



MEMO

TO: Albany City Council & Planning Commission

VIA: Peter Troedsson, City Manager

FROM: Jeff Blaine, P.E., Public Works Engineering and Community Development Director

DATE: July 6, 2020

SUBJECT: Albany Development Code Amendment Package

In 2017, the City Council, planning commission, staff, and development community participated in a development code audit. The audit identified several potential code amendments that council further considered and, ultimately, directed staff to pursue with consultant support and guidance from a code amendment task force on design standards. Between September 2018 and January 2020, the 12-member task force held 12 individual meetings and 5 joint work sessions with the planning commission and council to consider code amendment approaches for the first two phases of the code amendment project. (*Phase III will start later this year.*) Public input was also sought through online and in-person open houses and surveys.

With Phases I and II of the task force's work complete, it is time for the City to consider adoption of those amendments through the standard Type IV legislative decision process that involves public hearings with both the planning commission and city council. The volume of proposed code amendments is significant and would be difficult to review on a standard public hearing schedule. Consequently, staff is providing the draft amendments for your consideration through this transmittal well ahead of your packets. Advance copies will also be available to the task force, development community, and public on the City's website. Public hearings with the planning commission and council are tentatively scheduled for August 17, 2020, and September 9, 2020, respectively.

In a legislative decision process, it is acceptable to discuss the proposed amendments prior to the hearing. In fact, by providing the proposed amendments in advance, staff is requesting that you do so. Staff encourages you to review the proposed amendments and **ask questions of staff prior to the public hearings**. This should help focus comments and manage the length of the meeting. Additionally, it is not realistic for staff to remember three years' worth of background and input provided by various stakeholders on each amendment. If questions cannot be answered in advance, staff will at least be better prepared for the hearing.

As you review the proposed amendments, please keep in mind that the final proposal does contain several compromises resulting from the task force/planning commission/council review processes. This is important to understand, because as with any compromise, the final product likely does not represent each of your individual preferred approaches. Rather, the proposed code should reflect a balance of opinions provided from a cross-section of the community.

Attachment A provides an amendment overview and identifies major code sections within the amendment package that you have not yet considered. *Attachment B* (see Planning Webpage <https://www.cityofalbany.net/cd/adc-amendments/proposed>) provides the complete amendment package to be provided in your meetings packets. Commentary boxes are provided throughout the materials providing additional background and explanatory information about proposed amendments.

JJB:kc

Attachment A – Amendment Overview

Attachment B – Proposed Albany Development Code Amendments (Planning Webpage)

Attachment A – Amendment Overview

The following sections provide a brief overview of the amendments made in each Article. They are not meant to replace your full review of the amendments provided in Attachment B. Locations of major sections that you have not reviewed previously are identified. This is done only to draw your attention to those locations that staff believes will be of interest to all involved. There are other locations throughout the proposed amendments where new language has been incorporated. Therefore, it is still important for you to review the complete package and not rely solely on the summary below.

As a reminder, Phase III of this project will address clear and objective standards for Articles 10 and 11, as well as evaluate Albany's standards for modifying existing development sites and non-conforming situations.

Article 1, Administration and Procedures – Significant amendments to Article 1 were not within the original project scope. However, upon further review, it was apparent a complete overhaul was required to address errors, inconsistencies, and compliance with current program requirements. The project team worked closely with the City Attorney to update the procedures in a manner generally consistent with current processes and review types. The proposed amendments have not undergone prior council or planning commission review.

Article 2, Review Criteria – The most significant changes in Article 2 center on implementing a secondary discretionary review track through a Type III Adjustment process and providing clear and objective review criteria and notice requirements where required. To comply with current regulations, proposed amendments are also included for annexations. Council had previously deferred annexation amendments due to legal appeals and potential legislative amendments during the last session. The appeals ultimately failed and legislative amendments did not move forward. Code amendments are proposed to bring Albany into compliance. The annexation language has not undergone prior council or planning commission review.

Article 3, Residential Zoning Districts – Proposed amendments in this Article are consistent with what was reviewed with the planning commission and council through the task force process.

Article 4, Commercial and Industrial Zoning Districts – Proposed amendments in this Article are consistent with what was reviewed with the planning commission and council through task force process.

Article 5, Mixed Use Zoning Districts – Proposed amendments in this Article are consistent with what was reviewed with the planning commission and council through task force process.

Article 6, Natural Resource Districts – Proposed amendments are limited to those required for a clear and objective review path for needed housing projects. The code has been amended for compliance while preserving landowner's ability to develop their property under the same guidelines they do today. The proposed approach has been vetted with the Department of Land Conservation and Development (DLCD). Concepts were previously reviewed with the planning commission and council; however, specific language has not undergone prior review.

Article 7, Historic Overlay District – Proposed amendments are limited to cross reference and formatting updates and removing the word "Advisory" from the Landmarks Commission.

Article 8, Design Standards – Article 8 contains most of the task force's work for Phases I and II. Proposed amendments in this Article are consistent with what was reviewed with the planning commission and council through the task force process.

Article 9, On-Site Development and Environmental Standards – In addition to amendments considered through the task force process, tree protection standards within Article 9 also required updates to accommodate a clear and objective track for needed housing. Parks & Recreation Department staff reviewed the proposed amendments with the tree commission and city council. With one exception, the proposed amendments are consistent with council’s prior review. The prior draft included an option for council’s consideration that involved payment of additional fees when removing an Oregon White Oak. That concept was not broadly supported and was removed from the proposed amendment package. If such a concept is desired in the future, the code can be easily adapted to incorporate it.

Amendments to Albany Municipal Code (AMC) 7.98 are required in tandem with these development code amendments. Proposed AMC amendments are also provided in your packet.

Article 10, Manufactured Home Development Standards – Proposed amendments are limited to cross reference and formatting updates.

Article 11, Land Divisions and Planned Developments – Proposed amendments to the cluster development standards (specifically Section 11.460 Designation of Permanent Natural Areas) are intended to prioritize preservation of Oregon White Oaks throughout the city, not just in South Albany, and provide more specificity for measurements that is consistent with other sections of the code. Proposed amendments to other sections of this article are limited to cross reference and formatting updates.

Article 12, Public Improvements – Proposed amendments are limited to clarifying how public improvement standards relate to clear and objective requirements for needed housing and other minor housekeeping items. Concepts were previously reviewed with the planning commission and council; however, specific language has not undergone prior review.

Article 13, Signs – Proposed amendments are limited to cross reference and formatting updates.

Article 22, Use Categories and Definitions – One definition has been added in support of proposed code amendments and gender-neutral language corrections are proposed in two locations.