



PUBLIC WORKS - COMMUNITY DEVELOPMENT

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Staff Report

Albany Development Code Amendments

Sign Code

DC-01-18

May 25, 2018

HEARING BODY:	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE:	MONDAY, JUNE 4, 2018	WEDNESDAY, JUNE 27, 2018
HEARING TIME:	5:15 P.M.	7:15 P.M.
HEARING LOCATION:	COUNCIL CHAMBERS, ALBANY CITY HALL, 333 BROADALBIN STREET SW	

Application Information

Proposal	Code amendments to update the City's existing sign regulations (Article 13) to be more content-neutral and to improve clarity and readability.
Review Bodies	Planning Commission and City Council (Type IV land use process)
Applicant	City of Albany, Community Development Department
Staff	Bob Richardson, Planning Manager

Overview

Albany adopted its first comprehensive Sign Code in October 1984. The Sign Code (Article 13) provides equitable methods of accomplishing business identification, reduction of signage conflicts, increased traffic and pedestrian safety, and enhancement of the aesthetic value and economic viability of the community.

This proposal includes legislative text amendments to the Albany Development Code (ADC) intended to amend the substance of the City's existing sign regulations to be more content-neutral, to make regulatory changes that are consistent with current policies and practices and to improve the overall function, clarity, and readability of the sign regulations. The proposal is processed in accordance with the Type IV process, with notice to intergovernmental agencies and the public, with public hearings before the Planning Commission and City Council prior to a final decision.

The applicable criteria for the proposed development code text amendments are listed under ADC 2.290, "Development Code Amendments." These review criteria must be met for the proposed amendments to be approved.

Staff finds the proposed development code text amendments meet all applicable review criteria and recommends the Planning Commission recommend APPROVAL to the City Council.

Following the Notice and Review Process and Appeals information below, staff has provided a summary of the proposed amendments intended to orient the reader to key changes and intended outcomes of the proposed

amendments. Staff's analysis of consistency with relevant approval criteria follows the summary, beginning on page two.

Notice Information

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 30, 2018, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) OAR 660-018-0020 and the Albany Development Code (ADC) 1.640.

Intergovernmental project review notice was also provided on May 18, 2018 to Benton County and Linn County Planning, the Albany Downtown Association, and the Albany Chamber of Commerce.

Notice of the public hearing was also published in the *Albany Democrat-Herald* on May 25 and 30, 2018, at least one week before the public hearing on June 4, 2018, in accordance with ADC 1.600.

In addition, the staff report for the proposed development code amendments was posted on the City's website on May 25, 2018, at least seven days before the first evidentiary public hearing.

As of the date of this report, the Community Development Department has received no written comment regarding the proposed amendments.

Review Process and Appeals

Amendments to the ADC are made through a Type IV legislative land use review process. Following this process, the Planning Commission will hold a public hearing to consider proposed amendments and will make a recommendation to the City Council. The Planning Commission's recommendation cannot be appealed. The City Council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the City Council will deliberate and make a final decision. Within five days of the City Council's final action on the proposed amendments, the Community Development Director will provide written notice of the decisions to any parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

Summary of Proposal

Proposal Background and Overview of Key Changes

During the 2016 election season, City staff received multiple inquiries regarding the size and location of political signs and the difference between political signs and commercial signs. Due to First Amendment protections, local governments are, for the most part, unable to regulate sign content such as words and symbols. For the same reason, local governments are also unable to regulate signs based on the purpose of the sign or who it belongs to. The Albany sign code, which is found in Article 13 of the Albany Development Code (ADC), contains many provisions regulating signs based on content. As a result, City Council directed staff to evaluate and propose amendments to the sign code.

This direction was timely, as it follows on the heels of a 2015 US Supreme Court decision (*Reed v. Town of Gilbert*) which made it clearer that local governments have a very limited ability to regulate signs based on their content. With the broadest interpretation of *Reed*, all local sign regulations must be content-neutral and are now subject to "strict scrutiny" judicial review (vs. the previously required "lesser scrutiny"). This means that if regulations are based on what the sign says (content), why the sign is needed (purpose), or whose sign it is (ownership), those regulations must be necessary to achieve a compelling government interest and the regulations narrowly tailored to achieve that interest.

Despite the limited ability to regulate signs based on content, there are acceptable ways to regulate them that also allow adequate channels for communication. These tend to focus on the time, place, or manner in which a sign can be displayed, rather than its content. For example, it is still acceptable to regulate the placement, number, and size of signs and their construction.

The purpose of the proposed amendments is not to modify the current size or allocation standards. Rather, the proposed amendments are primarily intended to remove regulations that are based on a sign’s content; in other words, the goal is to make the sign code more “content neutral.” There are certain provisions that have been retained wholly, or in part, which are not content neutral. This was done on purpose for a variety of reasons, including legal interpretations that the content of certain signs can be regulated to a degree, an attempt to not make the code overly complex, or a presupposition that the City would like to retain certain provisions even if those provisions are not entirely content neutral. Other issues that could be addressed in a straightforward way are also included with the proposed amendments, even if they are not specifically related to the content of a sign.

In addition to making substantive amendments to make the sign code more content neutral, it has been reorganized and rewritten to improve clarity and readability; thus, the entirety of Article 13 is proposed to be deleted and replaced by the updated version. Commentary boxes included within the draft code describe the proposed amendments and note whether the proposed language is “new language” or whether it is from the existing code, and if so, which code section. These changes are also summarized in the table below.

Summary of Proposed Amendments and Reorganization of Article 13

General Provisions
13.110 Purpose. This section was updated with new language to establish a more robust legal framework for the sign regulations
13.120 Applicability. This section includes new language based on recommendations from “A Guide for Drafting a Sign Code” except Subsection (3) which is based on existing code language.
General Sign Regulations
13.210 Prohibited Signs. This section is based on existing Section 13.330 of the current code with amendments to clarify: <ul style="list-style-type: none"> • Signs are prohibited unless allowed by ordinance. • Signs listed as prohibited may not be placed within the City of Albany. • The definition of obscenity or obscene material is as defined in ORS Chapter 167. • LED signs should be treated in a manner similar to neon signs and that both should be subject to limits on excessive brightness, but otherwise should not be prohibited. Those sign types that are allowed in certain circumstances have been removed from the list of prohibited signs.
13.220 Installation and Maintenance of Signs. Subsections (1) and (2), which require that signs be maintained in good repair and that temporary signs be safely installed, are based on existing Sections 13.360 and 13.680 of the current code. The meaning of the phrase “moderate wind” has been clarified. Subsection (3) establishes new (less restrictive) regulations for temporary signs attached to or placed inside a parked vehicle.
13.230 Abandoned and Unused Signs. Subsection (1), which is based on Section 13.340 of the current code, has been updated to be content-neutral. Current language requiring signs to exist in relation to a “bona fide business” has been deleted. Subsection (2) was added to prevent vacant sign frames – requires that a blank sign face be installed if necessary.
Exemptions
13.310 Signs Exempt from Sign Permit. This section replaces Sections 13.310 (Standard Sign Exemptions) and 13.320 (Conditional Sign Exemptions) in the current code. The exemptions have been moved into a table to improve readability.
TABLE 13-1. SIGN TYPES EXEMPT FROM SIGN PERMIT

<ul style="list-style-type: none"> To the extent possible, the number and type of exempt signs available to property owners is consistent with the current code. Regulations have been updated to be content-neutral with focus on duration and size of the sign.
<h3>Temporary Signs or Displays</h3>
<p>13.410 Temporary Signs or Displays – General Requirements. This section, which is based on Sections 13.670 and 13.680 of the current code, requires registration for [non-exempt] temporary signs and their maintenance and removal.</p>
<p>13.420 Temporary Signs or Displays in Non-Residential Zoning Districts. This section is based on Sections 13.680 of the current code. There have been no changes to the number, size, or type of temporary signs permitted for businesses; however, new language does restrict [non-exempt] temporary signs to non-residential zoning districts, whereas the current code refers to “businesses.”</p>
<p>13.430 Temporary Event Signs. This section is based on Section 13.685 of the current code. No changes were made to the number, size, or type of temporary event signs permitted under this section.</p>
<h3>Permanent Signs</h3>
<p>13.520 Wall Signs. This section is based on Sections 13.421, 13.422, 13.431, 13.432, 13.434, 13.520, 13.540, and 13.660 of the current code. The number, size, placement, and type of permanent wall signs permitted is consistent with the current code with the following clarifications:</p> <ul style="list-style-type: none"> Added DMU zone with sign allotment equal to CB and HD zones. Clarified that a sign on an awning or marquee is considered a wall sign. Moved requirement that illuminated wall signs be at least 75 feet from a facing residential zone so it is applicable to all wall signs. Clarified that “building frontage” is calculated individually for each tenant, which is consistent with current practice and that signs “earned” on one frontage can’t be transferred to a different frontage. Clarified that business center identity signs are allowed only on entries that are used by more than one tenant.
<p>13.530 Freestanding Signs. This section is based on Sections 13.421, 13.424, 13.431, 13.432, 13.435, 13.440, and 13.510 of the current code. The number, size, placement, and type of permanent freestanding signs permitted is consistent with the current code with the following clarifications:</p> <ul style="list-style-type: none"> Added DMU zone with sign allotment equal to CB and HD zones. Resolved conflict and clarified regulations as they relate to corner lots to allow one freestanding sign per frontage that meets the standard, not one per lot. Subsection (8) reorganized for readability and language limiting Freeway Area Signs to “businesses catering to the motoring public” has been deleted. This will increase the number of properties that qualify for a Freeway Area Sign, which can be larger and taller than other Freestanding Signs.
<p>13.540 Projecting Signs. This section is based on Sections 13.425 and 13.530 of the current code. The number, size, placement, and type of permanent projecting signs is consistent with the current code. A Projecting Sign can be used instead of a Freestanding Sign.</p>
<p>13.550 Signs for Theaters. This section, which is based on Section 13.560 of the current code, establishes special sign standards for theaters.</p>
<p>13.560 Neighborhood Signs. This section, which is based on Section 13.610 of the current code, has been modified as follows:</p> <ul style="list-style-type: none"> Updated to be content neutral - currently the sign may only include the name and address of the development. Added requirement that the applicant own or represent a majority of the lots or dwelling units or the HOA. Added senior living facilities as an example.
<p>13.570 Institutional Uses in Residential Zoning Districts. This section, which is based on Section 13.620 of the current code, has been modified as follows:</p> <ul style="list-style-type: none"> Broadened to include all institutional uses, not just Conditional Uses. Reorganized to clarify which standards are specific to changing electronic message signs.
<p>13.580 Signs for Nonconforming Uses in a Residential Zone. This section, which is based on Section 13.812 of the current code, is consistent with current code requirements.</p>

13.590 Murals. This section is based on Section 13.650 of the current code. One of the approval criterion for murals has been deleted because it would be difficult to enforce in a content-neutral manner.
** Off-Premises Directional Business Signs (Section 13.640 of the current code) has been deleted. Sign regulations which require that a sign be read to determine whether the regulations apply are not considered content-neutral.
Review Procedures
13.610 Permit Needed. This section, which is based on Sections 13.210 and 13.320 of the current code, is consistent with current code requirements.
13.620 Approval of Permits. This section, which is based on Section 13.211 of the current code, is consistent with current code requirements.
13.630 Application Requirements. This section updates the current code (13.213 Application Requirements) to be consistent with the terminology used in the current sign permit application form.
13.640 Permit Issued if Application in Order. This section is generally consistent with the current code (13.214 Permit Issued if Application in Order). It has been updated to note that the application must be complete, that it will be processed as a Type I, and other structural permits may be required.
** Permit Fees and Enforcement (Sections 13.212 and 13.215 of the current code, respectively) have been deleted as these requirements are covered elsewhere for the whole Development Code.
Variances
13.710 Variances. This section, which is based on Section 13. 710 of the current code, has been modified as follows: <ul style="list-style-type: none"> • Minor changes to approval criteria for clarity. • Deleted references to color and graphics because the City generally does not regulate those elements of a sign.
13.711 Variances for Historic Buildings. This section, which is based on Section 13.711 of the current code, is consistent with current code requirements.
Nonconforming Signs
13.810 General Provisions. This section, which updates Section 13. 810 of the current code, has been modified as follows: <ul style="list-style-type: none"> • Updated for content neutrality and to make code easier to apply and enforce. • Deleted out-of-date amortization language. • The proposed amendments. • Does not allow any increases in non-conformity of signs. • Does not include an abatement/amortization provision – impractical to enforce. • Establish thresholds for bringing a sign into conformity or for removal of the sign. • Allow and define normal maintenance of non-conforming signs.
13.820 Nonconforming Sign Area. This section, which is based on Section 13.813 of the current code, is consistent with current code requirements.
13.830 Exemption from Nonconforming Status. This section, which is based on Section 13.816 of the current code, is consistent with current code requirements.
** Abatement of Nonconforming Signs and Extension for Conformance (Sections 13.814 and 13.815 of the current code, respectively) have been deleted.
Definitions
13.910 Definitions. This section, which is based on Section 13.120 of the current code, has been moved to the back of the chapter to improve readability of Article 13 and has been modified as follows: <ul style="list-style-type: none"> • Definitions of those sign types which are intrinsically content-based have been deleted: Garage Sale Sign, Gas Station Price Sign, Historical Markers, Home Occupation Sign, Name Plate, Opening Banner, Public Safety and Convenience Sign, Real Estate Sign, Special Event Sign. • Content-based elements of some sign types have been deleted, but sign type still permitted. • Definition of Building Official has been deleted – reference “Director” instead. • Definitions that are no longer used in the code have been deleted: Major Tenant, Static Display.

Analysis of ADC Criteria

Albany Development Code (ADC) section 2.290, “Development Code Amendments” includes two review criteria that must be met for the proposed amendments to be approved. They are

1. **The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.**
2. **The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.**

Analysis of the proposal’s compliance with these criteria is provided below beginning with criterion 1 and the proposed amendments consistency with applicable Comprehensive Plan policies.

Criterion 1 – Comprehensive Plan Goals

ADC 2.290(1)

The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.

Comprehensive Plan Goals

Comprehensive Plan Chapter 2: Special Areas

Goal 5: Open Spaces, Scenic & Historic Areas, & Natural Resources

Goal

- 19 *Protect Albany’s historic resources and utilize and enhance those resources for Albany residents and visitors.*

Policies

1. *Support the identification, recognition, development, and promotion of Albany’s historic buildings and districts through City programs or other organizations.*

Findings of Fact and Conclusions

- 1.1 Section 13.711 (Variances for Historic Buildings) of the current sign code, which is intended to allow buildings listed as primary or secondary on the City’s adopted Historic Inventory to obtain a variance for a sign resembling an original historic sign when a recommendation is made by the Landmarks Advisory Commission, is included unchanged in the proposed sign code.
- 1.2 Section 13.816 (Exemption from Nonconforming Status) of the current code, which allows an owner of a nonconforming sign to apply for a determination that the sign qualifies as a historic or significant sign, has been renumbered to Section 13.830, but is otherwise unchanged.
- 1.3 The proposed new sign regulations include standards applicable to the new Downtown Mixed Use (DMU) zone. This zone is applied within Albany’s historic downtown core. The sign standards proposed are the same as those currently provided for similarly situated zones (e.g., CB and HD).
- 1.4 The proposed development code text amendments are consistent with the noted policy, because they retain existing sign code provisions that allow for the preservation or restoration of historic signs and provide an amount of signage within the DMU zone which is consistent with its location.

Comprehensive Plan Chapter 3: Economic Development

Albany's Economy

Goals

2. *Provide a supportive environment for the development and expansion of desired businesses.*
3. *Promote Albany's positive economic, social, and cultural image throughout the state and region and, where appropriate, at the national and international levels.*

Policies

4. *Effectively communicate City economic development and livability goals, policies and regulations to Albany Millersburg Economic Development Corporation (AMEDC), Chamber of Commerce (Chamber), Albany Downtown Association (ADA), Albany Visitors Association (AVA) and other agencies providing economic development advocacy and assistance.*
- 15 *Recognize and support Albany's unique historic character as a major cultural and tourist-oriented economic resource.*

Findings of Fact and Conclusions

- 1.5 The proposed code amendments, including reorganization, use of tables, and clarification of language are intended to improve the clarity and readability of the sign regulations; thereby improving the City's ability to effectively communicate these requirements.
- 1.6 The proposed code amendments generally maintain the number, size, placement, and type of permanent signs permitted by the current code, thereby continuing to provide a supportive environment for development.
- 1.7 Limitations related to sign content have been removed to make the sign regulations more content-neutral, and the sign regulations have been updated to better reflect modern sign technology (e.g. the use of LED signs).
- 1.8 The proposed new sign regulations include standards applicable to the new Downtown Mixed Use (DMU) zone. This zone is applied within Albany's historic downtown core. The sign standards proposed are the same as those currently provided for similarly situated zones (e.g., CB and HD).
- 1.9 The proposed amendments are consistent with the noted policies because they support development, provide more certainty for businesses seeking to locate in the WF zone, and support Albany's historic character.

Land Use

Goals

5. *Improve community appearance and establish attractive gateways into Albany and visually appealing highway corridors.*

Policies

2. *Where necessary, adopt overlay design standards that ensure that development presents a positive image along Albany's major transportation corridors.*

Implementation Methods

- 1 *Require industrial and commercial developments along major transportation corridors to meet special development standards relating to setbacks, landscaping, architecture, signs, and outside storage to present a pleasing visual image.*

Findings of Fact and Conclusions

- 1.10 The proposed code amendments generally maintain the number, size, placement, and type of permanent signs permitted by the current code which have been previously established as providing an enhancement of the aesthetic value and economic viability of the community.

- 1.11 The proposed development code text amendments are consistent with the policies noted above, as well as current sign regulations, because they help ensure that development provides a positive image along Albany's major transportation corridors.

Central Albany

Goals

- 20 *Revitalize the Central Albany area so that it will accommodate a significant portion of Albany's future employment and housing needs while retaining its unique historic character, vibrancy, and livability.*

Policies

2. *Attract new private investment while retaining and enhancing the value of existing investments (both private and public).*
3. *Create a readily identifiable core that is unique and vibrant with a mixture of entertainment, culture, housing, specialty shops, offices, and other commercial uses by:*
 - a. *Promoting the downtown as the center of a variety of commercial, service, entertainment, and housing activities.*
 - b. *Discouraging the use of the downtown for non-intensive land uses that have a low floor-area to site-area ratio.*
 - c. *Encouraging businesses that provide daily convenience goods to downtown residents.*
8. *Ensure compatibility of mixed-use developments with the surrounding area through access controls and design standards.*

Findings of Fact and Conclusions

- 1.12 Section 13.711 (Variances for Historic Buildings) of the current sign code, which is intended to allow buildings listed as primary or secondary on the City's adopted Historic Inventory to obtain a variance for a sign resembling an original historic sign when a recommendation is made by the Landmarks Advisory Commission, is included unchanged in the proposed sign code.
- 1.13 Section 13.816 (Exemption from Nonconforming Status) of the current code, which allows an owner of a nonconforming sign to apply for a determination that the sign qualifies as an historic or significant sign, has been renumbered to Section 13.830, but is otherwise unchanged.
- 1.14 The proposed new sign regulations include standards applicable to the new Downtown Mixed Use (DMU) zone. This zone is applied within Albany's historic downtown core. The sign standards proposed are the same as those currently provided for similarly situated zones (e.g., CB and HD).
- 1.15 The proposed development code text amendments are consistent with the policies noted above because they identify appropriate signage for the DMU zone and help ensure that Central Albany retains the area's historic character.

Comprehensive Plan Chapter 5: Transportation

Goals

- 21 *Provide a safe transportation system.*

Policies

- 5 *Encourage development design that emphasizes safety and does not create unnecessary conflicts.*

Findings of Fact and Conclusions

- 1.16 The proposed code amendments include changes that establish clear and objective brightness thresholds for neon and LED lights which are intended to reduce glare.
- 1.17 The proposed code amendments maintain current limitations on the placement of signs within the right-of-way.

- 1.18 The proposed development code text amendments are consistent with the policy noted above because they support driver safety.

Comprehensive Plan Chapter 7: Social Amenities

Goals

- 22 *Improve Albany's image, livability, appearance, and design quality through aesthetic enhancement.*

Policies

- 2 *Develop and maintain a sign code to: a. Provide equitable and economic methods of business identification. b. Reduce signage conflicts. c. Promote traffic and pedestrian safety. d. Increase the aesthetic appearance of the city.*
- 7 *Increase the aesthetic and design quality of the downtown commercial core through: ... b. Regulation of signs and other forms of on-street advertising...*

Findings of Fact and Conclusions

- 1.19 The proposed code amendments generally maintain the number, size, placement, and type of permanent signs permitted by the current code which have been previously established as providing an enhancement of the aesthetic value and economic viability of the community.
- 1.20 The proposed new sign regulations include standards applicable to the new Downtown Mixed Use (DMU) zone. This zone is applied within Albany's historic downtown core. The sign standards proposed are the same as those currently provided for similarly situated zones (e.g., CB and HD).
- 1.21 The proposed development code text amendments are consistent with the policies noted above.

Comprehensive Plan Chapter 9: Land Use Planning

Goals

- 1 *Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.*

Policies

- 2 *When making land use and other planning decisions:*
- a. *Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*
 - b. *Utilize all criteria relevant to the issue.*
 - c. *Ensure the long-range interests of the general public are considered.*
 - d. *Give particular attention to input provided by the public.*
 - e. *Where opposing viewpoints are expressed, attempt to reach consensus where possible.*
- 1.4 *Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.*

Findings of Fact and Conclusions

- 1.22 This application was reviewed according to the Type IV land use review process. In accordance with that procedure, all interested parties are provided the opportunity to give input through written testimony and participation in public hearings before the Planning Commission and/or City Council.
- 1.23 Work sessions with the Planning Commission and City Council, were held on January 22, 2018 and April 23, 2018 to discuss working concepts and draft code amendments. Both work sessions were open to the public.

- 1.24 Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on April 30, 2018, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) OAR 660 018-0020 and the Albany Development Code (ADC) 1.640.
- 1.25 Intergovernmental project review notice was also provided on May 18, 2018 to various agencies, including Benton County and Linn County Planning and the Oregon Department of Transportation.
- 1.26 Notice of the public hearing was also published in the Albany Democrat-Herald on May 25 and 30, 2018, at least one week before the public hearing on June 4, 2018, in accordance with ADC 1.600.
- 1.27 Information was made available to the public regarding the proposed development code amendments to enable public participation in the planning process by posting the staff report for the proposed development code amendments on the City's website on May 25, 2018, at least seven days before the first evidentiary public hearing.
- 1.28 Public hearings to consider the proposed development code amendments are held by the Planning Commission and City Council. Through the notification and public hearing process, all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the land use process.
- 1.29 The proposed development code text amendments are consistent with the policies noted above because they were developed through a process that provided notice and information to all affected properties.

Conclusions: Development Code Amendments Criterion 1

The process to review and adopt the proposed code amendments, which includes issuing notices and making information available prior to the public hearings, also ensures the public can effectively participate in the decision-making process. In addition, public hearings are held before the Planning Commission and the City Council to consider public comments prior to making a final decision. These procedures meet the requirements of citizen involvement in the land use planning process.

The proposed code amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language by improving clarity and readability, and by amending the sign regulations to be more content-neutral, thereby better ensuring that free speech is protected.

Given the above analysis, this review criterion is met.

Criterion 2 – Development Code

ADC 1.020, Purpose

The general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:

- (1) Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.**
- (2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.**
- (3) Facilitate prompt review of development proposals and the application of clear and specific standards.**
- (4) Provide for public information, review, and comment on development proposals that may have a significant impact on the community.**
- (5) Guide public and private planning policies and actions to ensure provision of adequate water, sewage, transportation, drainage, parks, open space and other public facilities and services for each development.**

- (6) **Establish procedures and standards requiring that the design of site improvements and building improvements consistent with applicable standards and design guidelines.**
- (7) **Provide for review and approval of the relationship between land uses and traffic circulation in order to minimize congestion, with particular emphasis on not exceeding the planned capacity of residential streets.**
- (8) **Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other natural hazards, as well as prevent the spread of blight, and help prevent crime.**
- (9) **Protect and enhance the city's beauty and character.**
- (10) **Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.**

Findings and Conclusions

- 2.1 The proposed amendments support the Comprehensive Plan goals and policies, as demonstrated in Findings 1.1-29. The amendments will strengthen the Development Code as an implementing tool of these Plan goals and policies.
- 2.2 The proposed development code amendments are intended (in part) to respond to a recent US Supreme Court States decision.
- 2.3 By improving the readability and clarity of the sign regulations, the amendments will help facilitate prompt review of development proposals.
- 2.4 The proposed code amendments generally maintain the number, size, placement, and type of permanent signs permitted by the current code, which have been previously established as providing an enhancement of the aesthetic value and economic viability of the community.
- 2.5 The proposed new sign regulations include standards applicable to the new Downtown Mixed Use (DMU) zone. This zone is applied within Albany's historic downtown core. The sign standards proposed are the same as those currently provided for similarly situated zones (e.g., CB and HD).
- 2.6 Specific code changes are included in Attachment A and a summary of how these code changes address these issues are included in Table 1, beginning on page three.
- 2.7 The proposed development code text amendments are consistent with the purposes noted above.

Conclusions: Development Code Amendment Criterion 2

The proposed amendments are consistent with Article 1 – General Administration – Purpose by addressing federal requirements; improving the readability of the code; clarifying code standards; and maintaining the number, size, placement, and type of permanent signs currently permitted. Specific code changes are included in Attachment A, and a summary of the code changes is included in Table 1.

Based on the above analysis, this criterion is satisfied.

Overall Conclusion

The proposed Development Code Text Amendments meet all applicable review criteria as outlined in this report.

Options for the Planning Commission

The Planning Commission has three options with respect to the proposed Development Code Text Amendments:

- Option 1: Recommend the City Council approve the proposed amendments;
- Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission;
- Option 3: Recommend the City Council deny the proposed amendments, thus retaining the current sign code.

Staff Recommendation

Based on the analysis in this report, staff recommends the Planning Commission pursue Option 1 and recommend that the City Council approve the proposed Development Code Text Amendments. Based on the staff recommendation, the following motion is suggested:

Motion

I move that the Planning Commission recommend that the City Council approve the proposed Development Code Text Amendments (planning file DC-01-18). This motion is based on the findings and conclusions in the staff report to the Planning Commission, and findings in support of the applications made by the Planning Commission during deliberations on this matter.

Attachments

- A. Proposed Text Amendments to the Albany Development Code Sign Code
- B. Existing Albany Development Code Sign Code

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CALUTS	Central Albany Land Use and Transportation Study
CARA	Central Albany Revitalization Area
CB	Central Business Zoning District
CP	Comprehensive Plan Amendment File Designation
DC	Development Code Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
DMU	Downtown Mixed-Use Zoning District
HD	Historic Downtown Zoning District
LUBA	Oregon Land Use Board of Appeals
MUC	Mixed-Use Commercial Zoning District
OAR	Oregon Administrative Rule
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
ROW	Right of Way
TGM	Transportation Growth Management Program
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
VC	Village Center Comprehensive Plan Designation
WF	Waterfront Zoning District
ZC	Zoning Map Amendment File Designation