

**Amendments to the Albany Development Code (ADC)**

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

**ARTICLE 9  
ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS**

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. This article contains the following standards:

- Off-Street Parking
- Landscaping
- Tree Protection
- Buffering and Screening\*
- Fences
- Environmental

[Ord. 5764, 12/1/11; Ord. 5445, 4/12/00]

**\* As identified in Section 9.210, in limited circumstances, an applicant can apply for an Adjustment to the Buffering and Screening standards.**

**OFF-STREET PARKING**

**Commentary:**

Proposed amendments to the Off-Street Parking section are limited to renumbering tables and figures to follow the new numbering protocol (including Figure 9.020-1, which is at the end of Article 9). Tables and figures are renumbered throughout Article 9.

9.020 Space Requirements. Off-street parking and loading must be provided for all development in the amounts indicated in the table below **Table 9.020-1** subject to any applicable reductions permitted in this Article. All required parking must be developed in accordance with the standards in this Article.

[Ord. 5832, 4/9/14]

- (1) Calculating Floor Area for Parking. The area measured is the combined floor area of each level of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas.
- (2) Employees. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season.
- (3) Fractional Space Requirements shall be counted to the nearest whole space; half spaces will be rounded up.
- (4) Unspecified Uses and Alternative Standards. When a use is not specifically listed in Table 9.020-1: Parking Requirements, the Director will determine if the use is similar to a listed use in terms of parking needs. When a use is not similar to a use listed in Table 9.020-1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation may include parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual.

[Ord. 5832, 4/9/14]

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- (5) Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities.
- (6) Downtown Assessment District. Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of this Article as Figure 9-2 **9.020-1**.) However, improvement of parking areas within this District must comply with the standards of this Article.
- (7) Maximum Parking in the ES, Elm Street Medical District. Parking provided with new development in the ES zone shall be only the minimum required. No additional off-street parking will be allowed for development in this district.
- (8) Site Plan Review may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430.
- (9) Temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet the standards in this section. [Ord. 5832, 4/9/14]

**TABLE 9.020-1  
PARKING REQUIREMENTS**

USE	MINIMUM SPACES REQUIRED
<b>COMMERCIAL AND RECREATION</b>	
Animal hospitals and clinics and animal grooming salons	1 per 400 sq ft
Banks and financial institutions, real estate services, insurance	1 per 300 sq ft on the first floor plus 1 per 600 sq ft above the first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Entertainment and Recreation: (a) Athletic/fitness gym, billiard or pool hall skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas) (b) Bowling alleys (c) Golf courses (including clubhouses and accessory uses) (d) Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating (e) Swimming pools, aquatic centers	(a) 1 per 300 sq ft (b) 4 per lane (c) Subject to land use review (d) 1 per 4 seating capacity (e) 1 per 200 sq ft
Funeral houses and mortuaries	1 per 4 seats or 8 feet of bench length
Kennels, animal boarding	1 per employee plus 1 per 500 sq ft excluding exercise areas
Laundries and cleaners	1 per 300 sq ft
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Office - Professional: (a) Medical and dental clinics (b) All other business and professional	(a) 1 per 250 sq ft (b) 1 per 400 sq ft
Vehicle repair and fuel or other service stations	1 per 2 employees plus 2 per each service stall
Private clubs, lodges and meeting rooms	1 per 200 sq ft

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USE	MINIMUM SPACES REQUIRED
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft
Restaurants: (a) Carry out, drive-thru or drive-in (b) Sit-down restaurants, taverns, bars, brewpubs, and nightclubs	(a) 1 per 100 sq ft (b) 1 per 200 sq ft including outdoor seating not exempt per 9.030(3).
Retail Sales: (a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment; (b) motor vehicles, trailers, mobile homes, boats, modular houses (c) Greenhouses and nurseries, garden supplies (d) All other retail sales	(a) 1 per 800 sq ft plus 1 per 3 employees (b) 2 per employee (c) 2 per employee (d) 1 per 300 sq ft sales floor area
Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.	1 per 500 sq ft
Self-Serve Storage Units	1 per 100 units, with a minimum of 3, plus 1 per employee/caretaker
<b>INDUSTRIAL</b>	
Air, rail and motor freight terminals	Subject to land use review
Contractors and Industrial Services	1 per 1.25 employees plus 1 per company vehicle
Customer Service/Call Centers	1 per 250 sq ft
Industrial Offices, research or laboratory facilities	1 per 500 sq ft
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Testing, repairing, cleaning, servicing of materials, goods or products	1 per 2 employees plus 1 per 300 sq ft of patron serving area, plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area plus 1 per company vehicle
Wrecking yards and junkyards	1 per employee plus 1 per 10,000 sq ft lot area
<b>INSTITUTIONAL, PUBLIC and SEMI-PUBLIC</b>	
Daycare, Nursery Schools, Kindergarten and Daycare Homes or Facilities	1 per employee plus 1 per 10 persons being cared for
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: high schools, colleges, universities, and trade or business schools	Subject to land use review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Jails and Detention Facilities	1 per 5 beds
Libraries, reading rooms, museums, and art galleries	1 per 2 employees plus 1 per 500 sq ft
Parks, open areas, and cemeteries	Subject to land use review
Religious assembly	1 per 6 seats or 12 feet of bench length
<b>RESIDENTIAL</b>	
Assisted Living, Residential Care facilities, Nursing or Convalescent homes	1 per 3 beds at capacity
Single-Family Units	2 spaces

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USE	MINIMUM SPACES REQUIRED
Duplex and Two Units on One Lot	4 total spaces
Multi-Family: Studio and 1-bedroom units	1 space per unit, plus 1 visitor space every 4 units
Multi-Family: 2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
Multi-Family: 3 or more bedroom units	2 spaces per unit, plus 1 visitor space every 4 units
Multi-Family: Quad and quint units	0.75 space per unit
Senior housing	1 space per 2 units
Student housing	1 per 2 students at capacity
Boarding and rooming houses	1 space per 2 occupants at capacity
Group or residential care homes	1 space per employee plus 1 space per 5 beds

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5832, 4/9/14]

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9.030 Reductions or Exemptions to Minimum Parking Space Requirements. The following actions and situations can further reduce the minimum parking required on-site.

[Ord. 5832, 4/9/14; Ord. 5894, 10/14/17]

- (1) Change of Use or Redevelopment. No additional parking shall be required when an existing structure is changed from one Use Category to another as listed in Article 22 when the new use requires no more than two additional vehicle and/or bicycle parking spaces. [Ord. 5832, 4/9/14]
- (2) Tree Preservation. Minimum parking may be reduced by one parking space for each tree 8 inches in diameter and larger that is preserved within the developable area, for up to a maximum of 10 percent of the total parking space requirement. [Ord. 5832, 4/9/14]
- (3) Outdoor Seating Areas. Seasonal outdoor seating up to 500 square feet shall be exempt from the parking calculations. Permanent outdoor seating is not exempt. [Ord. 5832, 4/9/14]
- (4) Mixed-Use or Multi-Tenant Developments. In the case of mixed-uses and multi-tenant developments, the total requirements for off-street parking are the sum of the requirements for the various uses, except that the total may be reduced by up to ten percent of the minimum total requirement. [Ord. 5832, 4/9/14; Ord. 5894, 10/14/17]
- (5) Alternative Modes, Carpooling. For businesses that will employ ten or more people, the total number of required vehicle spaces may be reduced up to a maximum of ten percent based on the following incentives: [Ord. 5832, 4/9/14]
  - (a) Up to two vehicle spaces may be waived if sheltered bicycle parking is provided beyond the minimum requirements in Section 9.120 (13) at a rate of three bicycle spaces to one motor-vehicle space.
  - (b) One vehicle space may be waived for each shower and two lockers provided for employees who commute by bicycle.
  - (c) Each vehicle space designated for carpool/vanpool parking only that is also located closer to the building than other employee spaces will count as two required parking spaces. One carpool/vanpool parking space is permitted per 20 employees, with a minimum of 1 space. Spaces must be clearly marked “Reserved-Carpool/Vanpool Only”.

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- (6) Reduction for Transit. Existing development will be allowed to redevelop up to 25 percent of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate.
- (7) Reduced parking minimums in the HD, CB, DMU, and WF zoning districts. To promote more pedestrian-friendly development, minimum parking requirements in HD, CB, DMU, and WF are reduced as follows. [Ord. 5894, 10/14/17]
  - (a) All commercial and recreation uses listed in Table 9.**020**-1 shall provide parking at a minimum of one space per 600 square feet or the minimum stated in Table 9.**020**-1, whichever is less. [Ord. 5894, 10/14/17]
  - (b) Single-family attached dwellings, duplexes, and developments of up to 70 multiple-family dwelling units shall provide parking at the ratios in paragraphs i and ii below. Developments of more than 70 multiple-family dwelling units shall provide parking at the ratios listed in Table 9.**020**-1, except that visitor parking shall not be required. [Ord. 5894, 10/14/17]
    - i. Studio, one-bedroom, and two-bedroom units: one space per unit [Ord. 5894, 10/14/17]
    - ii. three or more bedroom units: 1.75 spaces per unit [Ord. 5894, 10/14/17]

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9.090 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (See Section ~~8~~**9**.120). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met.

- (1) Delineation of individual parking spaces, including handicapped parking spaces.
- (2) Loading areas and docks.
- (3) Circulation area necessary to serve spaces.
- (4) Location of bicycle and motorcycle parking areas.
- (5) Access to streets, alleys, and properties to be served.
- (6) Curb cuts.
- (7) Type of landscaping, fencing or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details. [Ord. 5842, 1/01/15]
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications of signs and bumper guards.

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- (13) Location of planter bays when required.
- (14) Proposed number of employees and amount of floor area applicable to the parking requirements for the proposed use.

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9.125 Occasional Overflow Parking Needs. The Director may approve for the use of gravel surfacing for parking above the minimum parking requirements intended for occasional needs. As used in this section, "occasional" means limited to a unique or an annually occurring event or condition or infrequent use. The application must demonstrate how the site and owners will meet the following minimum standards: [Ord. 5832, 4/9/14]

- (1) The construction plans for the unpaved parking area must be approved by the Building Official and Public Works Director or their designees.
- (2) The overflow parking area must conform to the dimensional standards in ~~Section~~ **Table 9.130-1** ~~Table 2~~ - Parking Lot Design, applicable Americans with Disabilities Act (ADA) requirements, and storm drainage requirements.
- (3) Overflow parking areas may not exceed 15,000 square feet per property, site or use.
- (4) Wheel stops shall be provided to designate and protect each parking space.
- (5) Gravel parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or hedge.
- (6) A buffer area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area and be landscaped in accordance with Section 9.240.
- (7) The overflow parking area must be at least 20 feet from a public right-of-way and have at least 20 feet of pavement travel distance to the right-of-way. Gravel is not permitted in or within 500 ft of the HD, DMU, LE, ES, CB, or any residential zone or use unless allowed through Conditional Use approval. [Ord. 5832, 4/9/14, Ord. 5894, 10/14/17]

9.130 Off-Street Parking Lot Design. All off-street parking lots must be designed in accordance with City standards for stalls and aisles as set forth in ~~Table 9-2~~ **9.130-1**: Parking Lot Design and supplemental drawings. Stall dimensions are measured from inside the stripes. [Ord. 5720, 08/12/09]

- (1) Compact spaces shall be at least 8 feet wide by 16 feet long.
- (2) Accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- (3) Stall Width. Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide.
- (4) Minimum Aisle Widths. Aisles for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way aisles and one-way emergency vehicle access must be at least 20 feet wide.

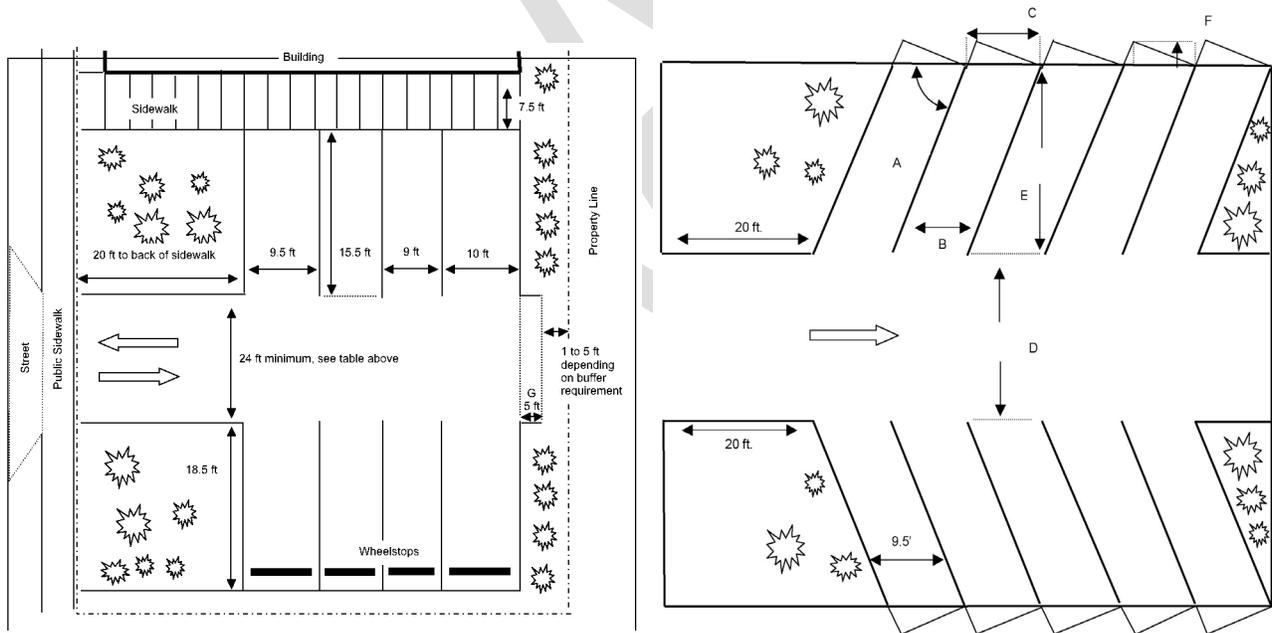
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- (5) The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

**TABLE 9-2-9.130-1.  
PARKING LOT DESIGN (in feet)**

A Parking Angle	B Stall Width	C Curb Width	D Aisle Width	E Stall Depth	F Bumper Overhang	G Dead-end Backup
(Parallel)	8.0 feet	8.0 feet	N/A	25.0 feet	N/A	N/A
45°	8.5	12.0	13.0	17.5	2.0	5.0
	9.0	12.7	12.0	17.5	2.0	5.0
	9.5	13.4	11.0	17.5	2.0	5.0
	10.0	14.1	11.0	17.5	2.0	5.0
60°	8.5	9.8	18.0	19.0	2.5	5.0
	9.0	10.4	16.0	19.0	2.5	5.0
	9.5	11.0	15.0	19.0 <td 2.5	5.0	
	10.0	11.6	14.0	19.0	2.5	5.0
Compact	8.0 C	8.0 C	26.0 C	16.0 C	3.0	5.0
90°	8.5	8.5	26.0	18.5	3.0	5.0
	9.0	9.0	26.0	18.5	3.0	5.0
	9.5	9.5	26.0	18.5	3.0	5.0
	10.0	10.0	24.0	18.5	3.0	5.0



**NOTES:**

- (1) For one row of stalls, use “D” plus “E” as the minimum width.
- (2) When appropriate bumper overhang area is provided (extruded curbs), “F” can be subtracted from “E” to determine stall depth.
- (3) Backup areas identified as “G” must be at least five feet from the property line and are excluded from required setback areas or buffer yards. [Ord. 5720, 8/12/09]

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### LANDSCAPING

#### Commentary: 9.135 Purpose

A new purpose statement is proposed for the landscaping standards, which the current Code does not have.

**9.135 Purpose. These regulations are intended to enhance aesthetic value in new developments and the community as a whole; minimize erosion; slow the rate of surface water runoff and improve water quality; cool buildings and parking lots in summer months with shade; enhance ecological functions; and provide access to nature.**

9.140 General Requirements. Landscaping requirements by type of use are listed below:

- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:  
[Ord. 5886, 1/6/17]
  - (a) One tree at least six feet tall.
  - (b) Four one-gallon shrubs or accent plants.
  - (c) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (2) Landscaping Required – Non-Residential. All required front and interior setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial-industrial districts is as follows:  
[Ord. 5886, 1/6/17]
  - (a) One tree at least six feet tall for every 30 feet of street frontage.
  - (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
  - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
  - (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.
- (3) Alternate Plan – Non-Residential.— The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:
  - (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
  - (b) The appropriate government agency grants written permission for use of the right-of-way; and
  - (c) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
  - (d) The Director finds that the required setback landscaping can feasibly be installed on the

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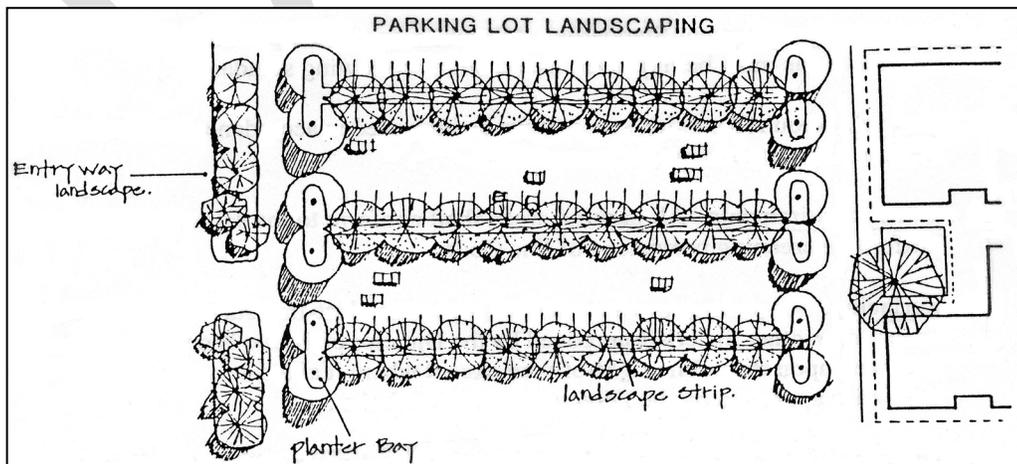
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property without creating other violations of this Code; and

- (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent this Code for high-quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c). [Ord. 5752, 3/9/11]

9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots must be landscaped in accordance with the following minimum standards: [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]

- (1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least five feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least ten feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]
- (2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.
- (3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.
- (4) Alternate Plan. An alternate plan may be submitted that provides landscaping of at least five percent of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least ten feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 08/12/09]
- (5) Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection.



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**FIGURE 9.150-1. Parking lot landscaping example.**

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### TREE PROTECTION

#### Commentary: Tree Protection

The most significant amendment proposed in Article 9 is the incorporation of a clear and objective (C&O) track for housing projects. The approach taken in the draft is to retain the existing criteria that are currently working and create a new, optional, C&O track for housing projects. The benefit of this approach is that it retains existing criteria for all projects that aren't housing, it is regulatory compliant, and if an applicant finds the C&O track undesirable they can opt for the existing discretionary criteria. The C&O track can be summarized as outright allowing removal of trees that are impacted by proposed development but prohibiting removal of those that aren't. Amendments in other sections of the ADC and Albany Municipal Code (AMC) are intended to work in concert with this section to incentivize tree retention.

Several amendments are proposed as general housekeeping items. The most significant of which is the removal of language for protecting residual trees during construction (Section 9.205(5)). Staff does not believe the ADC is the appropriate location for this language and has proposed relocating it to the AMC verbatim.

9.205~~2~~ Purpose. Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property. [Ord. 5445, 4/12/00; Ord. 5764, 12/1/11]

9.206~~3~~ Definitions. For the purposes of the following sections, these definitions apply:

**(1) Critical Root Zone: The area around a tree where roots are critical to a tree's survival. For the purposes of this section, the critical root zone is estimated and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding 1 foot for every 1-inch of trunk diameter plus the tree trunk's radius, and where all tree measurements are consistent with those for establishing Tree Circumference. For example, a tree with a Tree Circumference of 6.5 feet would have a trunk radius of 1.0 feet and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in \* 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.**

~~(12)~~ Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.

~~(23)~~ Tree: A living, standing, woody plant. [Ord. 5764, 12/1/11]

~~(34)~~ Tree Circumference: The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference. [Ord. 5445, 4/12/00]

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- 9.2074 **Applicability.** **Except as provided below,** Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. [Ord. 5767, 12/7/11]

The following activities are exempt from ~~site plan review~~ **Site Plan Review under this section.** **Notwithstanding the foregoing, all tree felling activities located within Significant Natural Resource Overlay districts must** if they meet the applicable requirements of the ~~Significant Natural Resource overlay districts in~~ Article 6: [Ord. 5764, 12/1/11]

- (1) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service or to reopen a public street to traffic.
- (2) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
- (3) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approved the proposed tree felling. [Ord. 5445, 4/12/2000]
- (4) Felling of trees planted as Christmas trees. [Ord. 5635, 1/11/06]
- (5) Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry. [Ord. 5635, 1/11/06]

- 9.2085 **Tree Felling Criteria.** **Except as provided for in Section 9.206, the** The following review criteria replace the Site Plan Review criteria found elsewhere in this ~~code~~ **Code** for the purpose of reviewing tree felling. A Site Plan Review for tree felling **subject to these criteria** will be processed as a Type I-L land use decision.

- (1) The Community Development Director or his/her designee shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]
- (2) For property where a ~~site plan review~~ **Site Plan Review**, ~~conditional use~~ **Conditional Use** or land division application has been approved or is currently under review **for development of the property**, the Community Development Director, ~~City Forester~~, or his/her designee shall approve ~~site plan review~~ **Site Plan Review for tree felling** when the applicant demonstrates that all of the following review criteria are met:
  - (a) It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved ~~site plan review~~ **Site Plan Review** or ~~conditional use~~ **Conditional Use** review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this ~~code~~ **Code**, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
  - (b) The proposed felling is consistent with ~~State standards~~, City ordinances **including tree regulations in the Albany Municipal Code**, and the proposed felling does not negatively

### Amendments to the Albany Development Code (ADC)

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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.

- (c) The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.
  - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6. [Ord. 5764, 12/1/11, Ord. 5767, 12/7/11]
- (3) For property where tree felling **is proposed and there is no** ~~has not been approved~~ **or concurrent** ~~as part of a site plan review~~ **Site Plan Review**, conditional use **Conditional Use**, or land division application **for development of the property**, the Community Development Director or his/her designee shall approve **a Site Plan Review application for** tree felling permit, if ~~when the~~ **applicant demonstrates that all** the review criteria **in subsection (2)** above are met, and the following **additional** criteria are met:
- (a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
  - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
  - (c) Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
  - (d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
  - (e) Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
  - (f) Wooded areas along property lines shall be retained at a minimum width of ten feet to provide buffers from adjacent properties.
  - (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning. [Ord. 5767, 12/7/11]
- (4) The Director may attach conditions **of approval** to the ~~approval of the tree felling permit~~ **tree felling review** to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met. [Ord. 5767, 12/7/11]
- ~~(5) Precautions shall be made to protect residual trees and tree roots from damaging agents during and after the removal process. The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.~~
- ~~(a) Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.~~
  - ~~(b) Prior to and during construction, an orange fence shall be erected around all protected existing trees that is a minimum of 4 feet tall, secured with metal T posts, no closer than six feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.~~ [Ord. 5764, 12/1/11]
  - ~~(c) During the construction stage of development, the applicant shall prevent the cleaning of~~

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~~equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil, or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.~~

- ~~(d) No damaging attachment, wires, signs or permits may be fastened to any protected tree.~~
- ~~(e) Large property areas containing protected trees and separated from construction or land clearing areas, road rights of way and utility easements may be “ribboned off,” rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t post stakes a maximum of 50 feet apart and tying ribbon or rope from stake to stake along the outside perimeters of such areas being cleared.~~
- ~~(f) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in Table 9-3 below.~~ [Ord. 5445, 4/12/00]

**TABLE 9-3. Auger distances for installation of utilities.**

<b>Tree Diameter at Breast Height (inches)</b>	<b>Auger Distance from Face of Tree (feet)</b>
8-9	5
10-14	10
15-19	12
Over 19	15

**9.206 Clear and Objective Criteria for Tree Felling associated with the Development of Housing. For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that all of the following review criteria are met:**

- (1) The critical root zone of each tree to be felled is no more than 5 feet from proposed roads, driveways, utilities, and required site improvements or 10 feet from proposed residential building pads.**
- (2) The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code**

**Trees that do not meet criterion (1) shall be preserved (see AMC 7.98.215 for recommended methods for protecting residual trees).**

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### BUFFERING AND SCREENING

#### Commentary: 9.208 Purpose

A new purpose statement is proposed for the buffering and screening standards.

**9.208 Purpose. These regulations provide screening and buffering between uses in order to reduce the potential objectionable impacts of higher intensity uses on adjacent lower intensity uses. These impacts include, but are not limited to, light pollution and glare, noise, visual impacts, and loss of privacy.**

#### Commentary: 9.210 General Requirements/Matrix

The use of Director's discretion has been identified as a "clear and objective" issue. The proposed amendment would require the use of an Adjustment to allow director discretion. In addition, the term "abutting" is proposed to replace "adjoining," consistent with the current use of the term "abutting" in the buffering and screening matrix.

9.210 General Requirements/Matrix. ~~In order to reduce the impacts on adjacent uses of a different type, buffering~~ **Buffering** and screening are required in accordance with the matrix **provided in Table 9.210-1** that follows ~~Section 9.300~~. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may **approve an Adjustment to** waive the buffering/screening requirements of this section where such has been provided on the ~~adjoining~~ **abutting** property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required. [Ord. 5445, 4/12/00]

9.220 Delineation of Area. A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.

9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, **vehicular** access ways or parking areas are allowed in a buffer area except where an **vehicular** access way has been approved by the City. [Ord. 5842, 1/01/15]

9.240 Buffering. The minimum improvements within a buffer area consist of the following:

- (1) At least one row of trees. These trees will be not less than ten feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).
- (2) At least five five-gallon shrubs or ten one-gallon shrubs for each 1,000 square feet of required buffer area.

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

9.250 Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above:

- (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or
- (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
- (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.

9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable.  
[Ord. 5445, 4/12/2000]

9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.

9.330 *Repealed by Ord. 5445, 4/12/00.*

**Commentary: Table 9.210-1. Buffer and screening matrix**

Minor changes to the matrix are proposed, to account for institutional uses and to fix a cross-reference in the notes.

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**TABLE 9-4-9.210-1. Buffer and screening matrix.**

BUFFER MATRIX	PROPOSED USE								
	Detached dwelling	Attached dwelling 1-story	Attached dwelling 2+ stories and multi-family	Manufactured home park or subdivision	Commercial/ professional, <u>or mixed-use, and institutional</u>	Industrial Park Use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, HM, RM, MUR and RMA districts	0'	0'	10' (3)	0'	10' S (3)	30' S	30' S	40' S	10' S
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10'	10'	10' (4)	10' S (1)	10' (4)	10'	10'	10'	10'
<del>Commercial, or professional, mixed-use, or commercial and mixed-use districts</del> <b>Commercial, <u>or mixed-use, and institutional</u> uses, or commercial and mixed-use districts</b>	10'	10'	10' (4)	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

“S” indicates screening required. (1) See Section 10.270(2)(3)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. (3) Within the HD, CB, DMU, and WF zoning districts,

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the required screening and/or buffer does not apply abutting the MUR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.

[ Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17]

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**FENCES**

\*\*\*

**ENVIRONMENTAL**

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DRAFT

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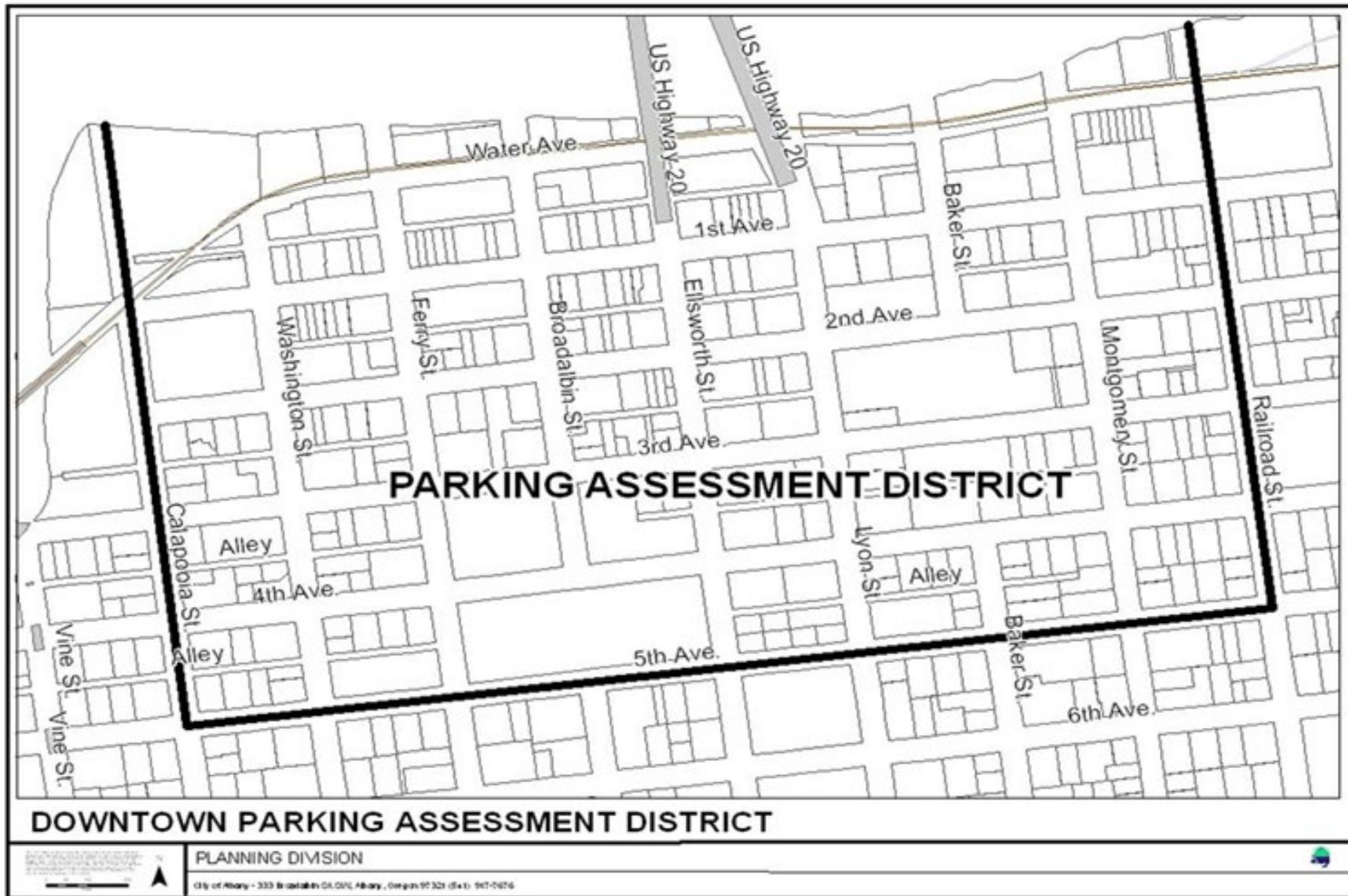


FIGURE 9-2-9.020-1. Map of Albany's Downtown Parking Assessment District.