

## **ARTICLE 12**

### **PUBLIC IMPROVEMENTS**

12.000 Overview. This article provides public improvement standards to address the City’s concerns relative to public health, safety, and welfare as it relates to the management of public transportation systems and utilities. These standards are used with the procedural and design requirements contained in other articles of the Albany Development Code. [Ord. 5947, 1/01/21]

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

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

[Ord. 5673, 6/27/07]

#### **GENERAL PROVISIONS**

12.010 Authority. The City has jurisdiction and exercises regulatory management over all City right-of-way, franchise utility use of right-of-way, city utilities, and easements benefiting the City of Albany for provision of utility and transportation services. The City is both a service provider and property owner/manager. These responsibilities require decisions to be made in a way that protects the public health, safety, and welfare; and provides for efficient extensions of services. Right-of-way under state or county jurisdiction is also located within the city limits. In those instances, the standards in Article 12 still apply; however, the City may deviate from the standards provided herein as necessary to comply with each agency’s requirements.

- (1) As a property owner and service provider, the City has sole discretion over all aspects of managing its utilities, rights-of-way, and related easements. This includes, but is not limited to, access and connection requirements; construction, modification, or alteration of public infrastructure; franchise utility requirements, required extensions of service; and frontage improvements.
- (2) The standards in Article 12 are one mechanism used by the City, as a landowner and service provider, to regulate access and connection to public rights-of-way, easements, transportation systems, and utilities, including required extensions of services and frontage improvements with development. Applying these standards requires discretion and professional judgement for the protection of public health, safety, and welfare, and for overall efficient provision of urban services. These standards are not subject to the limitations of ORS 197.307(4). [Ord. 5947, 1/01/21]

12.020 Relationship to Other Local Regulations. This article supplements other municipal ordinances. If a provision of this article conflicts with another City ordinance, the ordinance that most specifically deals with the issue in question shall control. Whenever possible, the two provisions shall be interpreted in a manner that renders the provisions of both ordinances consistent. Only when such interpretation is impossible will one provision be deemed to supersede the other.

12.030 Relationship to Specialty Codes or State Law. This article supplements other existing state and local codes. Examples of these codes include, but are not limited to, the adopted building, fire, and plumbing codes. If any provision of this article conflicts with a specialty code, the specialty code shall control.

12.040 Conditions of Approval. Development approval may be conditioned upon the provision and/or guarantee of public improvements called for in an adopted public facilities master plan, or any other public improvements necessitated by the development. Development approval may likewise be conditioned when private facilities are proposed to be shared by two or more parcels. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.

All development decisions shall be consistent with constitutional limitations concerning the taking of private property for public use.

To provide an adequate transportation system, development approvals may include conditions that require facilities for safe and convenient pedestrian and bicycle access within and from new subdivisions, multi-family developments, planned developments, shopping centers and commercial districts to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

- (1) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;
- (2) "Safe, convenient and adequate" means bicycle and pedestrian routes, facilities and improvements that:
  - (a) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;
  - (b) Provide a reasonably direct route of travel between destinations, such as between a transit stop and a store; and
  - (c) Meet needs of cyclists and pedestrians, considering destination and length of trip, and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

[Ord. 5281, 3/26/1997; Ord. 5339, 1/28/1998]

*Section 12.045 Repealed by Ordinance 5947, 1/01/21.*

12.050 Relationship to Construction Standards. Public improvements shall be designed to comply with adopted facility master plans as much as possible. Unless otherwise approved by the City Engineer, public improvements shall be constructed according to the standard construction specifications. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs, gutters and other public improvements within the City are contained in the City's "Standard Construction Specifications." The City Engineer may make changes to the standard specifications consistent with the application of engineering principles to the conditions. [Ord. 5339, 1/28/1998]

## **STREETS**

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

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

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

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

The City Engineer may approve modifications to the required street right-of-way and planter widths when necessary to accommodate approved street-side post-construction stormwater quality facilities. [Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]

12.070 Creation of Streets. Streets are usually created by approval of a subdivision or partition plat. However, the City Council may also approve creation of a street by acceptance of a deed. If creating a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

12.080 Classification of Streets. Arterial and collector streets are designated in the Transportation System Plan. [Ord. 5445, 4/12/2000]

12.090 Creation of Access Easements. Creation of easements to provide access to the public street system shall be approved when the applicant has demonstrated that all of the following criteria have been met:

- (1) No more than two residentially zoned parcels or uses will be served by the proposed access easement; [Ord. 5947, 1/01/21]
- (2) There is not enough room for a public right-of-way due to topography, lot configuration, or placement of existing buildings; and
- (3) The City Engineer has determined that there is no need for a public street in this location.

12.100 Access to Public Streets. With the exceptions noted in Section 1.105, the location and improvement of an access point onto a public street shall be included in the review of a development proposal. In addition, the following specific requirements shall apply to all access points, curb cuts, and driveways: [Ord. 5947, 1/01/21]

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

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

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. Three-lane driveways must have designated lanes and turning movements. Industrial driveways shall have a width of 24-48 feet. There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings, and multi-family dwellings of four units or less. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer. [Ord. 5947, 1/01/21]

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

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

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

- (4) The location, width, and number of accesses to a public street may be limited for developments that are subject to land use review. [Ord. 5947, 1/01/21]
- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. [Ord. 5720, 8/12/2009]
- (6) Properties with frontage on more than one street may be restricted to access on the street(s) of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
- (8) With the exception of single-family residential development, approach grades must not exceed 10 percent slope within 20 feet of a public street. Driveways for single-family residential development shall comply with applicable fire and building codes.
- (9) Access to designated state highways is subject to the provisions of this Article in addition to requirements of the State Highway Division and State Department of Transportation. When regulations of the City and State conflict, the more restrictive requirements apply.
- (10) For developments on property larger than five acres in contiguous ownership fronting on an arterial street or limited access highway, a frontage road may be required in order to provide a single access determined by the review body to be the most appropriate location for safety and convenience.
- (11) When access is allowed on an arterial street, efforts shall be made to locate it adjacent to the interior property line where it could be shared by the adjacent property.  
[Ord. 5338, 1/28/1998; Ord. 5445, 4/12/2000]

12.110 Street Location, Width and Grade. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. When location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance of or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Street grades must be approved by the City Engineer, who will consider drainage and traffic safety.

12.120 Rights-of-Way and Roadway Widths. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum shown below in Table 12.120-1. Where a range is indicated, the width shall be determined by the City Engineer. Reductions in roadway width may be allowed to facilitate curb extensions required for approved street side post-construction stormwater quality facilities in the landscape strip/planter area. Reductions require approval of the City Engineer. [Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]

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

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

\*When street rights-of-way are less than 60 feet wide, a parallel public utility easement 7-feet-wide shall be dedicated on both sides of the right-of-way unless waived by the City Engineer.

[Ord. 5445, 4/12/2000, Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

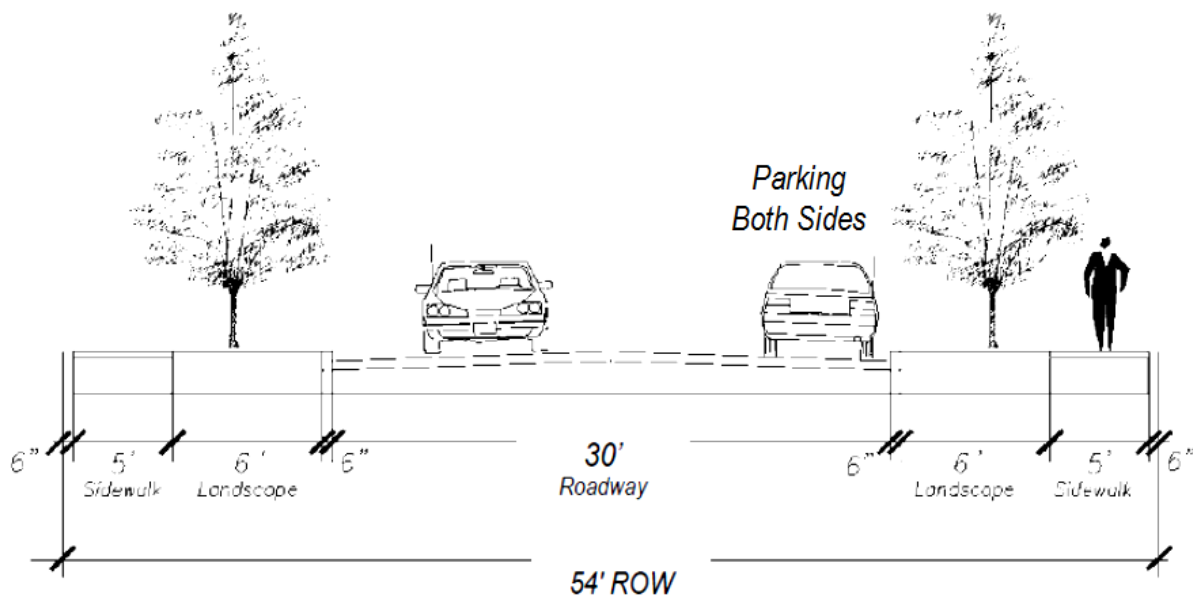
12.122 Local Residential Streets. There are two classes of local streets, based on projected traffic volumes. The applicant is responsible for demonstrating that each proposed street is designed for the appropriate traffic volume.

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

[Ord. 5842, 1/01/15]

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

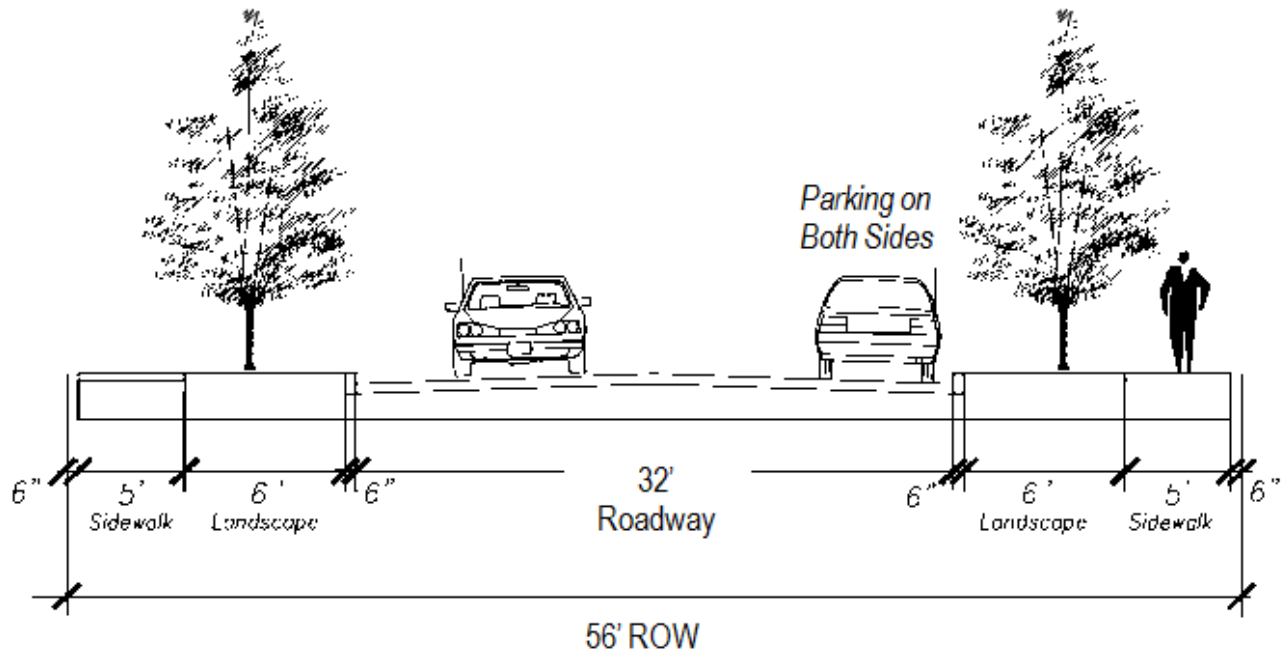
[Ord. 5947, 1/01/21]



**Figure 12.122-1: Minor Local Street**

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

- (2) Network Local Streets. A network local street will have more than 1,000 ADT. The standard design is a 32-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 56-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure 12.122-2. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

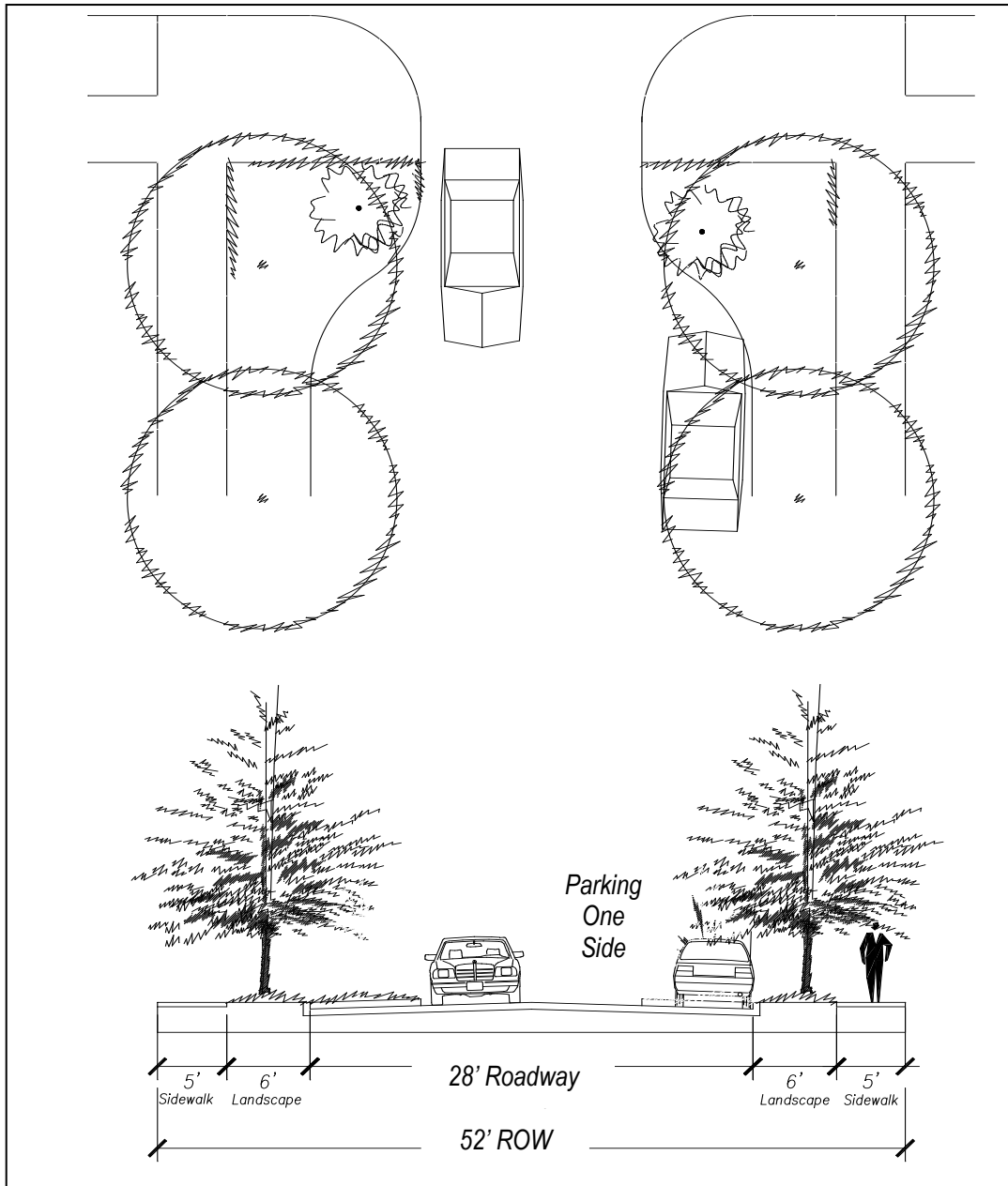


**Figure 12-122-2: Network Local Street**

[Ord. 5886, 1/6/17]

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

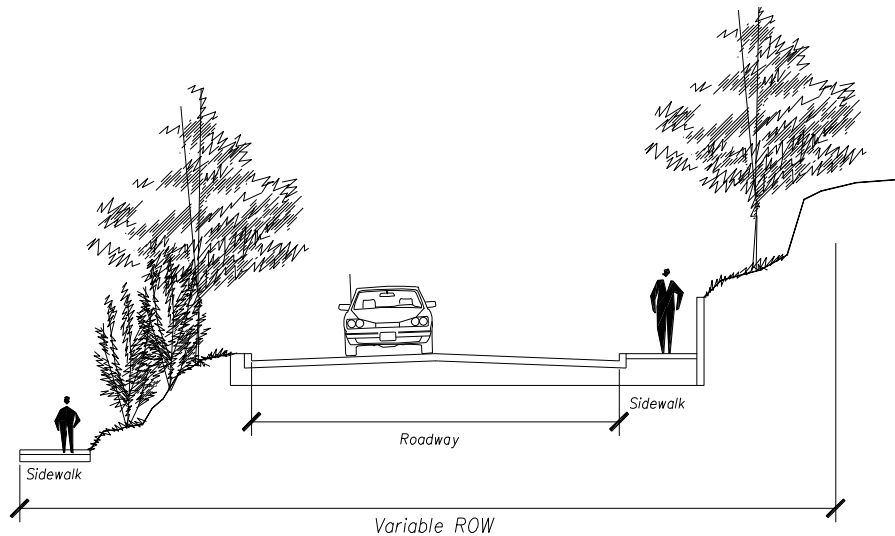
- (3) Narrow Network Local Street Option. The City Engineer may approve a narrow network local street design with a 28-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure 12.122-3. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]



**Figure 12.122-3: Narrow Network Local Street Option**

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

- (4) Residential Street Design for Constrained Sites. Natural features may constrain the standard local street design. Examples of such natural features include floodplains, steep slopes, drainageways, wetlands, riparian corridors, and tree groves. Through the subdivision or planned development review process, the City will consider a narrower street section that does not compromise the goals for street design in a great neighborhood. For example, the sidewalks may be placed curbside and parking may be removed from the street in order to narrow the street paving and preserve natural areas. See Figure 12.122-4. [Ord. 5947, 1/01/21]



**Figure 12.122-4: Residential Street Design (Constrained)**

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

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

SUMMARY OF STREET DESIGN STANDARDS	SINGLE-FAMILY DEVELOPMENT			MULTI-FAMILY DEVELOPMENT ON LOCAL STREETS
	MINOR LOCAL STREETS	NETWORK LOCAL STREETS	NARROW NETWORK LOCAL STREETS	
Right-of-way	54'	56'	52'	56'
Pavement width	30'	32'	28'	32'
On-street parking	Both sides	Both sides	One side	Both sides
Bike lanes	No	No	No	No
Curb & gutter	Yes	Yes	Yes	Yes
Sidewalks	5' setback	5' setback	5' setback	5' setback
Planter strip	6' planter	6' planter	6' planter	6' planter

[Ord. 5445, 4/12/2000; Ord. 5562, 10/10/2003; Ord. 5947, 1/01/21]

12.130 Mini-Subdivision and Partition Street and Rights-of-Way Standards. The standards in this section are intended for use in developing residential infill parcels. The review body will approve variations to the standards listed in Section 12.120 above, when the following criteria are met: [Ord. 5947, 1/01/21]

- (1) The property to be divided is less than two acres and no more than eight lots will be created or served by the street; and
- (2) The proposed land division, as a whole, meets the standards for lot size and configuration for the zoning district; and



- (3) Surrounding parcels are developed or are physically incapable of being developed so that combining the proposed land division with adjoining properties in a conventional land division is not feasible.
- (4) The property is not needed for continuing the adjacent public street pattern. However, pedestrian connections may be required for continuing the pedestrian circulation system.

The review body may also modify other standards in this Code as indicated in Table 12.130-1 below:

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

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

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

[Ord. 5445, 4/12/2000; Ord. 5947, 1/01/21]

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

[Ord. 5947, 1/01/21]

12.150 Future Extensions of Streets. When it is necessary to give access to or permit a future division of adjoining land, streets shall be extended to the adjoining tract. A barricade at the end of the street shall be installed and paid for by the property owners. It shall not be removed until authorized by the City Engineer.

[Ord. 5720, 8/12/2009]

12.160 Street Alignment. As far as practical, streets shall be dedicated and constructed in alignment with existing streets. Arterial and collector streets shall have continuous alignments without offset or staggered intersections. In no case shall streets be designed so that jogs of less than 300 feet are created as measured from the centerline of any intersection involving an arterial or collector street.

[Ord. 5338, 1/28/1998]

12.170 Intersections. Streets must intersect as nearly as possible at right angles. Proposed intersection of two streets at an acute angle of less than 75 degrees is not allowed. An oblique street should be curved approaching an intersection to provide at least 100 feet of street at right angles with the intersection. Not more than two streets shall intersect at any one point.

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

[Ord. 5689, 3/12/2008]

- (1) The clear vision area provisions do not apply to the following:
  - (a) a public utility pole,
  - (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
  - (c) another plant species of open growth habit that is not planted in the form of a hedge and that is planted and trimmed to leave at all seasons a clear and unobstructed cross-view,

- (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
- (e) an official warning sign or signal,
- (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
- (g) existing or new buildings that meet the minimum setbacks.

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

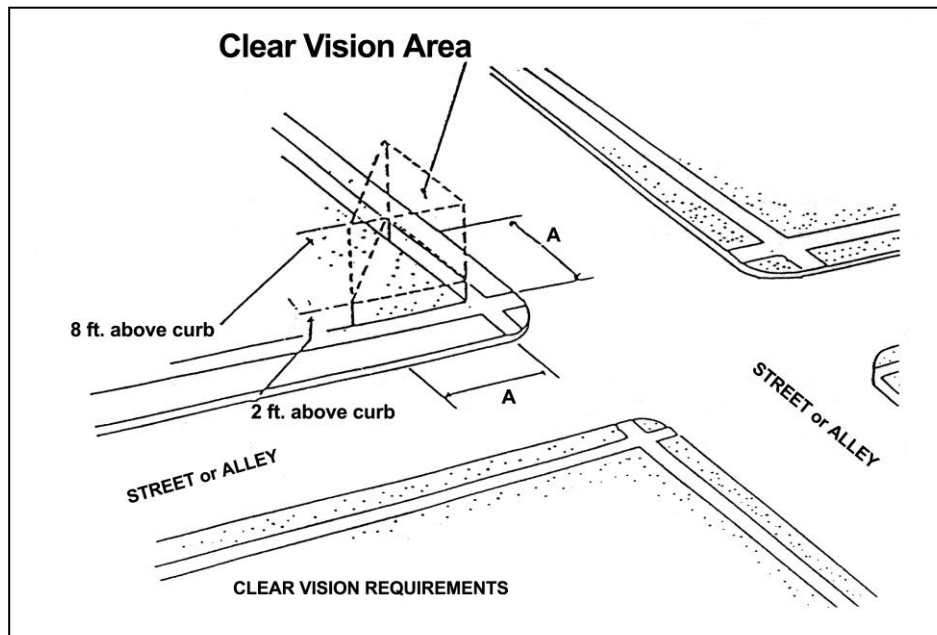
(2) A clear vision area consists of a triangular area:

- (a) For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12.180-1 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 12.180-1). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

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

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

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]



**Figure 12.180-1. Example clear vision area.**

[Ord. 5947, 10/01/21]

- (b) For non-residential uses and driveways on local streets and all intersections and driveways involving collector and arterial streets, the clear vision area shall be a triangular area providing the sight distance specific in the Table 12.180-2 below.

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

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

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

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

[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

12.190 Cul-de-sacs. The street pattern may include cul-de-sacs and bulbs only if connectivity and block length standards have been met. A cul-de-sac must not exceed 400 feet. A cul-de-sac must end in a circular turnaround, except as provided in 12.130 (4)(c). Dead-end streets longer than 400 feet may be approved by the City Engineer if no other means is available for development of the property.

A 10-foot-wide lighted concrete bikeway/pedestrian accessway shall be dedicated and constructed from the end of each cul-de-sac to the nearest street or property line of adjacent property, except where the cul-de-sac abuts developed property and/or the City Engineer determines there is no need for a connection.

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

12.200 Street Abutting New Development. Sections of existing streets that directly abut a new development and do not meet City standards shall be constructed to City standards. The City Engineer may approve construction of a partial-width street, provided the design is determined to be adequate to accommodate needed public facilities, storm drainage runoff, traffic volumes, and traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street. For purposes of this section, “development” does not include the construction of a single-family home or a duplex on an existing lot.

[Ord. 5886, 1/6/17]

A future improvement assurance, as described in Section 12.600, may be accepted by the City when the City Engineer determines that the street improvement would not be timely. [Ord. 5338, 1/28/1998]

12.210 Slope and Curves. Slope shall not exceed 6 percent on arterials, 10 percent on collector streets, or 12 percent on other streets. Center line radii or curves shall be not less than 600 feet on arterials, 400 feet on collectors, or 200 feet on other streets. When existing conditions, particularly the topography, make it otherwise impractical to provide buildable sites, steeper grades and sharper curves may be approved by the review body. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least 0.5 percent, when possible.

12.220 Street Adjacent to Railroad. Whenever a proposed development contains or is adjacent to a railroad right-of-way, provision may be required for a street approximately parallel to and on each side of the railroad right-of-way at a distance suitable for appropriate use of the land between each street and the railroad. The distance shall be determined with consideration at each cross street of the minimum distance required for approach grades to a future grade separation and to provide sufficient depth to allow screen planting along the railroad right-of-way in non-industrial areas.

- 12.230 Access to Arterials. When a residential development abuts or contains an existing or proposed arterial street, the development design shall separate residential access and through traffic; or if separation is not feasible, the design shall minimize the traffic conflicts. The design requirements may include any of the following: [Ord. 5947, 1/01/21]
- (1) A parallel access street along the arterial;
  - (2) Lots abutting the arterial of suitable depth to provide adequate buffering and having frontage along another street;
  - (3) Screen planting at the rear or side property line to be contained in a non-access reservation along the arterial; or
  - (4) Other treatment, as determined by the Director, suitable to meet the objectives of this subsection.
- 12.240 Property Monuments. Upon completion of a street improvement and before acceptance by the City, all property corners and other monuments disturbed or removed by the project shall be reestablished and protected by an Oregon-licensed surveyor retained by the developer.
- 12.250 Private Streets. Unless the review body determines that public streets are needed to provide for circulation and/or access to neighboring properties, private streets are permitted within planned unit developments, manufactured home parks, and singly-owned developments of sufficient size to warrant interior circulation on private streets. Streets classified as arterials or collectors that run through these developments must be public streets. Local streets needed for connectivity purposes shall be public streets. Gated residential streets are prohibited. Private streets shall be designed and constructed with a 20-year design life. Plats for developments containing private streets must show that streets are private and that upkeep and maintenance are the responsibility of the abutting property owners. The review body may require legal assurances for the construction and continued maintenance of private streets. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
- 12.260 Traffic Signals. Where a single development or concurrent group of developments will create a need for a traffic signal at an intersection, such installation may be a condition of development approval.
- 12.270 Railroad Crossings. When an adjacent development results in a need to install or improve a railroad crossing, such improvement may be a condition of development approval.
- 12.280 Street Signs. The City shall approve the installation of all street signs, relative to traffic control and street names, as specified by the City Engineer for any development. The applicant shall provide and install all required street and traffic control signs. [Ord. 5720, 8/12/2009]

## **SIDEWALKS**

- 12.290 Requirement. All development for which land use applications are required must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets, if there is an existing sidewalk within 500 feet on the same side of the street. [Ord. 5947, 1/01/21]

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

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

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

[Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]

- (3) In the Historic Downtown and Central Business districts, as defined on the zoning map, sidewalks must be at least 10 feet wide and be installed adjacent to the curb.
- (4) Regardless of other provisions contained in this article, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) When obstructions exist or are proposed (including, but not limited to, mailboxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, post-construction stormwater quality facilities, etc.), provisions must be made to maintain a minimum of 4 feet of unobstructed sidewalk width on local streets, 5 feet on collector and arterial streets, and 6 feet in the Historic Downtown (HD) and Central Business (CB) districts.

[Ord. 5842, 1/01/15]

- (6) Clustered mailboxes shall be on an accessible path and shall include a 72" minimum accessible turning space. Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction shall be in accordance with the Standard Construction Specifications.

[Ord. 5780, 5/09/12]

- (7) Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner except for approved post-construction stormwater quality facilities located in planter strips or when a double frontage single- or two-family lot backs onto an arterial. Other than approved post-construction stormwater quality facilities, planter strips shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9.

[Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]

- (8) Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.

- (9) Public paths not adjacent to a public street shall be a minimum of 10 feet wide.

[Ord. 5445, 4/12/2000]

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

[Ord. 5842, 1/01/15]

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

[Ord. 5842, 1/01/15]

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

[Ord. 5947, 1/01/21]

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

## **STREET TREES**

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

[Ord. 5947, 1/01/21]

12.324 Street Tree Planting Options. Options available to meet this requirement are identified below. Where street side post-construction stormwater quality facilities are proposed on a new public street, the option selected must match the planting option selected for the post-construction stormwater quality facilities as identified in Title 12 of the Albany Municipal Code:

- (1) Submit a street tree plan to the City for planting and establishing trees within the public rights-of-way that meets the tree planting standards in the Urban Forestry Management Plan. The City Forester shall either approve or deny the plan based on the plan's compliance with these requirements.
- (2) Pay a fee to the City based upon a requirement for one tree per thirty linear feet of street frontage. This fee shall be deposited into the City's Urban Forestry Program Fees Fund. The City shall thereafter assume responsibility for the purchase, planting, and establishment of street trees within the public right-of-way or on public lands maintained by the City within or abutting the specified development.

[Ord. 5673, 6/27/07; Ord. 5842, 1/01/15]

## **BIKEWAYS**

12.330 Master Bikeways Plan. The City's Transportation System Plan identifies existing and proposed bicycle facilities.

[Ord. 5947, 1/01/21]

12.340 Provisions for Bikeways. Developments adjoining or containing proposed bikeways identified in the Transportation System Plan shall construct and extend said facilities to and through the property's frontage and along its interior, or to a point identified by the City Engineer to accommodate likely system expansion. Where the City Engineer has determined construction is untimely, provisions shall be made for the future construction and extension of said facilities.

In the case of arterial or collector streets, bike facilities shall be built during their construction and considered during their reconstruction. This provision shall also apply to local streets in other than single-family residential developments. [Ord. 5947, 1/01/21]

12.350 Bikeway Design. The design of on-street bike lanes and facilities shall be in accordance with the Transportation System Plan and the City's Engineering Standards, and must be approved by the City Engineer. The minimum width for two-way bikeways not on a roadway shall be 10 feet. A reduction in standards may be allowed when the City Engineer finds that no safety hazard will be created and special circumstances (such as physical constraints) exist.

[Ord. 5947, 1/01/21]

## UTILITIES—GENERAL

- 12.360 Utility Easements. The developer shall make arrangements with the City of Albany and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. All utility easements must be public easements.
- 12.370 Utility Easement Width. The standard width for public utility easements adjacent to street rights-of-way is 7 feet. The minimum width for all other public utility easements shall be 15 feet for water, 20 feet for sewer, and 15 feet for piped storm drainage unless otherwise specified by the utility provider.  
[Ord. 5947, 1/01/21]
- 12.380 Information on Development Plans. The developer must show easements for all utilities. Plans showing the location of all utilities shall be submitted to the City as part of the Site Plan Review or land division process.  
[Ord. 5947, 1/01/21]
- 12.390 Requirement for Underground Utilities. Except as exempted in Section 12.400, all utility lines, cables, or wires (including but not limited to those used for electricity, communication, street lighting, and cable television) constructed upon, adjacent to, or within land subdivided or prepared for development after the effective date of this Code, must be placed underground. The intent of the City is that no poles, towers, or other structures associated with utility facilities shall be permitted on any street or lot within such a subdivision or development.
- 12.400 Exceptions. Overhead facilities are only permitted in the following instances:
- (1) Emergency installations, electric transmission lines, or through feeders operating at distribution voltages which act as a main source of supply to primary laterals and to direct connected distribution transformers and primary loads.  
  
Should it be necessary to increase the capacity of major power transmission facilities for service to the area, new or revised installations shall be made only on rights-of-way or easements on which overhead facilities exist at the time of the capacity increase.
  - (2) Appurtenances and associated equipment such as surface-mounted transformers, pedestal-mounted terminal boxes, meter cabinets, telephone cable closures, and connection boxes, which cannot feasibly be located underground. [Ord. 5947, 1/01/21]
  - (3) Structures without overhead wires, used exclusively for fire alarm boxes, street lights, or municipal equipment installed under the supervision and with the approval of the City Engineer.
  - (4) Power substations, pumping plants, and similar facilities which are necessary for transmission or distribution of utility services and which cannot feasibly be located underground.  
[Ord. 5947, 1/01/21]
  - (5) Television antennas and satellite dishes [see Section 3.080 (12)].
  - (6) Onsite improvement for industrial developments. [Ord. 5947, 1/01/21]
  - (7) Certain industries requiring exceptionally large power supplies may request direct overhead power as a condition of site plan approval. [Ord. 5947, 1/01/21]
  - (8) New development on existing individual lots of record in areas where service is currently by overhead utilities.
- 12.405 Property Monuments. Upon completion of a utility project and before acceptance by the City, all property corners and other monuments disturbed or removed by the project shall be reestablished and protected by an Oregon-licensed surveyor retained by the developer.

## **WATER**

- 12.410 When Public Water is Available. All new development, including a single-family residence, must extend and connect to the public water system when service is available within 150 feet of the property. Fire hydrants, mains, and related appurtenances shall be installed as required by the City Fire Marshal.
- 12.420 When Public Water is Not Available. No new development is allowed on private well systems, except for construction of one single-family dwelling on an existing lot of record. Residential lots created by a land partition may be served by private wells if approved by the City, and provided the new lots are subject to a Petition for Improvement/Waiver of Remonstrance for a future assessment district for public water. If a second partition plat is filed on the same parcel, the application will be subject to the subdivision requirement that the development be served by public water.
- 12.430 Extension Along Property Frontage and Within Interior. Water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide service to other properties or to provide looping for fire flows.
- 12.440 Water Plan Approval. Preliminary water plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.  
[Ord. 5720, 8/12/2009]
- 12.450 Design Requirements for New Development. All new development within the City must, when appropriate, make provisions for the continuation or appropriate projection of existing principal water lines serving surrounding areas.
- 12.460 Restriction of Development. The review body may restrict development approvals when a deficiency exists in the water system or portion thereof which cannot be corrected as a part of the development improvements.

## **SANITARY SEWERS**

- 12.470 When Public Sewer is Available. All new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 12.480 When Public Sewer is Not Available. Where sewer is not available within 300 feet of the property, no development is allowed on private septic systems, except for construction of one single-family dwelling on an existing lot of record or on a parcel no smaller than five acres created through the land division process. Any private on-site system allowed by this section must be approved by the county.
- 12.490 Extension Along Property Frontage and Within Interior. Sewer collection mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. When private sanitary sewer services will exceed 100 feet long, as measured from the public main to the structure, the City Engineer may require extension of public sewers into the interior of the property.
- 12.500 Sewer Plan Approval. Preliminary sewer plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.  
[Ord. 5720, 8/12/2009]



- 12.510 Design Requirements for New Developments. All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas. Line extensions may be required through the interior of a property to the developed when the City Engineer determines that the extension is needed to provide service to upstream properties.
- 12.520 Restriction of Development. The review body may restrict development approvals where a deficiency exists in the sewer system or portion thereof that cannot be corrected as a part of the development improvements.

## **STORM DRAINAGE**

- 12.530 General Provisions. The review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. The storm water drainage system must be separate from and independent of any sanitary sewer system. When possible, inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. All proposed storm drainage management plans and systems must be approved by the City Engineer as part of the tentative plat or Site Plan Review process. [Ord. 5947, 1/01/21]
- 12.535 Storm Drainage Plan Approval. Preliminary storm drainage management plans and systems must be submitted to the City Engineer as part of the Tentative Plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan. [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]
- 12.540 Easements. When a subdivision is traversed by a watercourse, drainageway, channel or stream, a public storm water easement conforming substantially to the lines of the watercourse and further width as the City Engineer determines will be adequate for conveyance and maintenance shall be provided. Improvements to the drainage way, streets, or parkways parallel to watercourses may be required. [Ord. 5842, 1/01/15]
- 12.550 Accommodation of Upstream Drainage. A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the Storm Drainage Master Plans and Engineering Standards, and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan. [Ord. 5947, 1/01/21]
- 12.560 Effect on Downstream Drainage Facilities. When the City Engineer anticipates that the run-off resulting from the development will overload or cause damage to an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement, or prevention, of said potential condition. [Ord. 5842, 1/01/15]
- 12.570 Storm Drainage Management Practices. Development must employ storm drainage management practices approved by the City Engineer that minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties. As required by Title 12 of the Albany Municipal Code, the development must also employ post-construction storm water quality management practices approved by the City Engineer that regulate the quality of the stormwater leaving the site. Drainage management practices must include, but are not limited to, one or more of the following practices:
- (1) Temporary and permanent ponding or detention of water;
  - (2) Post-construction stormwater quality facilities;

- (3) Minimization of impervious surfaces;
  - (4) Emphasis on natural drainageways;
  - (5) Prevention of uncontrolled water flow from the development;
  - (6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
  - (7) Collection of runoff from impervious surfaces and transportation to a natural drainage facility with sufficient capacity to accept the discharge; and
  - (8) Other practices and facilities designed to transport storm water and improve water quality.
- [Ord. 5842, 1/01/15]

12.575 Extension Along Property Frontage and Within Interior. Storm mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. [Ord. 5842, 1/01/15]

12.580 Design Requirements for New Development. All new development within the City must, when appropriate, provide for the continuation or appropriate projection of existing storm drain lines or drainageways serving surrounding areas. Extensions may be required through the interior of a property to be developed when the City Engineer determines that the extension is needed to provide service to upstream properties. [Ord. 5842, 1/01/15]

12.581 Restriction of Development. The review body may restrict development approvals where a deficiency exists in the storm water system or portion thereof that cannot be corrected as part of the development improvements. [Ord. 5842, 1/01/15]

12.585 NPDES Permit Required. A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one or more acre of land, or whatever the current standard is at the time the application is submitted. [Ord. 5720, 8/12/09]

## **IMPROVEMENT ASSURANCES**

12.590 Purpose. The purpose of improvement assurances is to provide the City with a guarantee that the improvements called for in this article, whether public or private, will be made. The type of guarantee will be determined by the City. Before issuing or renewing a development approval when the applicant has an obligation to design and construct improvements shown on the development plan, the review body may require that the applicant acknowledge the obligation.

12.600 Form and Contents. The assurance shall contain the time within which the obligation is to be met. It may take the form of a surety or performance bond, cash, a negotiable security deposit, a mutual improvement agreement, a monetary contribution to a fund for future improvements if established by a separate city ordinance, or other guarantees approved by the City Attorney sufficient to cover the cost of the work as estimated by the City. The bond shall be conditioned upon the developer's carrying out the obligation and fulfilling the other requirements of this Title that bear on the approval of the development. The deposit or bond shall be forfeited to the City if the developer does not fulfill the requirements. The bond or deposit shall remain in the custody of the City until the obligation is completed or the bond or deposit is forfeited, or shall be placed in an escrow account subject to City control.

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

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

[Ord. 5947, 1/01/21]

## **ADDRESSES AND STREET NAMES**

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