants' tentative plat shows a 32-foot-wide access and utility easement through the property for the benefit of all three parcels.
- 4.4 An existing public storm drainage ditch lies within the northern portion of the subject property.
- 4.5 This criterion is met when the following condition is satisfied.

CONDITION

- 4.1 Before the City will approve the final partition plat, the applicant must provide a private utility easement for the benefit of Parcel 3 to assure that Parcel 3 has adequate access to public utilities and the right to construct and maintain private utility lines to the parcel.

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

FINDING OF FACT

- 5.1 The findings and conclusions under Review Criterion (4) of the concurrent Zoning Map amendment (file ZC-01-01) staff report are also applicable to the land division (replat) application. To avoid repeating the same information here, those findings and conclusions are included here by reference.

STAFF ANALYSIS

Site Plan Review

File SP-05-10 A (Parcel 1); B (Parcel 2); and C (Parcel 3)

Project Overview. The subject property is vacant land. The applicants propose phased construction (in the order of the shown parcel numbers) a total of 12 bedroom apartments. Parcels 1 and Parcel 2 would have 3 units and Parcel 3 would have two buildings of three units each.

The following staff report is written assuming that the applicants' application to change the zoning of the land from OP to RM (File ZC-01-10) and to reconfigure the four existing lots into three parcels (File RL-01-10) will be approved. The applicants have not applied for any bonuses, adjustments or variances to the City's development standards. A separate Tree Felling application is also reviewed below under the analysis of application SP-07-10.

SITE PLAN REVIEW CRITERIA

The Albany Development Code (ADC 2.450) contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions, if any are needed to mitigate impacts.

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

Parcels 1, 2, and 3.

- 1.1 The parcels are located on the north side of 16th Avenue SE, about 400± feet west of Waverly Drive. The project will construct a single triplex on Parcels 1 and 2, and two triplexes on Parcel 3.
- 1.2 Section 12.060 of the Development Code requires that all streets within and adjacent to new development be improved to City standards.
- 1.3 Sixteenth Avenue is classified as a local street and, with the exception of sidewalk, is constructed to City standards. Improvements include: curb and gutter; a vehicle travel lane in each direction; and on-street parking along both sides of the road. The speed limit is 25 mph.
- 1.4 ADC 12.290 requires all new development to construct public sidewalk adjacent to all public street frontages.
- 1.5 Albany has adopted guidelines for performance of traffic studies. Developments that generate more than 50 peak hour trips are required to submit a study.
- 1.6 City staff has estimated the number of trips that will be generated by the development of each parcel using the Institute of Transportation Engineers (ITE) trip generation rate for category 220, "Apartment." Based on this category, each unit of a triplex generates 6.65 vehicle trips per day; 0.62 of which would occur during the peak pm traffic hour. The triplexes on Parcels 1 and Parcel 2 would each be expected to generate about 20 new vehicle trips per day, about 2 of which would occur during the peak pm traffic hour. The six units on Parcel 3 would each be expected to generate about 40 new vehicle trips per day, about 4 of which would occur during the peak pm traffic hour.
- 1.7 Albany's TSP does not identify any level of service or capacity problems adjacent to the site.

CONCLUSIONS

- 1.1 There is no sidewalk along the 16th Avenue SE frontages of Parcels 1 and 3. Parcel 2 does not have street frontage.

- 1.2 The number of trips generated by any of the three proposed developments is below the City's guidelines to require a traffic study.
- 1.3 Albany's TSP does not identify any level-of-service or capacity problems adjacent to the site.
- 1.4 This criterion is satisfied when the following conditions are met.

CONDITIONS

- 1.1 Parcel 1: Before final inspection of the triplex building, the applicants must construct public sidewalk to City standards along the parcel's frontage on 16th Avenue.
- 1.2 Parcel 3: Before final inspection of the either of triplex building on the parcel, the applicants must construct public sidewalk to City standards along the parcel's frontage on 16th Avenue.

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

Parking Areas

- 2.1 Parking Spaces [ADC 3.350; ADC 9.120(12)]. The current standard for apartment complexes is 1.5 spaces for each two-bedroom unit and 2.25 parking spaces for each three-bedroom unit. In addition, visitor parking is required in the following ratio: one visitor space for every 4 units. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. Forty percent of the required number of spaces may be designed and designated for compact vehicle parking. In addition, all parking areas must provide accessible parking per Oregon Transportation Commission Standards for Accessible Parking Places and the Oregon Structural Specialty Code 1103.1.e.
- 2.2 Parcels 1 and 2 propose construction of a building containing three townhouse-style apartments. Each apartment has two bedrooms. Parcel 3 proposes construction of two buildings, each containing three townhouse-style apartments (total of 6 units). Each apartment has two bedrooms. The on-site parking standard for two bedroom apartment units is 1.5 spaces per unit plus 1 visitor space for every 4 units.

The total number of required on-site parking spaces for each parcel is as follows; Parcel 1: 5 spaces, Parcel 2: 5 spaces, and Parcel 3: 10 spaces plus two visitor spaces.

- 2.3 The site plan shows each apartment will have a single-car garage and a parking space in front of the garage i.e. two spaces per unit. It also shows two visitor spaces on Parcel 1, one visitor space on Parcel 2, and three visitor spaces on Parcel 3. The visitor parking will be shared by the tenants of the buildings on all three parcels.
- 2.4 Parking Lot Dimensions. ADC 9.130, Table 1, shows dimensional standards for parking spaces and lots. To have a 24-foot-wide travel aisle serving the parking spaces, the minimum width of a parking space must be 10 feet. The site plan shows the minimum dimensional standards (10 feet wide x 18.5 feet long) will be met.
- 2.5 Parking Construction Requirements. ADC 9.120 requires that parking areas have a durable, dust-free surface; perimeter curb; a drainage system; striping; and landscaping. The site plan shows that these requirements will be met.

Entrance and Exit Points

- 2.6 The site plan shows vehicle access to the buildings will be by a shared 24-foot-wide paved private driveway to 16th Avenue. The driveway would be located within the boundaries of Parcels 2 and 3.

- 2.7 The proposed driveway meets the City standards of ADC 12.100 in terms of location and width.
- 2.8 The concurrent land division tentative plat (RL-01-10) shows a 32-foot-wide access and utility easement will be recorded over this shared driveway to benefit all three parcels.
- 2.9 On-site parking is provided for each unit by an individual garage and driveway located off the shared access aisle.

Pedestrian Safety

- 2.10 ADC 9.120(15) says walkways and access ways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to the development to the entrance of new buildings.

The site plan shows providing a paved four-foot-wide at-grade pedestrian way on each side of the shared vehicle access to the units. To distinguish them from the vehicle travel aisle, these pedestrian accesses to the units must be constructed of a material that is different than the driveway. For example, typically a travel aisle surface is (black) asphalt and a pedestrian sidewalk is (grey) concrete. Striping the pedestrian way is not acceptable.

Bicycle Parking

- 2.11 ADC 9.120(13) says that multiple-family complexes that have three or more units shall provide one bicycle parking space per four units. Bicycle parking spaces shall meet the following standards:
 - (a) Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants.
 - (b) 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.
 - (c) Bicycle parking areas must provide at least 3 feet of clearance around all three sides of a fully-loaded bicycle rack and have an overhead clearance of at least 7 feet.
 - (d) 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 7 feet in height. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.

The triplexes on both Parcels 1 and 2 must provide parking for one bicycle. Parcel 3 must provide for 2 bicycles. Each apartment unit will have an enclosed garage in which to shelter a bicycle.

CONCLUSIONS

- 2.1 Each parcel will be developed independent of the others. Parcel 1 will be developed first, Parcel 2 second and Parcel 3 last.
- 2.2 The applicants propose construction of a single new driveway approach to 16th Avenue. The proposed driveway meets City standards in terms of location and width.
- 2.3 The proposed 24-foot-wide driveway and 4-foot-wide pedestrian ways on each side will be shared by all three parcels within a 32-foot-wide reciprocal access and utility easement.
- 2.4 Each unit will provide two parking spaces (single car garage and driveway in front of it). Bicycle parking is available in the garage of each unit. Six shared visitor parking spaces will be constructed.
- 2.5 The parking, pedestrian and entrance-exit locations shown on the site plan are designed to facilitate traffic and pedestrian safety and avoid congestion.
- 2.6 This criterion will be met when the following conditions are met.

CONDITIONS

- 2.1 Before final inspection of the triplex on Parcel 1, which is the first parcel to be developed, the applicant must construct a new City standard driveway approach to serve the parcels from 16th Avenue. The location and width of the driveway shall be as shown on the approved site plan.
- 2.2 Before final inspection of the triplex on Parcel 1, as shown on the site plan, the applicants must construct a paved 24-foot-wide shared driveway and a paved 4-foot-wide pedestrian way on each side of the driveway. To distinguish the pedestrian areas from the driveway, they must be constructed of different materials. Painting strips on matching material is not an acceptable method.
- 2.3 Visitor parking shall be constructed with the development of each parcel as shown on the approved site plan.

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

FINDINGS OF FACT

Sanitary Sewer

- 3.1 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 3.2 City utility maps show an 8-inch public sanitary sewer main in 16th Avenue along the full length of the subject property's frontage. The property has never been developed or connected to the public sewer system, but has paid an assessment for this public sewer main.
- 3.3 The applicants' preliminary utility plan shows Parcel 1 (Phase 1) being served by a sewer lateral connected to the existing public main in 16th Avenue. The plan shows Parcel 2 (Phase 2) being served by a sewer lateral connected to the main in 16th Avenue and running through portions of Parcel 3. The plan shows Parcel 3 (Phase 3) being served by two sewer laterals (one for each of the proposed triplexes) connected to the main in 16th Avenue. The sewer laterals for the proposed phases can be installed at the same time or as building permits are obtained for each phase.
- 3.4 Because Parcel 2 does not have frontage on 16th Avenue and the proposed sewer service for the structure planned for Phase 2 will run through Parcel 3, a private utility easement must cover the portion of the service line that runs through the adjacent parcel. *(This easement will be granted as part of the replat that is being processed concurrently with this site plan review.)*

Water

- 3.5 City utility maps show an 8-inch public water main in 16th Avenue along the eastern portion of the property, and a 6-inch main along the western portion of the property. The parent property (Tax Lots 2000, 2100, 2200, and 2300) has never been developed, and has not paid an assessment for this public water main.
- 3.6 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.
- 3.7 The applicants' preliminary utility plan shows Parcel 1 (Phase 1) being served by a water service connected to the existing public main in 16th Avenue. The plan shows Parcel 2 (Phase 2) being served by a water service connected to the main in 16th Avenue and running through portions of Parcel 3. The plan shows Parcel 3 (Phase 3) being served by a two water services (one for each of the proposed triplexes) connected to the main in 16th Avenue. Installation of the water services/meters will be done by city personnel. The applicants must obtain water service installation permits for each of the services from the

City's Engineering Division before installation. The water services for the proposed phases can be installed at the same time or as building permits are obtained for each phase.

- 3.8 Because Parcel 2 does not have frontage on 16th Avenue and the proposed water service for the structure planned for Phase 2 will run through Parcel 3, a private utility easement must cover the portion of the service line that runs through the adjacent parcel. *(This easement will be granted as part of the replat that is being processed concurrently with this site plan review.)*

Storm Drainage

- 3.9 City utility maps show a 12-inch public storm drainage main in 16th Avenue. A private ditch along the north boundary of the site collects runoff from about four different properties, including the subject property. This ditch collects storm water and carries the runoff to an existing 24-inch public storm drain line that runs west to Davidson Street from the northwest corner of the subject property.
- 3.10 The applicants are required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicants are responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicants that there is no adverse impact.
- 3.11 The applicants' preliminary utility plan shows the installation of a private on-site stormwater collection system that will be shared by all three of the subject parcels. A small portion of the driveway will drain to a catch basin near the entrance to the site that will be connected to an existing public inlet in 16th Avenue. The remainder of the site will ultimately drain to a proposed private detention pond along the north side of the site. The applicants are providing a 20-foot-wide private utility easement over the northern portion of the site where the detention basin will lie. The runoff from adjacent properties that has historically drained through the existing ditch along the north boundary of the site will be picked up by new drainage facilities to be constructed in accordance with the applicants approved storm drainage plan and will be carried to the public drainage system near the northwest corner of the subject property.

CONCLUSIONS

- 3.1 Public utilities (sanitary sewer, water, and storm drainage) are in place and are adequate to accommodate the proposed development.
- 3.2 Each of the proposed phases of the development must be connected to existing public sanitary sewer and water facilities at the time of building for each successive phase. A private utility easement will be provided in conjunction with the concurrent replat so that Parcel 2 will have legal access to the public sanitary sewer and water facilities in 16th Avenue.
- 3.3 The applicants' preliminary storm drainage plan has been reviewed and approved by the City's Engineering Division. The applicants are proposing to construct an on-site private stormwater detention basin along the north boundary of the site.
- 3.4 The applicants must obtain all necessary erosion control and grading permits from the Engineering Division before disturbing ground for each phase of the project.
- 3.5 This criterion is met when the following conditions are satisfied.

CONDITIONS

- 3.1 Because the proposed private storm drainage system that will serve the site collects drainage from all three parcels (phases) of the development, the applicants must construct the entire drainage system that will lie within the shared access way, and the detention facilities, with the development of Parcel 1.

- 3.2 Before the City will issue building permits for any phase of this development, the final plat for the concurrent replat application (RL-01-10) must have been recorded. The final plat must include the required private utility easement that will provide access to public utilities in 16th Avenue for Parcel 2.

Criterion (4) *Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.*

FINDING OF FACT

- 4.1 The findings and conclusions under Review Criterion (4) of the concurrent Zoning Map amendment (file ZC-01-01) staff report are applicable to this Site Plan Review application (file SP-05-10 A, B and C). To avoid repeating the same information here, those findings and conclusions are included here by reference.

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.*

- 5.1 Compatibility. Site plan review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It also is intended to mitigate potential land use conflicts resulting from proposed development through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. Compatibility issues related to traffic impacts are addressed above under Criterion 2.

- 5.2 Lot Coverage. The lot coverage limitation in the RM zoning district is 70 percent of the net land area. Lot coverage includes buildings, parking and private streets and driveway areas.

Parcel 1: The land area is 7,200 square feet. The lot coverage is 3,341 square feet (46.2 percent).

Parcel 2: The land area is 9,900 square feet. The lot coverage is 5,098 square feet (51 percent).

Parcel 3: The land area is 16,565 square feet. The lot coverage is 9,034 square feet (55 percent).

- 5.3 Density Calculation. Table ADC 3.190, Table 1, shows that two- and three-bedroom units need to have a minimum of 2,400 square feet of land area per dwelling unit.

Parcel 1: Three units on 7,200 square feet. Density is 2,400 square feet per unit.

Parcel 2: Three units on 9,900 square feet. Density is 3,300 square feet per unit.

Parcel 3: Six units on 16,565 square feet. Density is 2,760.8 square feet per unit.

- 5.4 Building Height. The maximum building height in the RM zoning district is 45 feet. All of the proposed building elevations show all of the dwellings will be attached three-story "townhouse" style units. The submitted building elevations show the wall height measured from the adjacent grade to be 25 to 30 feet and the overall height (from ground to peak of the ridge line) will be five to 10 feet higher. The total height will not exceed 45 feet.

- 5.5 Building Setbacks. Setbacks are generally measured from property lines. The proposed layout is based on the assumption of approval of the concurrent replat application.

In the RM zone the minimum building setback from a front property line (it abuts a public right-of-way) is 15 feet. All other property lines are called interior property lines and may be a minimum of 10 feet *with the exceptions* of where multiple-unit buildings abut existing single-family dwellings have an additional setback based on building height, and where parking is provided in front of a garage, the depth of that space shall be 20 feet so a parked vehicle does not overhang into any private or public pedestrian or vehicle access. There is also a 20-foot setback required between multiple-family buildings located on the same parcel.

Projecting Building Features. The following building features may encroach up to five feet into the required front yard and **up to two feet into the required interior yards:**

- (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). (emphasis added)
- (d) Signs conforming to applicable ordinance requirements [ADC 3.260(2)].

5.6 Proposed Setbacks. The Rupp property abuts a public right-of-way on the south, an apartment complex on the west and vacant land to the north and east.

Parcel 1: At the nearest, the building is setback 15 feet from the south front property line (16th Avenue); 10 feet from the east property line, 17.26 feet from the north property, and 20 feet from the private pedestrian access on the west side of the building. The upper story balcony is shown projecting five feet into the eastern interior setback rather than the allowable two feet.

Parcel 2: The property does not abut a public right-of-way so there is no "front" property line. The building setback is shown at 14.74 feet on the south, 20 feet on the north; 10 feet on the east and 20 feet from the private pedestrian access on the west side of the building. The upper story balcony is shown projecting five feet into the eastern interior setback rather than the allowable two feet.

Parcel 3: At the nearest, the building setback is shown at 21 feet from the south front property line (16th Avenue); 10 feet from the west property line, 23.5 feet on the north property, 20 feet from the private pedestrian access on the east side of the building and 32 feet between buildings. The upper story balcony is shown projecting five feet into the western interior setback rather than the allowable two feet.

5.7 Front Yard Landscaping (ADC 3.360). Before final building inspection the required front yard landscaping and irrigation must be installed. The minimum landscaping *per 1,000 square feet* of required front yard area in a residential zone is:

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

These standards will apply to the front yard areas of Parcels 1 and 3. For landscaping calculation purposes, the lineal frontage along each parcel is 70 feet wide and the width is 15 feet (1,050 square feet). The preliminary landscape plan shows meeting these requirements.

The applicants' preliminary landscape plan shows that landscaping installed with the Phase 1 parcel will include both sides of the shared driveway, the frontage of Parcel 1 and the area north around the detention facility.

5.8 Buffering and Screening Between Uses. In order to reduce the impacts on adjacent uses that are of a different type, in addition to front yard landscaping requirements, buffering and/or screening or both may be required within interior yards in accordance with the matrix found following ADC 9.330. The Community Development Director may waive the buffering/screening requirements where such has been provided on adjoining property in accordance with the Development 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 (ADC 3.370; ADC 9.210-9.270).

When a *buffer yard* is required, the following landscaping shall be installed:

- a. At least one row of trees. Deciduous trees will be no less than 10 feet high at time of planting and spaced no more than 30 feet apart, and evergreen trees shall be no less than 5 feet high at time of planting and spaced no more than 15 feet apart.
- b. At least five 5-gallon shrubs **or** ten 1-gallon shrubs for each 1,000 square feet of required buffer area.
- c. The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

If screening is required or provided, "b" above under buffering is replaced with one of the following:

- One row of evergreen shrubs which will grow to form a continuous hedge at least 4 feet in height within two years of planting, *or*
- A minimum of a 5-foot fence or masonry wall to provide a uniform sight-obscuring screen, *or*
- An earth berm combined with evergreen plantings or a fence that will form a sight and noise buffer at least 6 feet in height within two years of installation.

5.9 Buffer and Screening Analysis For Each Parcel. Parcel 1 will be developed first, Parcel 2 second and Parcel 3 last.

Parcel 1: Screening is not required but a 7-foot fence is proposed along the east property line. A 5-foot-wide landscaped buffer area is required along the north and east property boundaries.

Parcel 2: Screening is not required but a 7-foot fence is proposed along the east and north property line. A 5-foot-wide landscaped buffer area is required along the north, south and east property boundaries.

Parcel 3: Screening is not required but a 7-foot fence is proposed along the north and west property line. A 5-foot-wide landscaped buffer area is required along the north, and west property boundaries.

The preliminary landscape plan submitted does not meet the minimum buffering requirements for trees. While screening is not required, the plan shows providing a seven-foot-tall cedar fencing along the north, east, west boundaries and between ground-level patios of each unit. Seven-foot-high fencing is not allowed in all cases. See Finding 5.13 for discussion on fences. Before issuance of the first building permit, a final landscape plan will need to be submitted that shows all landscaping requirements are met.

5.10 Landscape Requirements at Entries and Within Parking Areas. Parking lots and entries must be landscaped in accordance with the following standards found in ADC 9.150: *Per 100 square feet of area to be landscaped, plant at least one tree that is 10 feet high at the time of planting, two shrubs, and decorative ground cover.*

The preliminary landscape plan shows an alternate plan for planter bays that separate the driveways leading to the garages. They are a variety of widths, the minimum being four feet wide where five feet is the standard. Given the different style of parking area with these buildings, a four foot width as shown seems reasonable, but due to the amount of impervious surface along the fronts of the buildings, trees, in addition to the shown shrubs should be required. There are many columnar species that can be used that will provide shade the aesthetic qualities only trees can provide. The final landscape plan must provide the minimum requirements of providing a tree, 2 shrubs and ground cover in each of the landscaped areas around and within the driveways leading to the garages.

5.11 Overlapping Landscaping Requirements. Where landscaping requirements overlap, a combination of the requirements will be required to provide the most intense landscaping.

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

The preliminary landscape plan indicates that a permanent underground irrigation system will be provided. A final irrigation plan will need to be submitted with the final landscaping plan.

- 5.13 Fencing. Fences may not exceed 4 feet tall in the front 15 foot setback and two feet in the vision clearance areas unless it meets certain standards of ADC 12.180 (which basically means not blocking visibility near a driveway and/or be an open style like chain link).

Fences along the property line behind the front setback may be up to 6 feet tall, except that a single-family use or zone that shares an interior property line with a multiple-family use or zone may have a fence up to 8 feet tall at the property line (ADC 3.410).

Fencing is not required, but the preliminary landscape plan shows the applicants propose to provide seven-foot-tall fencing (six-foot-high cedar fencing panels with a one-foot-tall lattice topper) along the north boundary of Parcels 2 and 3, the east boundary of Parcel 1, and west property boundary of Parcel 3.

It appears seven-foot-tall fences are also proposed between the ground-level outdoor private spaces. Because these fences are not along shared interior property lines, they cannot exceed six feet within the required 10-foot-side setback.

While there are no any existing single family dwellings abutting the properties, the land to the north and east are vacant and can developed as single family. (Brighton Place on the north is to be attached single family adjacent to this property.) It therefore seems reasonable to allow up to an eight-foot fence to be constructed on the north and east interior property lines as proposed except in areas restricted otherwise as noted above (front yards/vision clearance areas). A building permit is required for a fence taller than 6 feet. A fence taller than 6 feet is not allowed along the west property line of Parcel 3 because it is multiple family abutting multiple family. However, plantings can be installed along that property line that will grow to that height.

- 5.14 Lighting. Onsite lighting must be arranged to reflect the light away from any abutting and adjacent properties [ADC 9.120(14)].

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

The applicants have submitted a lighting plan that shows that the driveway and pedestrian path will be illuminated with a pole light fixture that is a total height of 10.5 feet tall. The globe of the light fixture is a colonial style. The lighting is high pressure sodium with wattage that provides 0.30 light candles. Information on whether the glass in the globe is opaque so it obscures the bare bulb inside was not provided. However, information was provided by the applicants to show that the proposed light fixtures will not emit light beyond the property. Wall lighting is also shown on the north and south end walls of each building.

There are many different types of lighting fixtures and light sources on the market. A trend appears to be toward more intense bright light that can be uncomfortable to the eye depending on the distance from the light source. Since this is a residential area, the light fixture should include a shield or cover so the light source is not visible.

- 5.15 Refuse Enclosures. All refuse materials must be contained within a screened area consisting of a sight-obscuring fence, wall, or hedge at least 6 feet in height. No refuse container may be placed within 15 feet of a dwelling window or in required parking spaces (ADC 3.390/Fire Code).

The applicant indicates that trash bins will be stored in the garages of each unit.

5.16 **DESIGN STANDARDS.** In addition to Site Plan Review criteria, each development is subject to meeting applicable Multiple-Family Design Standards. If there is a checked box symbol (☑) preceding a listed standard, it means that staff has compared the applicant's findings and plans to the standard(s) and find the standard(s) is met without comment. If the box is unchecked (☐), staff has provided findings and conclusions as to the reason(s) why the standard is not met. "NA" preceding the standard means it is not applicable to this particular development.

NA Relationship to Historic Overlay Districts (ADC 8.210). *This section does not apply because the Rupp property is not located inside the Monteith and Hackleman Historic Overlay Districts.*

NA Recreation and Open Space Areas (ADC 8.220). *This section is not applicable because none of the three parcels will contain 10 or more units.*

☐ Private Open Space (ADC 8.230).

- (1) Building Orientation. Buildings shall be oriented so that no private open space or rear entrance faces a public street.
- (2) At-Grade Dwellings. Dwellings located at finished grade, or within 5 feet of finished grade, shall provide a minimum of 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
- (3) 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.
- (4) Access to Private Open Space. All private open space shall be directly accessible from the dwelling unit through a doorway.
- (5) Privacy Requirements. Ground-level private open space shall be physically and visually separated from common open space.

Note: The units are townhouse style so they are considered "At Grade Dwellings." There is no common open space required of these developments. Six-foot, but not seven-foot fences are allowed within the ten-foot interior setbacks.

☑ Maximum Setbacks for Street Orientation (ADC 8.240).

- (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 this standard, "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.

☑ Functional Design & Building Details (ADC 8.250).

- (1) Building design shall avoid long, flat, uninterrupted walls or roof planes. Changes in wall plane and height, and 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.

- (2) Buildings shall be massed so individual units are clearly identifiable from the private or public street that provides access.
- (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.

Building Orientation & Entries (ADC 8.260).

- (1) As many of the dwelling unit entries as possible shall be oriented to front onto 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.
- (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 any 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 in the area 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.

Transition to Lower Density Uses (ADC 8.270).

- (1) When abutting single-family homes, buildings shall be set back a minimum of 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.

Note: (1) and (2) are not applicable. (3) is met.

Pedestrian Connections (ADC 8.280).

- (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 (ADA).
- (2) The pedestrian circulation system shall be designed to provide safe crossings of streets and driveways. Where crossings occur, reflective striping should be used 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.

Note: A shared four-foot-wide pedestrian access on each side of the vehicle travel aisle will connect the buildings to the public street on the south, and also between the buildings. The access will be constructed of materials that make it clearly distinctive from the travel aisle. This is a condition in Criterion 2 above.

Vehicle Circulation System (ADC 8.290).

- (1) The 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 access ways 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.

Parking (ADC 8.300).

- (1) Parking lots, carports, and garages shall not be sited between the 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.

CONCLUSIONS

- 5.1 The building elevations must be revised so the second story decks do not project more than two feet into the interior 10-foot setback.
- 5.2 The preliminary landscape plan does not meet the minimum requirements. Fences are too tall in some areas.
- 5.3 The four-foot pedestrian accesses on both sides of the vehicle travel aisle are at-grade and will be constructed to be clearly identifiable from the abutting vehicle travel aisle.
- 5.4 The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses and any negative impacts have been sufficiently minimized or will be met with the following conditions.

CONDITIONS

- 5.1 Before building permits will be issued for the development of the first parcel, the applicant shall provide the Planning Department with a copy of the recorded final plat of file RL-01-10 to verify that the existing property lines have been reconfigured into three parcels.
- 5.2 *(As modified by the Planning Commission 7/26/10)*
The applicants intends to develop the parcels in the order of listed phases. Any changes in the order of development will be subject to the review and approval of Planning Division staff to ensure that any shared facilities needed by that phase either have been previously constructed or will be constructed with the proposed phase.
- 5.3 The building elevations and site plan must be revised to show the upper story decks project no more than two feet into an interior setback.
- 5.4 The four-foot-wide pedestrian access to be constructed on both sides of the vehicle travel aisle serving the parcels shall be installed before final inspection of the development on Parcel 1. (See also concurrent condition 2.2 above.).
- 5.5 *(As modified by the Planning Commission 7/26/10)*
Landscaping. Before issuance of building permits for the first parcel to be developed, the Planning Division must approve a final landscape and irrigation plan that shows meeting the minimum requirements for all three parcels. The final landscape plan must show the location of all plants and ground cover and include a legend that identifies the quantity of each type of plant, their common and botanical names, the pot size at time of planting (gallons/inches) and intended spacing between plants.

The following are the minimum requirements for each parcel, including additional buffer requirements where required. Existing trees may be used to fulfill the tree requirements. No sight-obscuring trees, shrubs or other vegetation are permitted in the vision clearance areas (ADC 12.180).

Parcel 1: Because the development of the three parcels is staged and yet are linked together by access and drainage needs for all, as shown on the preliminary landscape plan, landscaping for Parcel 1 will include entry landscaping on both sides of the driveway at 16th Avenue and landscaping along the northern property line of Parcels 2 and 3 (detention area).

Front yard - 16th Avenue. (70 feet of frontage):

- a. A row of trees consisting of *either* 2 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 4 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
- b. At least four one-gallon shrubs; and
- c. The remaining area treated with ground cover (lawn, bark, rock, ivy, shrubs, etc.).

North interior yard. (5-foot buffer next to property line – 50 lineal feet):

- a. A row of trees consisting of *either* 1 deciduous tree not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 2 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
 - b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and
 - c. The remaining area treated with ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- If fencing is provided along the boundary, "b." is not required.

East Interior Yard. (5-foot buffer next to property line – 75 lineal feet):

- a. A row of trees consisting of *either* 2 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 4 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
- b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and

- c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy and evergreen shrubs.)

If fencing is provided along the boundary, "b." is not required.

Parking area landscaping along the west side of the building.

Within the landscape areas located on both ends of the three parking spaces in front of each building: 1 tree ten feet high at the time of planting; 2 shrubs, and the remainder in ground cover. The four-foot wide planting area in front of each building is not subject to this minimum requirement.

Entry landscaping (both sides).

1 tree ten feet high at the time of planting, 2 shrubs, and the remainder in ground cover.

Parcel 2.

North interior yard. (5-foot buffer next to property line – 96 lineal feet):

- a. A row of trees consisting of *either* 3 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 6 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
 - b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and
 - c. The remaining area treated with ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- If fencing (screening) is provided along the boundary, "b." is not required.

East Interior Yard. (5-foot buffer next to property line – 98 lineal feet):

- a. A row of trees consisting of *either* 3 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 6 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
- b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and
- c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy and evergreen shrubs.)

If fencing (screening) is provided along the boundary, "b." is not required.

South Interior Yard. (5-foot buffer next to property line – 50 lineal feet):

- a. A row of trees consisting of *either* 1 deciduous tree not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 2 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
- b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and
- c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy and evergreen shrubs.)

If fencing (screening) is provided along the boundary, "b." is not required.

Parking area landscaping along the west side of the building.

Within the landscape areas located on both ends of the three parking spaces in front of each building: 1 tree ten feet high at the time of planting; 2 shrubs, and the remainder in ground cover. The four-foot wide planting area in front of each building is not subject to this minimum requirement.

Parcel 3.

Front yard - 16th Avenue. (70 feet of frontage):

- a. A row of trees consisting of *either* 2 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 4 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
- b. At least four one-gallon shrubs; and
- c. The remaining area treated with ground cover (lawn, bark, rock, ivy, shrubs, etc.).

North interior yard. (5-foot buffer next to property line – 75 lineal feet):

- a. A row of trees consisting of *either* 2 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 4 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
 - b. At least 3 five-gallon shrubs or 5 one-gallon shrubs; and
 - c. The remaining area treated with ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- If fencing is provided along the boundary, "b." is not required.

West Interior Yards. (5-foot buffer next to property line – 182 lineal feet):

- a. A row of trees consisting of *either* 6 deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart, *or* 12 evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart; and
 - b. At least 5 five gallon shrubs or 10 one-gallon shrubs; and
 - c. The remaining area treated with ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- If fencing is provided along the boundary, "b." is not required.

Parking area landscaping along the east side of the buildings.

Within the landscape areas located on both ends of the three parking spaces in front of each building: 1 tree ten feet high at the time of planting; 2 shrubs, and the remainder in ground cover. The four-foot wide planting area in front of each building is not subject to this minimum requirement.

- 5.6 Before final building inspection, the required landscaping and irrigation for the parcel it is located on must be installed. In the case of Parcel 3, the landscaping is required with the final inspection of the first building completed. If the final inspection is requested between December 1 and March 1, the City may allow a short-term deferral, subject to meeting the conditions outlined in ADC 9.190.
- 5.7 All exterior light fixtures must include a shield or cover so the light source is not visible. All lighting must be oriented to reflect light away from any abutting or adjacent properties.
- 5.8 All fences must meet the location and height requirements of ADC 3.400 through 3.410 and the vision clearance standards of ADC 12.180, except that up to an eight-foot fence may be constructed on the north and east interior property lines except in restricted otherwise (e.g. within front setback/vision clearance areas). A building permit is required for a fence taller than 6 feet.

Privacy fencing between units within the 10 foot setback may not exceed 6 feet.

STAFF ANALYSIS

Site Plan Review –Tree Felling Application

File: SP-07-10

Overview.

In any zoning district Site Plan Review approval is required to fell five or more trees with trunks larger than 25 inches in circumference (which is approximately 8 inches in diameter) **and** that are located either on a single lot, or contiguous lots under single ownership, that are in excess of 20,000 square feet in area.

Definitions. (a) Tree: A living, standing, woody plant having a trunk circumference of 24 inches or more (approximately 8 inches in diameter).

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

The applicants own the subject four contiguous vacant lots that have a total area of 33,671 square feet. There are about 35 trees within the site. [The Tree Removal Plan attached to the staff report shows some trees that were included in the inventory (on the north and east) do not appear to be within the subject site boundary.] Fourteen of these trees are of the regulated size.

In order to construct apartment buildings on the resulting three parcels (see staff reports RL-01-10 and SP-05-10 A, B, and C above), the applicants have applied to remove eight of the existing 14 trees that are within the regulated size. The applicants also plan to remove 16 trees that are below the regulated size.

The tree varieties on the site include cottonwood, fir, birch and maple. The trees are mostly located along the frontage of the site and on the perimeter. The existing trees along 16th Avenue were planted years ago by the applicants to start a screening hedge for future development of the lots. The applicants are requesting removal of the trees because they are either located within or next to building envelopes, fencing, access ways, or are the type of tree considered to be unwise to be located near buildings and areas where people congregate.

Review Criteria. When tree removal is requested in conjunction with a concurrent land use application, the following tree felling review criteria [Albany Development Code (ADC) 9.208(2)] must be met. The Code criteria are written in ***bold italics*** and are followed by Findings, Conclusions, and Conditions, if any.

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

FINDINGS OF FACT

- 1.1 This property will be zoned RM (Residential Medium Density). This zoning district is intended to provide land for medium-density residential development. The proposed development consists of three parcels, each to be developed with multiple dwelling units.
- 1.2 To develop the property at its intended density, buildings, parking and pedestrian access, and open space must be constructed. The applicants state that due to the types and locations of many of the existing trees they cannot be worked into the proposed development.
- 1.3 There are no additional plans related to this site that have been adopted by City Council. The applicants have not indicated if they will seek a logging permit from the State Department of Forestry (ODF).

CONCLUSIONS

- 1.1 It is necessary to fell trees in order to construct the proposed improvements in accordance with an approved Site Plan Review application (SP-05-10) or to otherwise utilize the property in a manner consistent with its zoning and the Development Code. There are no other applicable adopted City Council plans or a pending ODF logging permit.
- 1.2 This criterion is met.

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

FINDINGS OF FACT

- 2.1 This application has been submitted to ensure the felling is consistent with the City's ordinances related to tree felling (ADC 9.207). The applicants desire to remove a total of eight regulated trees. Sixteen non-regulated trees will also be removed.
- 2.2 The subject land is zoned to provide for medium-density residential development and is 0.77 acres.
- 2.3 Except the fir trees that are planted in a row along 16th Avenue, the trees on the site are not located such that they provide windbreak protection of nearby trees or create a wildlife area. The majority of the fir tree row will be retained but there will be tree loss in order to construct an access into the site.
- 2.4 Comprehensive Plan, Plate 3, Natural Vegetation and Wildlife Habitat, does not identify this property as containing significant natural vegetation or wildlife habitat. The site is mainly an open grass field that has been mowed for years.
- 2.5 Some trees will be felled in order to meet erosion control and storm drainage requirements.
- 2.6 The applicant must protect retained trees through the construction process by use of protection devices, including those required by the Development Code, Section 9.208(5).
- 2.7 The volume of surface water runoff created by adding impervious surface to the parcels will be controlled with a shared on-site detention system on the north side of the properties.
- 2.8 The City has not identified any mandated view or scenic corridors. There are no known geological sites in the vicinity of the subject property. This development is not in an area of steep slopes nor does it contain wetlands.

CONCLUSIONS

- 2.1 The proposed felling is consistent with City ordinances and State standards.
- 2.2 The property is intended for medium-density residential development.
- 2.3 Private facilities will be constructed to manage storm water runoff. Erosion control, soil retention, and stability measures will be implemented as part of the site construction process. This property is not subject to Hillside Development standards.
- 2.4 The proposed felling is consistent with State standards and City ordinances and does not negatively impact the environmental quality of the area. This criterion is met.

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

FINDINGS OF FACT

3.1 Attached to this staff report is a Tree Removal plan that shows the location, size and type of existing trees on the property. The regulated trees to be removed are cottonwood, fir and birch as follows:

Tree ID Number	Species	Trunk in inches/Circumference	Canopy (square feet)	Drip Radius (feet)
1	Cottonwood	33/103	1963	25
2	Cottonwood	40/125	1963	25
3	Cottonwood	15/46	452	12
6	Birch	9/27	452	12
7	Birch	12/36	452	12
11	Fir	10/32	*	*
12	Fir	11/35	*	*
13	Fir	10/31	*	*

* Due to the proximity of trees to one another an accurate drip line radius could not be ascertained. Trunk stem measured at 4.5 feet above the ground.

3.2 None of the trees on this property have been identified by the City as heritage trees. Cottonwood, fir and birch trees are typical of many found in the Willamette Valley.

3.3 Some of the trees shown on the inventory “to be trimmed as necessary” or removed (tree #3) do not appear to be on the Rupp property or is on a shared property line. The applicants should get approval of the property owner of these trees before they do any trimming or removal.

3.4 City Forester Craig Carnagey has observed the trees on the property and had no concerns about the removal of the proposed trees.

3.5 Cottonwood trees such as 1, 2, and 3 above, are known to be brittle and drop branches as they get older. The subject trees would be located near dwellings and recreation spaces of the residents. The fir trees are in the path of a driveway. The birch trees along the east property line are located where a privacy fence is planned.

3.6 The proposed development is at the minimum standards of the Code. No variances to City regulations have been requested.

CONCLUSIONS

3.1 None of the trees are unique, historic or heritage trees.

3.2 To maximize the development of the property as envisioned by the zoning district, there are no options to saving the trees.

3.3 Not all of the reviewed affected trees appear to be on the Rupp properties.

3.4 The uniqueness, size, maturity, structure, and historic value of the trees have been considered, and all other options for tree preservation have been considered.

3.5 This criterion is met when the following condition is met.

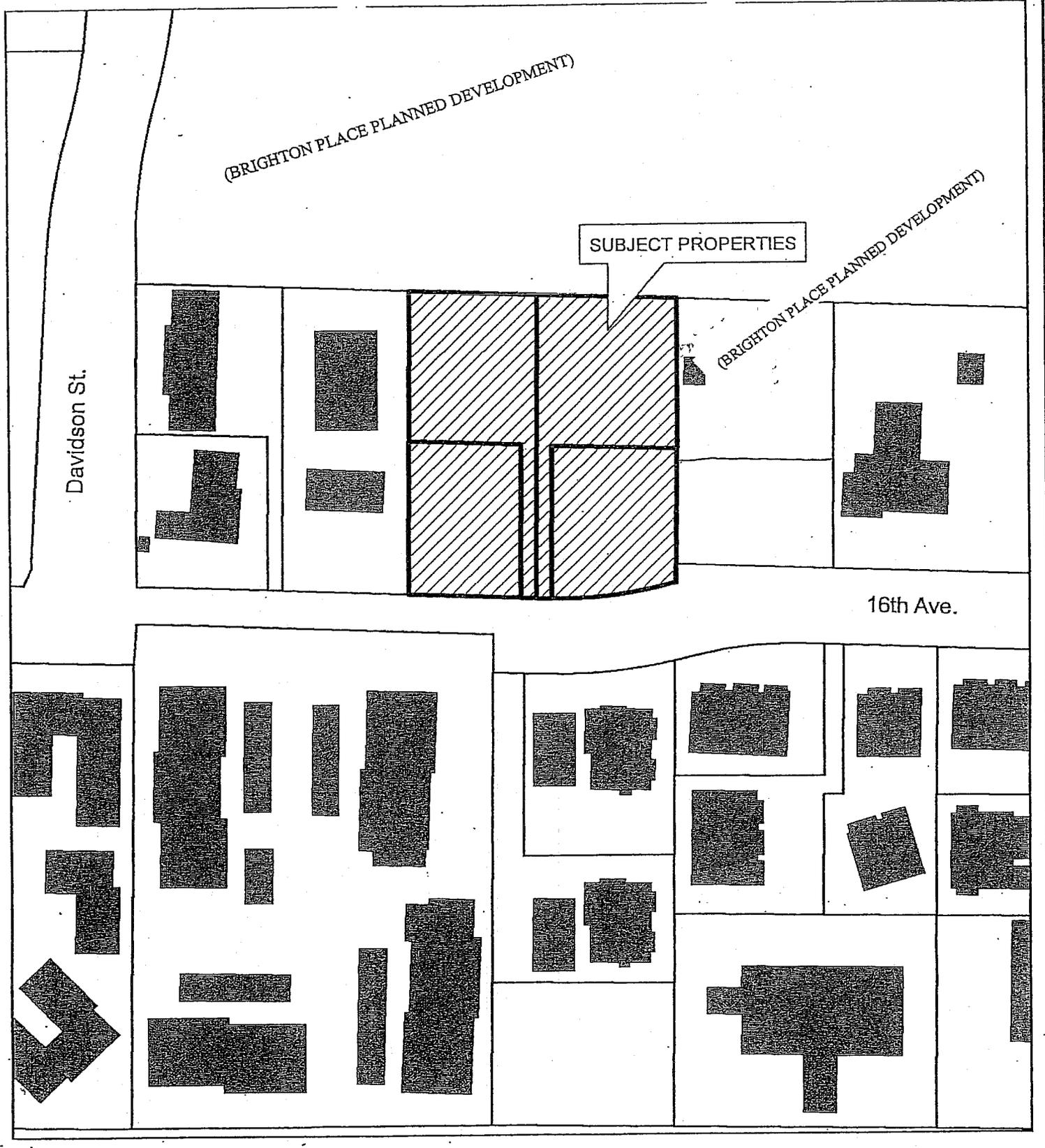
CONDITION

- 3.1 The applicants must get property owner approval to trim or remove any tree referenced on the Tree Felling Plan that is not clearly on their property and within their rights to do this work.

Staff Report Attachments:

- Attachment 1. Property Location Map
- Attachment 2. Aerial of subject property
- Attachment 3. Current Zoning Map of property and surrounding area
- Attachment 4. Page 23 of Economic Opportunities Analysis 2007-2027
- Attachment 5. Page 56 of 2006 Housing Needs Analysis
- Attachment 6. Tentative Plat
- Attachment 7. Site Plan (for all three parcels)
- Attachment 8. Building Elevation and Floor Plan (all buildings)
- Attachment 9. Preliminary Landscape Plan (for all three parcels)
- Attachment 10. Tree Removal Plan

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PROPOSED REZONE, REPLAT, TREE FELLING, & 12 APARTMENTS



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



Files: ZC-01-10; RL-01-10; SP-05-10 & SP-07-10

Planning Division

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

Davidson St.

10th Ave.

MapInfo
© 2010
MapInfo



Rupp Zone Change ZC-01-10

0 75 150 300 Feet



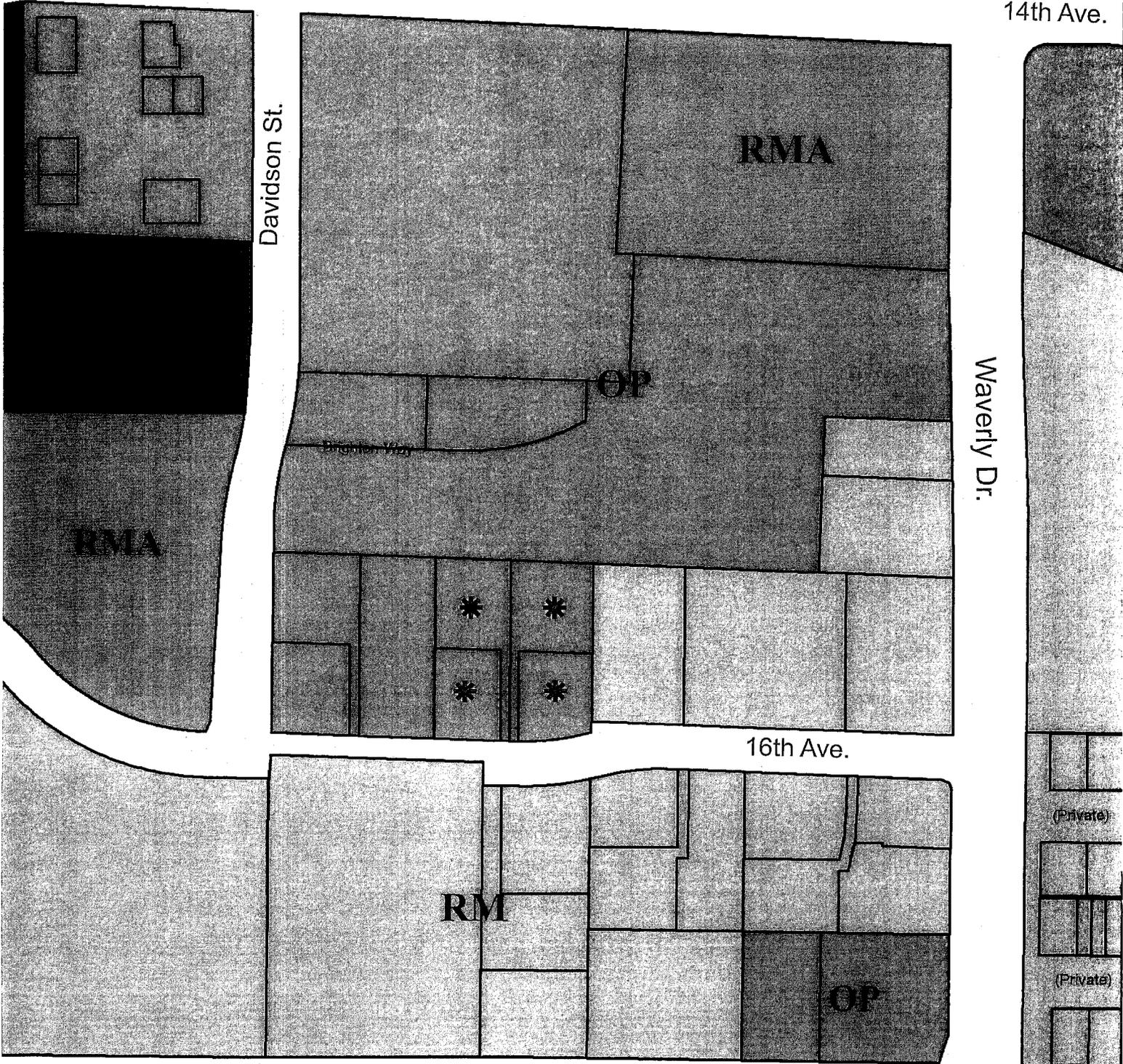
Clay St.

14th Ave.

14th Ave.

Davidson St.

Waverly Dr.



16th Ave.

RM

OP

(Private)

(Private)

Pertwistle Cir.

Cedarwood Ct.

PART V: COMPARISON OF EMPLOYMENT LAND DEMAND AND SUPPLY

This section summarizes from data and analysis presented in the site needs analysis to compare “demonstrated need” for suitable commercial and industrial sites with the supply of such sites currently within the Albany UGB and city limits.

Table 15 compares industrial and commercial site need with site supply within Albany UGB between 2007 and 2027. Generally speaking, Albany has an adequate supply of small to medium industrial sites and commercial sites in the two to five acre category. However, Albany has an unmet need for:

- A very large industrial site in the 50-150 acre range;
- Several large commercial, industrial or business park sites in the 20-50 acre range; and
- Several medium commercial and industrial sites in the 5-20 acre range.

Table 15. Comparison of industrial and commercial land need and land supply, gross acres, Albany UGB, 2007-2027

Site Sizes	Total Employment Site Need		Acres in Supply	Industrial Sites			Commercial Sites				
	Site Need	Total Acres Needed		Site Need	Site Supply	Site Surplus (Deficit)	Site Need	Site Supply	Mixed Use Sites	Sites for Employment Use	Site Surplus (Deficit)
>50 acres	1-2	200	61	1-2	1	(1)	0	0	0	0	0
20-50 acres	5-9	220	161	3-6	4	(1-2)	2-3	1	0	1	(1-2)
5-20 acres	10-14	90	64	6-9	6	(1-3)	4-5	4	0	4	(1)
2-5 acres	20-25	80	71	10-13	20	7-10	10-12	16	3	15	3-5
1-2 acres	35-45	50	25	10-15	19	4-9	25-30	11	4	9	(16-21)
<1 acre	75-150	80	35	25-50	23	(2-27) ¹	50-100	33	10	29	(21-71) ²
Total	146-245	720	417	55-95	73		91-150	65			

Source: City of Albany; analysis by ECONorthwest

¹ assumes some of the surplus sites 1-2 and 2-5 acres in size can be used to meet this need, as well as through infill & redevelopment

² assumes some of the surplus sites 2-5 acres in size can be used to meet this need, as well as through infill and redevelopment, and development on residentially zoned property

Table 16 identifies site needs that are not met within the existing Albany UGB. This amounts to a deficit of approximately 225-340 industrial and commercial acres. In order to meet identified site requirements, Albany should: (a) re-designate residential land within the existing UGB that is suitable for employment; and/or (b) add land to the UGB. Overall, Albany needs one very large industrial site, one large industrial site and one large commercial site, and one medium industrial site and one medium commercial site. These sites should meet the large-site industrial and commercial site suitability requirements described in Part IV of this memorandum.

Table 5-8. Projected Density by Zone and Build-Out Capacity of Developable Land

Comp Plan Designation	Zoning District	Projected Gross Density Per Acre	Net Developable Acres	Potential Units* at Build-Out
LDR	RR	3	478	1,446
LDR	RS-10	3	211	670
LDR	RS-6.5	4	575	2,202
LDR/MDR	RS-5	5.5	296	1,806
VC	HM	5.5	1.3	10
VC	MUR	8	1	8
MDR	RM-5/RM*	12	125	1,309
MDR	RM-3//RMA	15	17	231
VC	WF	15	10	135
VC/GC	MUC, HD, CB & Redevel.	12	27 Est.	324
Total - City			1,741	8,141
URR	Outside City	4.5	1,155	5,198
Total UGB			2,910	13,454

*Figures don't equal density per acre x total developable acres because capacity was calculated on a lot by lot basis. When actual density was known, it was used. Lots less than the average minimum lot size for single-family units were allotted one unit.

At first glance, there is enough land within the city limits to accommodate the projected housing need from 2005 and 2025. However, periodic review requires land needs be based on affordability. The next step is to determine land need by zoning district based on projected housing need by affordability.

Projected Land Need by Zoning District

The next table calculates land need by zoning district based on the projected housing units needed by housing type and price using Albany's adopted forecast of 57,030 in 2025. Projected land needs by zone are then compared with the available land to determine net land need or surplus by zoning district.

Table 5-9. Projected Land Need (Surplus) by Zoning District to 2025

	RM-3/ RMA~	RM-5/ RM~	RS-5	RS-6.5	RS-10, RR	URR	HM, MUR	WF	HD, CB MUC, Other*	Total
Projected Units Needed by Zone	747	988	724	976	310	0	63	209	286	4,018
Estimate Density/Acre	15	12	5.5	4	3	4.5	7	15	12	n/a
Acres Needed	48.5	79.9	133.8	253.5	90.5	0.0	9.0	16.5	23.8	656
Available Land~	4.1~	66.0~	296.2	574.6	689.0	1,155	2.3	9.6	27.0	2,824
Net Acres Needed	44.1	13.9	(162.4)	(321.1)	(598.5)	(1,155)	6.7	6.9	(3.2)	(2,168)

*The HD (Historic Downtown), CB (Central Business), MUC (Mixed Use Commercial), Other category estimates the number of acres that might be redeveloped in these zones or other commercial zones.

~Developable areas less than one acre in the RM-3 and RM-5 zones were excluded from the Available Land total because these properties will likely develop or already have developed as single-family lots.

TENTATIVE PARTITION REPLAT MAP

FOR JAY AND VERN RUPP

FOR A REPLAT OF LOTS 5, G, 7 AND 8 OF BLOCK 1 OF "RUPP SUBDIVISION" LOCATED IN THE SE 1/4, SEC. 8, T. 11 S., R. 3 W., W.M. CITY OF ALBANY, LINN COUNTY, OREGON

MAY 27, 2010

OWNER / DEVELOPER:

JULIUS RUPP
2433 16TH AVE SE
ALBANY OR 97322

ENGINEER / SURVEYOR:

DANIEL K. WATSON, P.E.
JACK R. BURRELL, P.L.S.
K+D ENGINEERING, INC.
276 N.W. HICKORY STREET
ALBANY, OR 97321
(541) 928-2583

SUBJECT PROPERTY:

TAX LOTS: 2000, 2001, 2002 + 2003
ASSESSOR'S MAP: 11-3W-808

SITE ADDRESS:

NONE

COMPREHENSIVE PLAN:

CURRENT: RESIDENTIAL, MEDIUM DENSITY

CURRENT USE:

VACANT

FLOOD ZONE:

ZONE "X", AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN.
No. 410137-0004-F, DATED JULY 7, 1999

HORIZONTAL CONTROL:

THE BASIS OF BEARINGS WAS ESTABLISHED BETWEEN POINTS #51 AND #53 N10°28'39"W PER C.S. 24163.

VERTICAL CONTROL:

PROJECT BENCHMARK IS A 2" BRASS CAP LOCATED IN THE TOP OF CURB AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF QUEEN AND WAVERLY. CAP ELEVATION IS 226.32. DATUM IS NGVD 1929.

ZONING:

CURRENT: OFFICE PROFESSIONAL
PROPOSED: RM (RESIDENTIAL MEDIUM DENSITY)

WETLANDS:

NO INVENTORIED WETLANDS

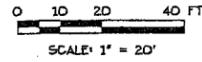
NOTE:

- PROPERTY WILL BE DEVELOPED IN 3 PHASES AS SHOWN.
- NO PUBLIC IMPROVEMENTS TO BE BUILT ON-SITE.

PROJECT AREA:

33,671 SF, (0.77 ACRES) GROSS + NET

THIS LAND IS APPROVED FOR APARTMENT PLANNED DEVELOPMENT ZONING: OP



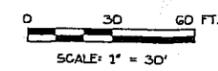
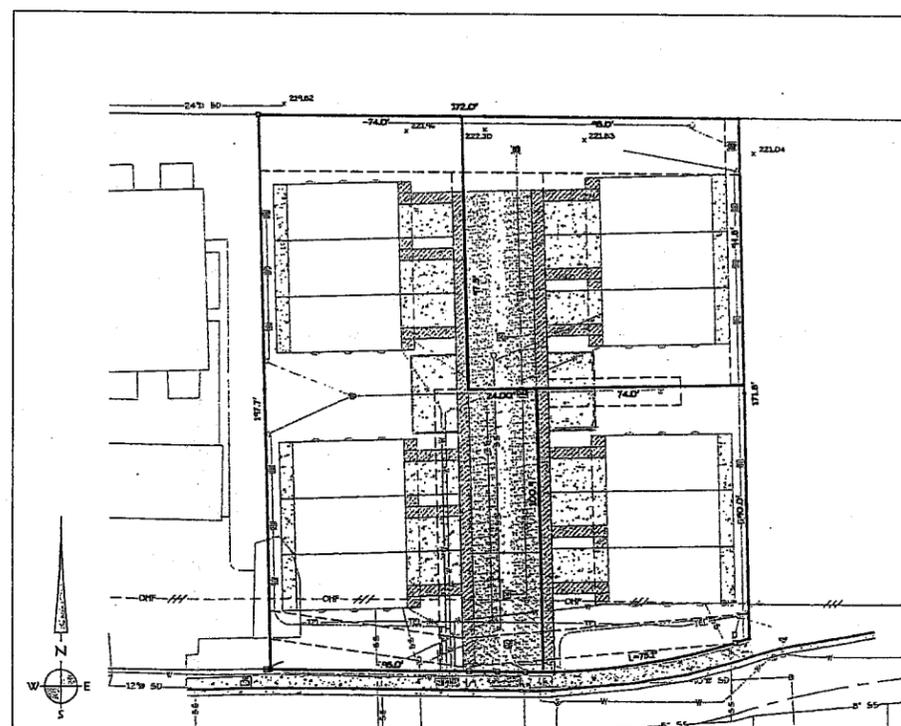
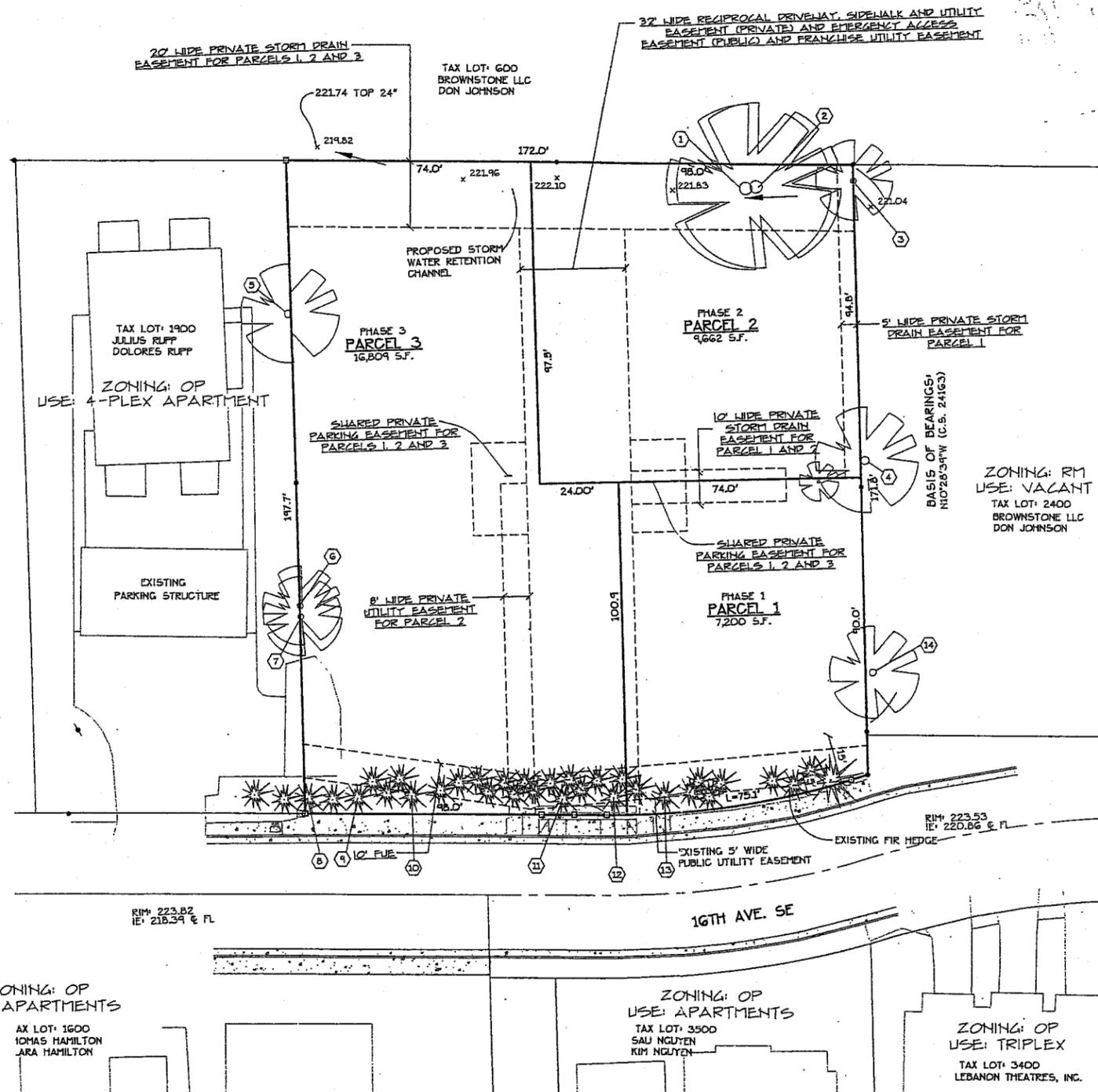
LEGEND:

- FLE FRANCHISE UTILITY EASEMENT
- SW SIDE WALK
- D/W DRIVE WAY
- L.S. LANDSCAPING
- FOUND MONUMENT
- CALCULATED POINT
- ⊙ EXISTING MANHOLE
- ⊙ EXISTING CURB INLET
- ⊙ EXISTING CLEAN-OUT
- ⊙ EXISTING FIRE HYDRANT
- ⊙ EXISTING WATER VALVE
- ⊙ EXISTING MAILBOX
- ⊙ EXISTING LIGHT POLE
- ⊙ EXISTING UTILITY POLE
- ⊙ EXISTING PHONE PEDISTAL
- ⊙ EXISTING PHONE VAULT
- ⊙ EXISTING TELEVISION PEDISTAL
- ⊙ FOUND MONUMENT REFERENCE
- ① EXISTING TREE REFERENCE, SEE "TREE LIST"
- ⊙ EXISTING DECIDUOUS TREE GREATER THAN 25" IN CIRCUMFERENCE
- ⊙ EXISTING CONIFEROUS TREE GREATER THAN 25" IN CIRCUMFERENCE
- x 221.58 EXISTING GROUND SPOT ELEVATION
- EXISTING CONTOURS (1' INTERVAL) BASED ON FIELD SURVEY SEPTEMBER 4, 2009
- EXISTING WATER LINE
- EXISTING SANITARY SEWER LINE
- EXISTING STORM DRAIN LINE
- EXISTING OVERHEAD POWER
- PROPOSED CLEAN OUT
- PROPOSED CATCH BASIN
- ⊙ PROPOSED STORM DRAIN MANHOLE
- ⊙ PROPOSED UTILITY/LIGHT POLE
- ⊙ PROPOSED LIGHT POLE
- ⊙ PROPOSED UTILITY POLE
- ⊙ PROPOSED WATER METER
- EXISTING OVERHEAD POWER
- PROPOSED WATER LINE
- PROPOSED STORM DRAIN
- PROPOSED SANITARY SEWER

TREE INVENTORY LIST:

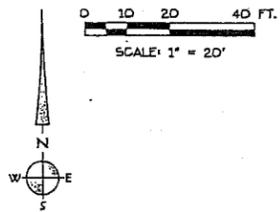
SPECIES	CIRCUMFERENCE/ DIAMETER (IN.)	DRIFLINE RADIUS (FT.)
① COTTONWOOD	103/33	25
② COTTONWOOD	125/40	25
③ COTTONWOOD	46/15	12
④ BIRCH	46/15	16
⑤ MAPLE	30/10	15
⑥ BIRCH	27/9	12
⑦ BIRCH	36/12	12
⑧ FIR	36/12	12
⑨ FIR	25/8	-
⑩ FIR	25/8	-
⑪ FIR	32/10	-
⑫ FIR	35/11	-
⑬ FIR	31/10	-
⑭ BIRCH	46/15	14

NOTE: DUE TO THE PROXIMITY OF TREES 8 THROUGH 14 TO ONE ANOTHER AN ACCURATE DRIFLINE RADIUS COULD NOT BE ASCERTAINED.



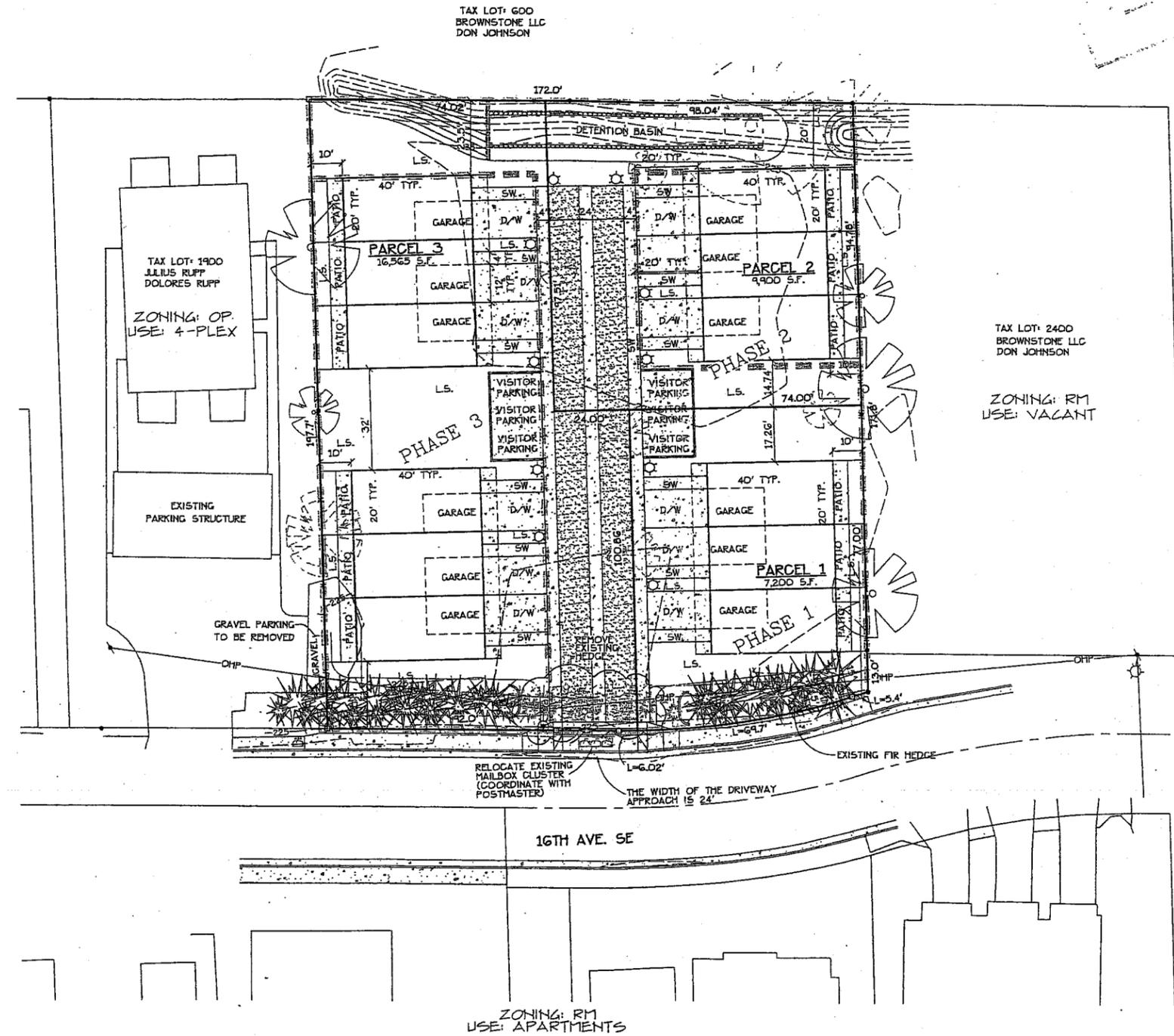
<p>Date: 5/27/2010 Time: 15:08 Scale: 1/2"=10'-0" File: d:\p\2009\09-84-a\84a-tp2.dwg (im) Xrefs:</p> <p>THIS DOCUMENT, DESIGN, & IDEAS INCORPORATED HEREIN AS AN INSTRUMENT OF PROFESSIONAL SERVICE IS THE PROPERTY OF K&D ENGINEERING, INC. AND IS NOT TO BE USED, IN WHOLE OR IN PART, FOR ANY OTHER PROJECT WITHOUT THE WRITTEN AUTHORIZATION OF K&D ENGINEERING, INC.</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>DATE</th> <th>REVISIONS</th> <th>BY</th> </tr> <tr> <td>4/7/10</td> <td>UPDATED AREAS AND SPECIFICATIONS</td> <td>BLE</td> </tr> </table>	DATE	REVISIONS	BY	4/7/10	UPDATED AREAS AND SPECIFICATIONS	BLE	<p>K & D ENGINEERING, INC.</p> <p>276 N.W. HICKORY STREET P.O. BOX 725 ALBANY, OREGON 97321 (541) 928-2583</p>	<p>RUPP APARTMENT COMPLEX</p> <p>CITY OF ALBANY, LINN COUNTY, OREGON</p>	<p>TENTATIVE PLAT</p> <p>RL-D1-10</p>	<p>HORIZ. SCALE: 1" = 20'</p> <p>VERT. SCALE:</p> <p>SIGN DATE:</p> <p>DESIGN BY: DKW</p> <p>DRAWN BY: BLE</p> <p>CHECK BY: DKW</p> <p>PROJECT No.: 09-84-B</p>	<p>SHEET No.</p> <p style="text-align: center;">1</p> <p>OF</p> <p style="text-align: center;">1</p>
DATE	REVISIONS	BY										
4/7/10	UPDATED AREAS AND SPECIFICATIONS	BLE										

SITE PLAN
FOR
JAY AND YERN RUPP
FOR
A REPLAT OF LOTS 5, 6, 7 AND 8 OF BLOCK 1
OF "RUPP SUBDIVISION"
CITY OF ALBANY, LINN COUNTY, OREGON
MAY 27, 2010



ZONING: OP
USE: VACANT

- LEGEND:** (APPLIES TO SHEETS 1, 2 AND 3)
- FL FLOW LINE ELEVATION OF CUTTER OR STORM DRAIN GRATE
 - FF FINISH FLOOR - ELEVATION
 - FG 220.00 PROPOSED FINISH GRADE
 - TOC TOP OF CURB
 - SW SIDE WALK
 - D/W DRIVE WAY
 - L.S. LANDSCAPING
 - FOUNDED MONUMENT
 - CALCULATED POINT
 - EXISTING MANHOLE
 - ⊠ EXISTING CURB INLET
 - EXISTING CLEAN-OUT
 - ⊙ EXISTING FIRE HYDRANT
 - ⊕ EXISTING WATER VALVE
 - ⊞ EXISTING MAILBOX
 - ⊙ EXISTING LIGHT POLE
 - ⊙ EXISTING UTILITY POLE
 - ⊙ EXISTING PHONE PEDISTAL
 - ⊙ EXISTING PHONE VAULT
 - ⊙ EXISTING TELEVISION PEDISTAL
 - ⊙ FOUNDED MONUMENT REFERENCE
 - ① EXISTING TREE REFERENCE, SEE "TREE LIST"
 - ⊙ EXISTING DECIDUOUS TREE (SPECIES + SIZE AS NOTED)
 - ⊙ EXISTING CONIFEROUS TREE
 - ⊙ EXISTING TREE (TO BE REMOVED)
 - x 221.58 EXISTING GROUND SPOT ELEVATION
 - EXISTING CONTOURS (1' INTERVAL) BASED ON FIELD SURVEY SEPTEMBER 4, 2009
 - W EXISTING WATER LINE
 - SS EXISTING SANITARY SEWER LINE
 - SD EXISTING STORM DRAIN LINE
 - EXISTING OVERHEAD POWER
 - ① PROPOSED CONSTRUCTION REFERENCE
 - ⊙ PROPOSED HAND-UP DETECTABLE SURFACE
 - ⊙ PROPOSED CLEAN OUT
 - ⊙ PROPOSED CATCH BASIN
 - ⊙ PROPOSED STORM DRAIN MANHOLE
 - ⊙ RELOCATED UTILITY/LIGHT POLE
 - ⊙ PROPOSED LIGHT POLE
 - ⊙ PROPOSED UTILITY POLE
 - ⊙ PROPOSED WATER METER
 - ⊙ PROPOSED FENCE
 - ⊙ PROPOSED PHASE LINE
 - 4.85% ▽ DIRECTION AND PERCENT OF SLOPE
 - ▽ SLOPING GROUND AND DIRECTION OF FALL



OWNER / DEVELOPER:

JULIUS RUPP
2433 16TH AVE. SE
ALBANY OR 97322

ENGINEER / SURVEYOR:

DANIEL K. WATSON, P.E.
K+D ENGINEERING, INC.
276 N.W. HICKORY STREET
ALBANY, OR 97321
(541) 928-2583

SUBJECT PROPERTY:

TAX LOTS: 2000, 2001, 2002 + 2003
ASSESSOR'S MAP: 11-3W-80B

SITE ADDRESS:

NONE

COMPREHENSIVE PLAN:

CURRENT: RESIDENTIAL, MEDIUM DENSITY

CURRENT USE:

VACANT

FLOOD ZONE:

ZONE "X", AREAS DETERMINED TO BE OUTSIDE OF 500 YEAR FLOOD PLAIN.
No. 410137-0004-F, DATED JULY 7, 1999

PROPOSED LAND USE PLANNING ACTIONS:

- 1) ZONE MAP AMENDMENT "OP" TO "RM"
- 2) RE-PLAT MAKE 3 PARCELS FROM 4 LOTS
- 3) SITE PLAN REVIEW

LANDSCAPING AND DRAINAGE:

IRRIGATION AND DRAINAGE FACILITIES FOR ALL PARCELS TO BE CONSTRUCTED WITH PARCEL 1.

TRASH RECEPTACLS:

INDIVIDUAL UNIT WILL BE RESPONSIBLE FOR STORING TRASH CONTAINERS IN EACH GARAGE.

SHEET INDEX:

PROPOSED SITE LAYOUT	1 OF 5
WATER AND SEWER DESIGN	2 OF 5
GRADING AND STORM DRAIN DESIGN	3 OF 5
DETAIL SHEET	4 OF 5
DETAIL SHEET, PUBLIC IMPROVEMENTS	5 OF 5

HORIZONTAL CONTROL:

THE BASIS OF BEARINGS WAS ESTABLISHED BETWEEN POINTS #51 AND #53 N10°28'39"W PER C.S. 241G3.

VERTICAL CONTROL:

PROJECT BENCHMARK IS A 2" BRASS CAP LOCATED IN THE TOP OF CURB AT THE NORTHWEST QUADRANT OF THE INTERSECTION OF QUEEN AND WAVERLY. CAP ELEVATION IS 226.32. DATUM IS NGVD 1929.

ZONING:

CURRENT: OFFICE PROFESSIONAL
PROPOSED: RM (RESIDENTIAL MEDIUM DENSITY)

NOTE:

- 1) PROPERTY WILL BE DEVELOPED IN 3 PHASES AS SHOWN.
- 2) NO PUBLIC IMPROVEMENTS TO BE BUILT ONSITE.

PROJECT AREA:

33,671 SF, (0.77 ACRES) GROSS + NET

PHASE SPECIFICATION:

- PHASE 1 (PARCEL 1)
GROSS AREA: 7,200 SF
LOT COVERAGE: 3,341 SF (46%)
- PHASE 2 (PARCEL 2)
GROSS AREA: 9,900 SF
LOT COVERAGE: 5,095 SF (51%)
- PHASE 3 (PARCEL 3)
GROSS AREA: 16,565 SF
LOT COVERAGE: 9,034 SF (55%)

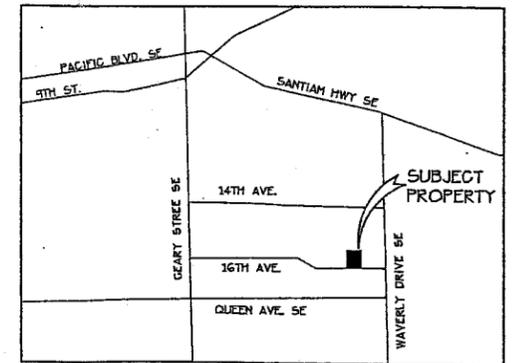
NOTE:

- 1) FOR DETERMINATION OF LOT COVERAGE, THE FOLLOWING SURFACES ARE INCLUDED: BUILDINGS, PARKING, PRIVATE STREETS AND DRIVEWAYS.
- 2) DECKS, PATIOS AND SIDEWALKS ARE CONSIDERED AS PART OF THE OPEN SPACE WHEN CALCULATING OPEN AREAS PER TABLE 1 OF ADC 3.14.

IMPERVIOUS SURFACE AREAS:

- DRIVEWAYS, STREET AND PARKING AREA: 7,874 S.F.
- SIDEWALK AREA: 1,824 S.F.
- PATIO AREA: 1,200 S.F.
- BUILDING AREA: 9,600 S.F.

- NOTE**
- 1) PROPERTY WILL BE DEVELOPED IN 3 PHASES AS SHOWN.
 - 2) EXISTING BUILDING LOCATIONS ARE BASED ON CITY GIS DATA.



VICINITY MAP: N.T.S.

Date: 5/26/2010 Time: 16:50
Scale: 1"=20'(FS)
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Xref:
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DATE	UPDATED AREAS AND SPECIFICATIONS	BY
4/7/10		BLE
	REVISIONS	



K & D ENGINEERING, INC.
276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

RUPP APARTMENT COMPLEX
CITY OF ALBANY, LINN COUNTY, OREGON

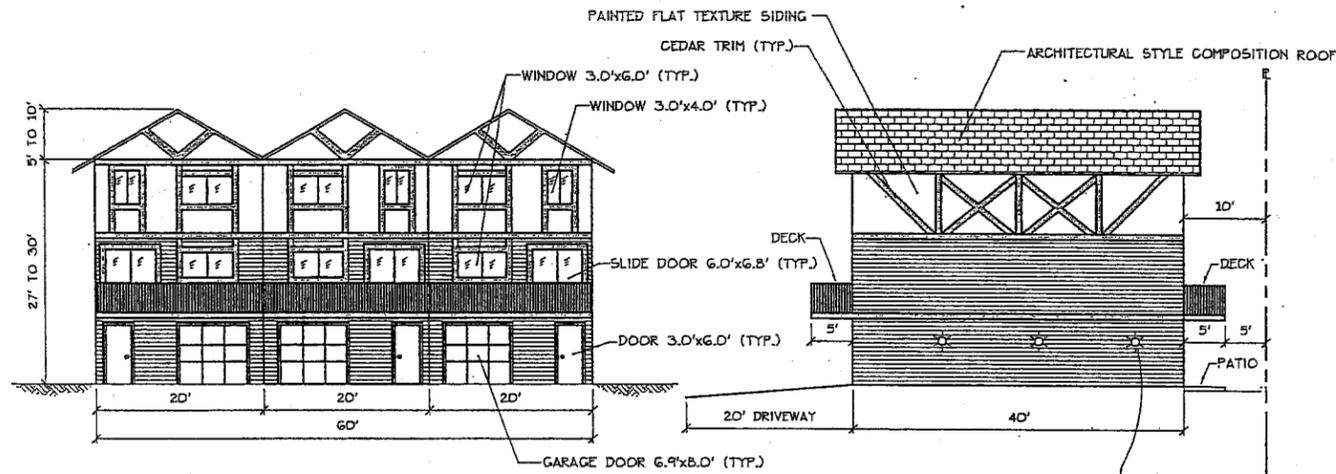
PROPOSED SITE LAYOUT

PROJECT NO.: 09-84-B
SHEET NO.: 1 OF 5

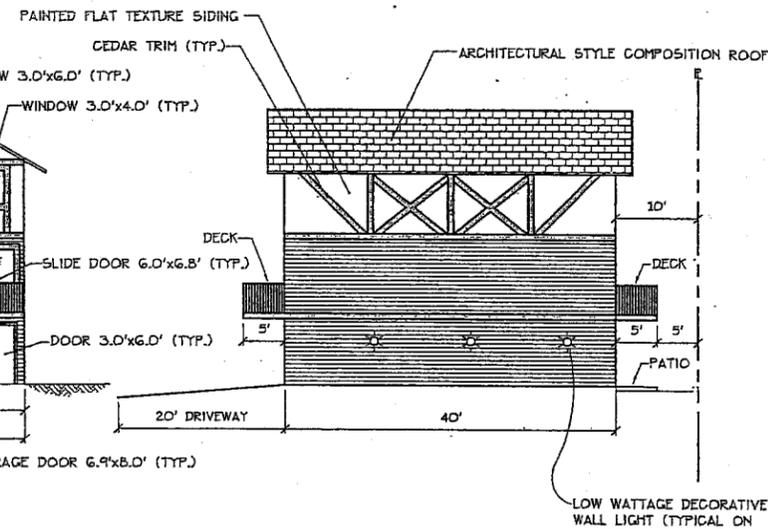
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RUPP APARTMENT COMPLEX

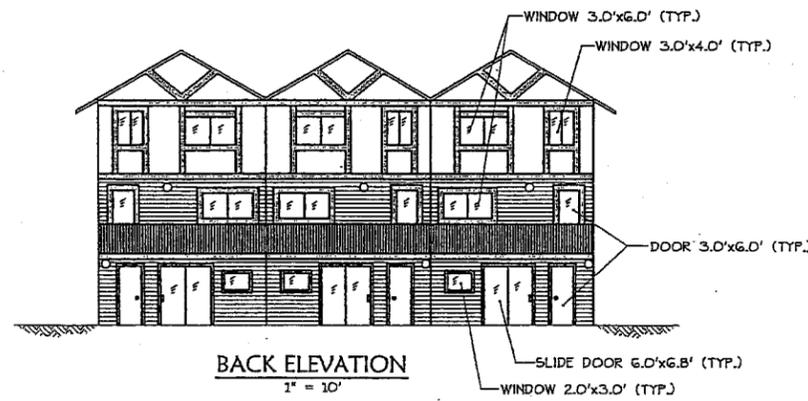
ELEVATION VIEWS
AND
FLOOR PLANS
MAY 27, 2010



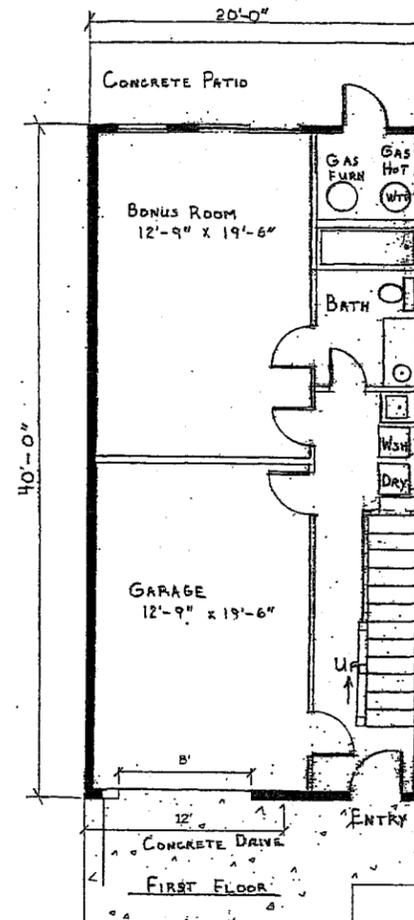
FRONT ELEVATION
1" = 10'



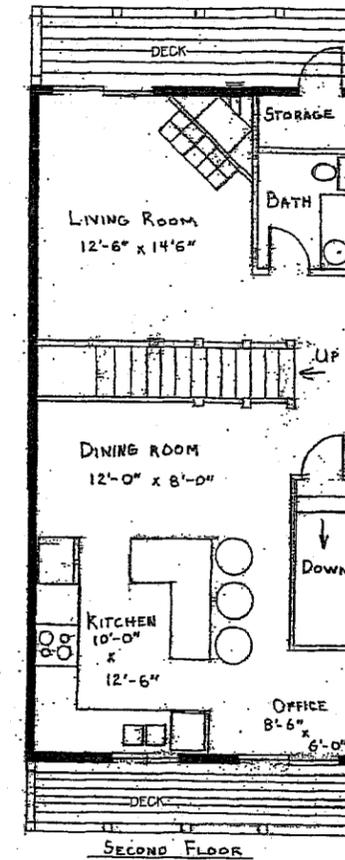
SIDE ELEVATION
1" = 10'



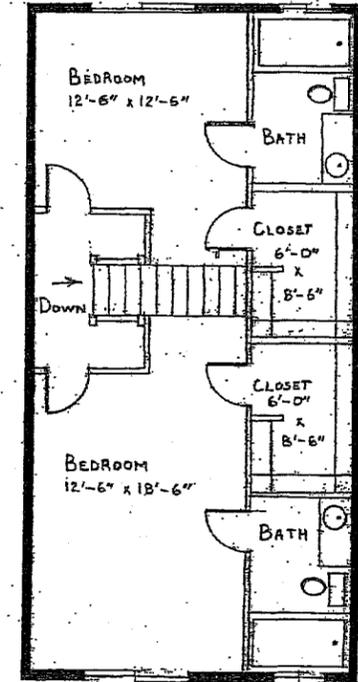
BACK ELEVATION
1" = 10'



FLOOR PLANS
1" = 5'



RUPP 2009 SUBDIVISION
FLOOR PLAN - SEPT. 15, 2009 REV 3, L2/P



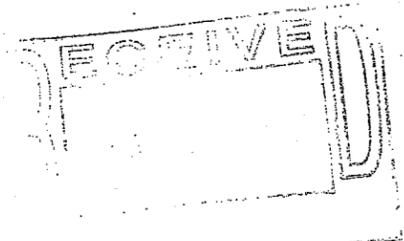
THIRD FLOOR

NOTES:

- 1) EACH UNIT WILL BE PAINTED IN A 3-TONE COLOR SCHEME USING A PALETTE OF "FALL COLORS."
- 2) EACH UNIT WILL HAVE SLIGHT VARIATION IN BASE COLOR TONE TO GIVE A DISTINCTION TO EACH UNIT WITHIN THE BUILDING.
- 3) BUILDINGS WILL BE SPRINKLED.
- 4) BUILDINGS WILL NOT EXCEED 30 FEET IN HEIGHT AT THE EAVES. EACH FLOOR WILL VARY BETWEEN 9' AND 10'.
- 5) THE HEIGHT OF THE ROOF WILL BE DEPENDENT ON PITCH AND TRUSS DESIGN. THE HEIGHT WILL NOT EXCEED 10' (FROM THE EAVES TO THE PEAK).

NOTE:

THIS TREE FELLING APPLICATION IS PART OF A CONCURRENT DEVELOPMENT PLAN FOR A SITE PLAN APPROVAL FOR APARTMENTS AND A TENTATIVE RE-PLAT TO RECONFIGURE 4 EXISTING LOTS INTO 3 PARCELS. THE PROPOSED EASEMENTS AND PRIVATE UTILITIES ARE SHOWN ON THE TENTATIVE RE-PLAT MAP.

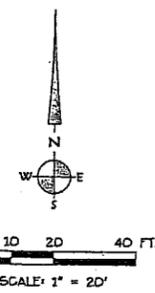


TREE REMOVAL PLAN

FOR
JAY AND VERN RUPP

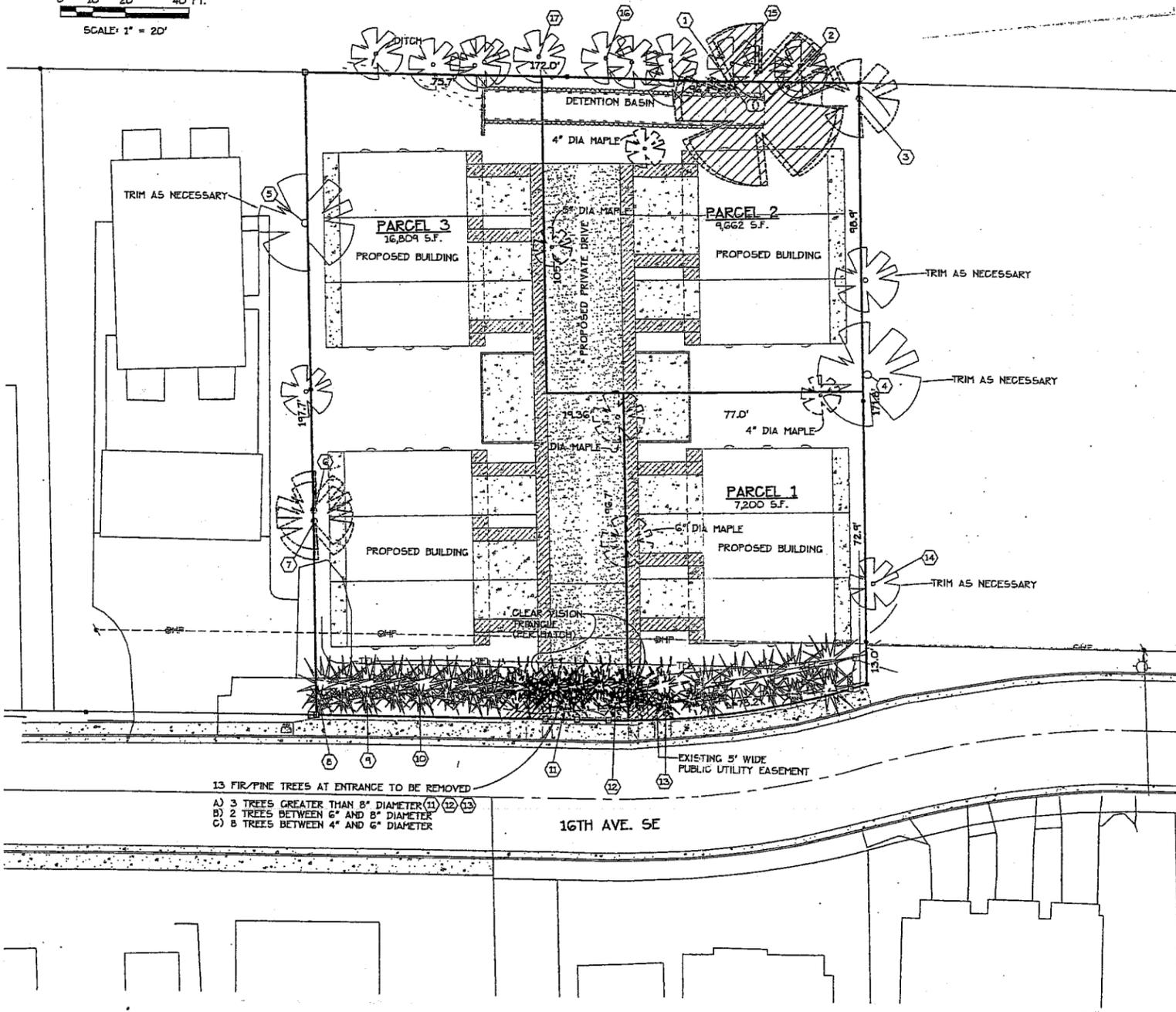
FOR
A REPLAT OF LOTS 5, 6, 7 AND 8 OF BLOCK 1
OF "RUPP SUBDIVISION"
LOCATED IN THE
SE 1/4, SEC. 8, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON

MAY 26, 2010



LEGEND:

- ① EXISTING TREE IDENTIFICATION NUMBER, SEE "TREE LIST" - TREES GREATER THAN 25" IN CIRCUMFERENCE
- ✪ EXISTING DECIDUOUS TREE (SPECIES + SIZE AS NOTED) (TO BE PRESERVED)
- ✪ EXISTING CONIFEROUS TREE (SPECIES + SIZE AS NOTED) (TO BE PRESERVED)
- ✪ EXISTING TREE GRATER THAN 25" CIRCUMFERENCE (TO BE REMOVED)
- ✪ SIGNIFICANT TREE TO BE REMOVED, GREATER THAN 25 INCHES IN DIAMETER (78.5 INCHES IN CIRCUMFERENCE).
- ✪ EXISTING TREE LESS THAN 25" CIRCUMFERENCE TO BE RETAINED (NO IDENTIFICATION)
- ✪ EXISTING TREE LESS THAN 25" CIRCUMFERENCE TO BE REMOVED (NO IDENTIFICATION)



OWNER / DEVELOPER:

JULIUS RUPP
2433 16TH AVE. SE
ALBANY OR 97322

SUBJECT PROPERTY:

TAX LOTS: 2000, 2001, 2002 + 2003
ASSESSOR'S MAP: 11-3W-808

ENGINEER / SURVEYOR:

DANIEL K. WATSON, P.E.
JACK R. BURRELL, P.L.S.
K+D ENGINEERING, INC.
276 N.W. HICKORY STREET
ALBANY, OR 97321
(541) 928-2583

PROJECT AREA:

33,671 SF, (0.77 ACRES) GROSS + NET

TREE INVENTORY LIST: (TREES GREATER THAN 25" CIRCUMFERENCE)

SPECIES	CIRCUMFERENCE/ DIAMETER (IN.)	DRIFLINE RADIUS (FT.)	CANOPY AREA (FT. ²)	
① COTTONWOOD	103/33	25	1963	(TO BE REMOVED)
② COTTONWOOD	125/40	25	1963	(TO BE REMOVED)
③ COTTONWOOD	46/15	12	452	(TO BE REMOVED)
④ BIRCH	48/15	16	804	(RETAIN, TO BE TRIMMED AS NECESSARY)
⑤ MAPLE	30/10	15	707	(RETAIN, TO BE TRIMMED AS NECESSARY)
⑥ BIRCH	27/9	12	452	(TO BE REMOVED)
⑦ BIRCH	36/12	12	452	(TO BE REMOVED)
⑧ FIR	36/12	8	-	(RETAIN)
⑨ FIR	25/8	8	-	(RETAIN)
⑩ FIR	25/8	8	-	(RETAIN)
⑪ FIR	32/10	8	-	(TO BE REMOVED)
⑫ FIR	35/11	8	-	(TO BE REMOVED)
⑬ FIR	31/10	8	-	(TO BE REMOVED)
⑭ BIRCH	46/15	8	201	(RETAIN, TO BE TRIMMED AS NECESSARY)
⑮ HAWTHORN	27/9	10	-	(RETAIN)
⑯ HAWTHORN	25/8	10	-	(RETAIN)
⑰ HAWTHORN	36/12	10	-	(RETAIN)

NOTE: DUE TO THE PROXIMITY OF TREES 8 THROUGH 13 AND 15 THROUGH 17 TO ONE ANOTHER AN ACCURATE DRIFLINE RADIUS COULD NOT BE ASCERTAINED. DRIFLINE SHOWN FOR THESE TREES IS A BEST GUESS ESTIMATE BASED ON THE WIDTH OF THE TREE MASS.

NOTE:

- 1) TREES MEASURED AT 4.5' ABOVE GROUND LEVEL
- 2) THE TREES LOCATED ON SUBJECT PROPERTY AND TRUNKS THROUGH WHICH A PROPERTY LINE CROSS ARE SHOWN ON THE MAP.
- 3) THE TREE INVENTORY LISTS ALL TREES ON SUBJECT PROPERTY GREATER THAN 25 INCHES IN CIRCUMFERENCE.
- 4) TRUNKS OF TREES ① AND ② HAVE BONDED; THE COMBINED CIRCUMFERENCE IS 228" (73" DIAMETER).

SUMMARY OF TREES TO BE RETAINED OR REMOVED:

- 1) THERE ARE A TOTAL OF 47 TREES ON THE PROJECT SITE.
 - A) 14 TREES ARE GREATER THAN 25" IN CIRCUMFERENCE (8" DIA).
 - B) 33 TREES ARE LESS THAN 25" IN CIRCUMFERENCE (8" DIA).
- 2) TREES TO BE RETAINED:
 - A) 6 OF 14 TREES GREATER THAN 25" IN CIRCUMFERENCE WILL BE RETAINED. THESE TREES ARE IDENTIFIED IN THE TREE INVENTORY LIST.
 - B) 17 OF 33 TREES LESS THAN 25" IN CIRCUMFERENCE WILL BE RETAINED. THESE TREES ARE NOT IDENTIFIED IN THE TREE INVENTORY LIST.
- 3) TREES TO BE REMOVED:
 - A) 8 OF 14 TREES GREATER THAN 25" IN CIRCUMFERENCE WILL BE REMOVED. THESE TREES ARE IDENTIFIED IN THE TREE INVENTORY LIST.
 - B) 16 OF 33 TREES LESS THAN 25" IN CIRCUMFERENCE WILL BE REMOVED. THESE TREES ARE NOT IDENTIFIED IN THE TREE INVENTORY LIST.

REQUEST:

THIS APPLICATION IS REQUESTING THE REMOVAL OF 9 OF 14 TREES THAT EXCEED 25 INCHES IN CIRCUMFERENCE (8" DIAMETER)

Date: 5/26/2010 Time: 15:20
Scale: 1"=20'(S)
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Xref: s

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DATE	REVISIONS	BY

K & D ENGINEERING, INC.
276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

RUPP APARTMENT COMPLEX
CITY OF ALBANY, LINN COUNTY, OREGON

TREE REMOVAL PLAN

HORIZ. SCALE: 1" = 20'
VERT. SCALE:
SIGN DATE: 5/26/2010
DRAWN BY: JRB
CHECK BY: JRB
PROJECT No.: 09-84-B
SHEET No. 1 OF 1