



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Albany Development Code Text Amendments

File: DC-02-20

August 10, 2020

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, August 17, 2020	Wednesday, September 9, 2020
HEARING TIMES:	5:15 p.m.	7:15 p.m.
HEARING LOCATION:	Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.	

At the scheduled start of the hearing, join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers):

PLANNING COMMISSION, Monday, August 17, 2020

<https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc>

If you wish to dial in using your phone:

Call 1-571-317-3122 and when prompted enter access code 498-239-709

CITY COUNCIL, Wednesday, September 9, 2020

<https://www.gotomeet.me/cityofalbany/ccm>

If you wish to dial in using your phone:

Call 1-646-749-3129 and when prompted enter access code 491-970-829

Application Information

Proposal:

Code amendments to improve clarity and consistency with state law, establish clear and objective standards and criteria for residential development and a two-track system for review of residential applications, and improve the overall functionality of the design standards applicable to commercial and institutional development. Affected Code articles are: 1 - Administration and Procedures, 2 - Review Criteria, 3 - Residential Zoning Districts, 4 - Commercial and Industrial Zoning Districts, 5 - Mixed Use Zoning Districts, 6 - Natural Resource Districts, 7 - Historic Overlay District, 8 - Design Standards, 9 - On-Site Development & Environmental Standards, 10 - Manufactured Home Development Standards, 11- Land Divisions and Planned Developments, 12 - Public Improvements, 13 - Signs, 22 - Use Categories and Definitions.

Review Bodies:

Planning Commission and City Council (Type IV - Legislative review process)

cd.cityofalbany.net



Applicant:	City of Albany, Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321.
Address/Location:	Not applicable; the code amendment is not site specific
Staff Report Reviewed by:	David Martineau, Planning Manager

Overview

The proposal includes legislative text amendments to the Albany Development Code (ADC) intended to improve clarity and consistency with state law, establish clear and objective standards and criteria for residential development and a two-track system for review of residential applications, and improve the overall functionality of the design standards applicable to commercial and institutional development. 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.

Following the Notice and Appeals information below, staff has provided a summary of the proposed amendments intended to orient the Planning Commission 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 7.

Proposal Background

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. During Phase 1 the task force focused on creating clear and objective standards and a two-track review system for multifamily, infill, and other housing types. During Phase 2 the task force focused on improving the commercial/non-residential design standards. In total between September 2018 and January 2020, the 12-member task force held 12 individual meetings. There were also five joint work sessions with the planning commission and council to consider code amendment approaches. Public input was also sought through online and in-person open houses and surveys.

Most of the proposed amendments were developed in conjunction with the original project scope identified in the code audit and described above; however, some of the proposed amendments result from an expanded project scope. As the project team considered amendments to Article 1, Administration and Procedures, it became clear that a complete update would improve the efficiency and user-friendliness of city’s land use review processes; thus, this task was added to the project scope. In addition, to comply with recent changes in annexation regulations, proposed amendments to Article 2 for annexations are also included. Finally, Articles 7, 10, 11, 13, and 22 have been amended to provide minor updates to terminology, figure and table numbers, and section cross-references as needed.

“Commentary boxes” are included in the draft code amendments (Attachment A) to provide additional background and context related to the sections where amendments are proposed. Should the proposed amendments be approved, these commentary boxes will be removed prior to adoption.

Overview of Key Changes

Article 1, Administration and Procedures – Amendments to Article 1 are intended to improve the overall usability and clarity of the City’s land use procedures, address errors and inconsistencies, and ensure they are up-to-date with the most recent changes in state law. The proposed amendments replace the current Article 1 in its entirety. In some sections, the current wording has been completely revised, but with the goal of retaining current practices where possible. In other sections, current language has been retained entirely, or only includes minor clarifications.

Staff and consultants worked closely with the City Attorney to update the procedures in Article 1 in a manner generally consistent with current processes and review types. Some procedures were modified to reflect the City's current practices. For example, the amended Code specifies which applications are required to have a pre-application conference; this updates the current Code's blanket statement that pre-application conferences are mandatory for all applications unless waived by the Director. In addition, some of the procedures were updated to ensure clear and objective procedures for residential development, as required by Oregon Revised Statutes (ORS) 197.307(4). For example, for neighborhood meetings, rather than leaving it to the discretion of the Director as to whether the notification distance should be extended up to 1,000 feet, for larger residential developments a clear and objective standard of 1,000 feet is proposed. This is consistent with past practice.

Another minor substantive change was made to the Type II review procedure. The amended Code is generally consistent with Albany's current requirements, but has been adjusted for consistency with the procedures for land use decisions made without a hearing per ORS 227.175. In the amended notice requirements for Type II reviews, notice of decision would be sent to all persons entitled to notice rather than just the applicant and those who commented as required by ORS 227.175. A local appeal is required for this type of decision. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision was mailed. The proposed amendments indicate 14 days for consistency with the Type I-L application. Additional changes are identified in the commentary boxes of the proposed amendments.

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.

- Adjustments – As part of the two-track review system, the new Type III Adjustment review is a discretionary alternative to the clear and objective review track and is only available for modification to the design standards in Article 8 and the buffering and screening standards of Article 9. Adjustment review allows flexibility and opportunities for creative solutions instead of meeting all the clear and objective design standards. Article 2 has been amended to develop a new set of review criteria for the adjustment process. As a key criterion, the applicant must show the Adjustment equally or better meets the purpose of the regulation to be modified. City staff recommends Adjustments be decided by the Hearings Board or the Planning Commission due to the level of discretion allowed by the approval criteria.
- Minor and Major Variance – The City has an existing Adjustment process that allows limited modifications to numeric standards. Because the term “Adjustment” has been repurposed for the new “flexible” track, the City's existing Adjustment review process has been renamed as “Minor Variance.” The existing “Variance” review has been renamed as “Major Variance.”
- Site Plan Review – The proposed amendments provide a new path for Type I Site Plan Review for small-scale residential developments up to four units that meet all of the standards (e.g., no Adjustments needed). Larger and more complicated residential developments would still require Type I-L Site Plan Review. Because the approval criteria for residential development must be clear and objective (per state law), the Site Plan Review criteria have been reworked to apply only clear and objective criteria to residential applications, and additional discretionary criteria to non-residential applications.
- Annexations – 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.

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. Proposed amendments include minor clarifications for the Schedule of Permitted Uses and Development Standards Tables and for a few other sections; revisions to the Bonus Provisions section to clarify how the density bonuses and transfers are determined; adding larger density bonuses for residential projects with deeper affordability requirements; and minor revisions to several other sections to make the standards clear and objective. Proposed amendments also include removing the 125-foot Setback for Properties Adjacent to Designated Farmlands. This setback requirement was identified in Albany’s Housing Needs Analysis Project as being unnecessary and a potential barrier to meeting the city’s housing development needs and was recommended to be removed.

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 the task force process, and are limited to minor clarifications to a few Code sections, including the Zero Lot Line standards, and updating cross-references and figure and table numbers.

Article 5, Mixed Use Zoning Districts – Proposed amendments in this Article are consistent with what was reviewed with the planning commission and council through the task force process. Proposed amendments include a minor revision to the Schedule of Permitted Uses and associated Special Conditions to account for the new Type III Adjustment review, removing discretionary language related to residential development in the MS and ES districts, and additional minor revisions to make standards clear and objective.

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 landowners’ 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).

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 1 and 2 of the project. The biggest impetus for amending Article 8 is – and for the Development Code Amendments project overall – is to provide a completely clear and objective review track for residential development, as required by state law. Clear and objective standards have definitions and/or measurement that provide for consistent interpretation of the standard and that require no discretion on the part of the reviewer. Design standards for Single Family and Multiple Family residential development have been amended to make them entirely clear and objective, while also adding flexibility to many of the standards. Proposed amendments to the Commercial and Institutional design standards focus on clarifying and improving the standards (but not necessarily making them fully clear and objective) and adding flexibility. Key proposed amendments to Article 8 are summarized below.

- **Throughout:** Purpose statements were added to numerous sections to provide guidance for Adjustment requests as part of the two-track review system.
- **Single Family Homes**
 - Home Orientation – Added subsection to clarify that when the home is on a corner lot or has more than one public street frontage, the applicant can choose on which frontage to meet the standards.
 - Street-Facing Windows – Amended to allow windows in both garage and pedestrian doors to count toward the 15% minimum coverage requirement.
 - Infill Standards – This section has been largely reworked, with the intent of making the standards clear and objective and clarifying them so they are easier to apply, while generally achieving the same outcomes.

- **Multiple Family Development**

- Applicability – Amended to simplify the applicability of the multi-family standards for Units Above or Attached to a Business.
- Recreation and Open Space Areas – Revised to add more specificity as well as more flexibility for developers. For Common Open Space, the list of possible open space amenities expands on the list in the existing ADC, while providing more specificity for each amenity. Added new credit toward the minimum required open space area for providing “high value” outdoor open space amenities, based on the cost of the amenities as a percentage of the total project cost. Reduced the requirements for Private Open Space, both in terms of the amount required and minimum dimensions.
- Setback and Building Orientation – Combined these sections and amended them to add flexibility by providing two options: the “Street Orientation” option (which is largely similar to the existing standards in ADC 8.240 and 8.260), and the “Enhanced Landscaping” option.
- Functional Design and Building Details – Deleted Section 8.250 and revised Section 8.255 (which currently applies only to the downtown zones) so it applies to all multi-family development.
- Transitions to Lower Density Uses – Amended to clarify when the additional transition setback applies and capped it at 30 feet.
- Pedestrian Connections Amendments – Amendments were needed to make the requirements clear and objective. The proposed changes include requiring pedestrian connections be built to a minimum standard to ensure they are “clear,” “easily identifiable,” “safe,” and “convenient” and clarifying which areas of the site require pedestrian connections.
- Vehicle Circulation System – This section was largely reworked to remove requirements that were challenging to interpret and to replace them with simpler design standards for interior travel aisles.
- Parking Location – Most of the Parking section has been deleted as the standards are redundant to other standards. The remaining parking location standard has been revised so that it only applies to 50% of the units in a development.

- **Commercial and Institutional Site Design**

- Applicability – Amended to exempt all development in the Heavy Industrial (HI) District as well as utility substations and other facilities that do not have on-site personnel from meeting the design standards.
- Entrance Orientation and Parking Location – Amended to limit applicability only to new buildings; replaced vague language for main entrance requirements with standards that are easier to implement; clarified and added to the list of exceptions the requirement that parking areas be to the side or rear of a building; added a parking lot buffer requirement for when parking is located in front of the building.
- Façade Design, Articulation, and Windows – Deleted Section 8.340 and updated Section 8.345 (which currently applies only to the downtown zones) so it applies to all commercial and institutional development. Reduced window coverage requirements for secondary façades on lots with more than one street-facing façade, and added exceptions to when the secondary façade must meet the standard.
- Street Connectivity and Internal Circulation – Reworked the requirement to mimic a local street network and break the development into blocks to make the standards clearer and easier to interpret. Proposed design standards for internal travel aisles are the same as for multi-family development.
- Pedestrian Amenities – Created a revised sliding scale and weighted “menu” to provide flexibility and give preference to higher-benefit amenities. Revised standards allow amenities in the public right-of-way and existing amenities on a site to count toward the requirement.
- Pedestrian and Bicycle Connections – Added references to bicycle connections; added definitions to clarify standards; revised standards to specify where connections are required in order to make the standards easier to interpret.

- Large Parking Areas – The applicability for this section was revised to be consistent with current practices. Parking “pods” were renamed as “subareas” and standards were clarified and simplified.
- Compatibility Standards – Standards have been updated to make them clearer and more objective, where possible.
- **Supplemental Standards in Village Centers** – These standards were amended to make them clear and objective and to add flexibility by reducing the façade materials requirement and add roofline treatment options.

Article 9, On - Site Development and Environmental Standards – Proposed amendments are summarized below.

- Tree Protection – These standards required updates to accommodate a clear and objective track for needed housing. Proposed amendments retain the existing Site Plan Review criteria for tree felling that are currently working, but provide a new, optional, clear and objective track for housing development. The clear and objective track outright allows removal of trees that are impacted by proposed development but prohibits removal of those that are not; however, applicants can opt for the existing discretionary criteria. Public Works Engineering and Community Development Director Jeff Blaine and Parks & Recreation Department staff reviewed the proposed amendments with the Tree Commission and City Council. Amendments to Albany Municipal Code (AMC) 7.98 are required in tandem with these development code amendments and will be adopted by City Council through a separate ordinance. Proposed AMC amendments are provided in the planning commission packet for reference only.
- Buffering and Screening – Minor revisions are proposed to make these standards clear and objective and to allow the waiver of buffering/screening requirements through the Type III Adjustment process.

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.

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

Article 22, Use Categories and Definitions – One definition (“Crime Prevention Through Environmental Design [CPTED]”) has been added in support of proposed amendments to Article 8 and gender-neutral language corrections are proposed in two locations.

Proposed Amendments

Proposed amendments as they would appear in the ADC are included as an attachment (Attachment A). In this report and attached section amendments, proposed new text is in red font and proposed deleted text is in black strike-out font. The amended sections of the ADC contain commentary text boxes that explain proposed changes. Should the proposed amendments be approved, the text boxes with the explanations will be removed and the approved amendments made part of the ADC.

Notice Information

Public notice was issued in accordance with legislative amendment requirements. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on July 9, 2020, 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 August 7, 2020, to various agencies, including Benton County and Linn County Planning, the Oregon Department of Transportation, and Greater Albany Public Schools.

Notice to landowners required by ORS 227.186 was provided on July 27, 2020, more than 20 days and less than 40 days before the public hearing on August 17, 2020.

Notice of the public hearing was also published in the *Albany Democrat-Herald* on August 10, 2020, at least one week before the public hearing on August 17, 2020, 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 August 10, 2020, 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 comments.

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.

Analysis of Development Code Criteria

Development Code Text Amendment (file no. DC-01-20)

Section 2.290 of the ADC includes the following review criteria, which must be met for this legislative text amendment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Development Code Amendment - Review Criterion 2.290(1)

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

Findings of Fact

- 1.1 Legislative amendments must be consistent with goals and policies outlined in Albany's Comprehensive Plan, and any relevant plan adopted by City Council.
- 1.2 The Comprehensive Plan defines a goal as, "a general statement indicating a desired end, or the direction the City will follow to achieve that end" (Comprehensive Plan, page ii).
- 1.3 The Comprehensive Plan describes the City's obligation regarding goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, and

- 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed,” (Comprehensive Plan, page ii).
- 1.4 The Comprehensive Plan (page 2) defines a policy as, “a statement identifying a course of action or City position.”
- 1.5 The Comprehensive Plan describes the City’s obligation regarding policies as follows: “The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).
- 1.6 The following Comprehensive Plan goals and policies are applicable to the proposed Development Code amendments. Goals and polices are shown below in **bold** print followed by findings of fact and conclusions.

COMPREHENSIVE PLAN CHAPTER 1: NATURAL RESOURCES

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

Vegetation and Wildlife Habitat

Goal 1: Ensure native vegetation remains an integral part of Albany’s environment.

Goal 2: Protect and enhance significant wildlife habitat in the urban growth boundary.

Applicable Policies:

Policy 1: Protect existing vegetation that possesses significant environmental, wildlife and fish habitat, aesthetic qualities, or educational and recreational values, particularly along the Willamette and Calapooia Rivers, their tributaries, and associated floodplains, wetlands, and drainageways

Policy 2: Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany’s Historic Districts are an important element of Albany’s historic and cultural heritage.

Policy 3: Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public park and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.

Open Space and Riparian Resources

Goal 1: Ensure the provision of open space and protection of natural and scenic resources.

Goal 2: Maintain a healthy environment and natural landscape in riparian corridors.

Wetland Resources

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

COMPREHENSIVE PLAN CHAPTER 2: SPECIAL AREAS

Goal 7: Flood Hazards and Hillides

Goal: Protect life and property from natural disasters and hazards.

Applicable Policies:

Policy 2: Review any development that could potentially affect the floodway or increase the area subject to the Special Flood Hazard Area (100-year floodplain), unless otherwise exempted.

Policy 3: Restrict new development (including fencing, grading, fill, excavation, and paving) from locating within floodways that would result in an increase in base-year flood levels. If it can be determined that there will be no increase in base-year flood levels, then the following uses may be considered: ...

Policy 4: Concurrent with new development, and when appropriate, secure dedications and easements adequate for channel maintenance and conveyance of storm water along natural drainageways and where identified on adopted master plans, secure easements for public open space, and future recreation use along all floodways and natural permanent drainageways.

Policy 5: Recognize that development within areas subject to flooding is subject to regulations to protect life and property and that certain types of development may not be allowed.

Policy 13: Prior to annexation of hillside areas, adopt hillside development regulations for slope areas in excess of 12% in order to protect against geologic mass movement, excessive erosion and storm water runoff, and protection of important natural vegetation.

Goal 15: Willamette River Greenway

Goal: Protect, conserve, enhance and maintain the natural, scenic, historic, economic, and recreational qualities of the Willamette River, its banks, and adjacent lands.

Findings of Fact and Conclusions

- 1.1 The proposed code amendments to the tree protection standards are intended to create a new review track for housing applications with entirely clear and objective review criteria, while retaining the existing criteria for the discretionary track.
- 1.2 The proposed code 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.
- 1.3 Article 6 of the ADC provides specific standards and review criteria for development within natural resource overlay districts and serve to protect and enhance significant wildlife habitat, ensure protection of natural resources, maintain a healthy environment and natural landscape in riparian corridors, protect wetlands, protect life and property within hillside areas and areas subject to flooding, and protect and enhance the scenic and natural qualities of the Willamette River Greenway. The proposed development code amendments to Article 6 are intended to provide a clear and objective review track for housing development, while preserving a landowner's ability to develop their property under the same guidelines they do today. As such, the proposed amendments do not change the consistency of Article 6 with the applicable Comprehensive Plan goals and policies.
- 1.4 The proposed development code amendments are consistent with the noted goals and policies because they support the preservation of trees through the development review process; support the preservation of Oregon

White Oaks citywide, which are native trees that hold significant environmental and aesthetic value; and continue to protect and enhance significant wildlife habitat, ensure protection of natural resources, maintain a healthy environment and natural landscape in riparian corridors, protect wetlands, protect life and property within hillside areas and areas subject to flooding, and protect and enhance the scenic and natural qualities of the Willamette River Greenway.

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

Goal: Protect Albany’s historic resources and utilize and enhance those resources for Albany residents and visitors.

Applicable Policy:

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

Policy 3: Within the city limits, maintain historic review ordinances for historic structures and districts which incorporate the following: ...

Findings of Fact and Conclusions

- 1.5 Article 7 of the ADC provides specific standards and review criteria for new construction within historic districts. Proposed changes to Article 7 are limited to deleting the word “Advisory” from the Landmarks Commission name, and updating cross-references and figure numbers. No substantive changes are proposed.
- 1.6 The proposed development code text amendments are consistent with the noted goal and policies, because they continue to support the protection of Albany’s historic resources within designated historic districts.

COMPREHENSIVE PLAN CHAPTER 3: ECONOMIC DEVELOPMENT

Albany’s Economy

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Applicable Policy:

Policy 10: Cooperate with business and industry to examine measures to reduce the cost of starting or expanding a business.

Findings of Fact and Conclusions

- 1.7 The proposed code amendments remove obstacles to business development by clarifying, improving, and adding flexibility to the design standards applicable to commercial uses found in Article 8. The proposed amendments are intended to allow more flexibility for commercial development while also providing more certainty through the land use review process. Specific code changes are included in Attachment A.
- 1.8 The proposed amendments are consistent with the goal and policy noted above because they support development and provide more certainty for businesses seeking to locate or expand their operations in Albany.

Land Use

Goal 3: Create village centers that offer housing and employment choices.

Goal 4: Promote infill development and redevelopment throughout the City.

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

Applicable Policy:

Commercial Policy 2: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that will foster:

- a. **Efficient and safe utilization of transportation facilities.**
- b. **A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.**
- c. **Compatibility between land uses, particularly adjacent residential neighborhoods.**
- d. **Efficient extension of public facilities and services.**

Findings of Fact and Conclusions

- 1.9 The proposed code amendments facilitate development of housing in Village Centers by revising the Supplemental Residential Design Standards in Village Centers to be clear and objective, thereby providing greater certainty through the land use review process.
- 1.10 The proposed code amendments promote infill development and redevelopment by simplifying and adding flexibility to the design standards in Article 8, thereby removing barriers to development.
- 1.11 In general, the proposed amendments to design standards in Article 8 are intended to improve the land use process rather than significantly changing design outcomes resulting from application of the standards. The existing design standards are intended to “promote quality design” and to contribute to residential and commercial districts that are “attractive, active, and safe” and that “facilitate easy pedestrian movement.” The proposed amendments are intended to ensure consistency with these purposes by making the standards easier to interpret and apply.
- 1.12 The existing design standards discourage strip commercial development by requiring commercial buildings be oriented to the street and generally requiring parking to be located to the side or rear of buildings. The proposed code amendments retain these requirements, and while they do provide greater flexibility, they continue to allow parking in front of the building only under certain circumstances and require parking lot landscape buffers to mitigate any impacts on the pedestrian environment.
- 1.13 The proposed development code text amendments are consistent with the goal and policy noted above, because they facilitate development in Village Centers, remove barriers to infill development and redevelopment, and are consistent the existing purposes of design standards intended to improve community appearance and promote clustered commercial development.

COMPREHENSIVE PLAN CHAPTER 4: HOUSING**Goal 10: Housing****Goals:**

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

Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Applicable Policies:

Policy 3: Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives. Examples include:

- f. **Other actions directed at reducing housing costs which conform to the Comprehensive Plan, including innovative Development Code regulations.**

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 16: Encourage the development of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses.

Findings of Fact and Conclusions

- 1.14 The proposed code amendments facilitate development of housing in Albany by ensuring all standards and review criteria applicable to residential development are clear and objective. This provides more certainty for housing developers during land use review by guaranteeing that a proposal will be approved if it meets all the applicable standards and criteria. This type of certainty can help reduce housing costs by streamlining the land use review process and reducing the likelihood that an application will be appealed.
- 1.15 The proposed code amendments also facilitate housing development by adding flexibility to many of the residential design standards in Article 8, thereby making them easier to meet.
- 1.16 The proposed code amendments preserve land for housing by removing the 125-foot setback for residential sites adjacent to Exclusive Farm Use properties and capping the transition setback to 30 feet. By making more land developable on a site these changes could reduce housing costs.
- 1.17 The proposed code amendments facilitate and reduce costs for housing by allowing small-scale residential projects of four units or less to be reviewed through a Type I Site Plan Review process.
- 1.18 The proposed code amendments encourage innovation in housing design by providing a new flexible Adjustment review process, which allows housing designs to deviate from the design standards as long as they equally or better meet the purpose of the standards.
- 1.19 The proposed development code text amendments are consistent with the goals and policies noted above because they remove obstacles to the types of housing identified in the policies.

COMPREHENSIVE PLAN CHAPTER 5: TRANSPORTATION

Goal 12: Transportation

Goal 3: Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Applicable Policies:

Policy 5: Encourage development design that emphasizes safety and does not create unnecessary conflicts.

Policy 7: Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers

Findings of Fact and Conclusions

- 1.20 The transportation standards in Article 12 are consistent with the Comprehensive Plan transportation goals and policies. Proposed amendments to Article 12 are limited to making the standards clear and objective (where necessary) and clarifying language, and therefore do not alter these standards' consistency with the Comprehensive Plan.

- 1.21 The proposed code amendments clarify and improve the pedestrian and bicycle connections standards for multi-family, commercial, and institutional development. By making the standards clearer and easier to apply, the proposed amendments will help ensure that the standards achieve their intended outcomes: safety and convenience for people walking and biking.
- 1.22 The proposed code amendments encourage non-vehicular travel by improving the pedestrian amenities standards for commercial and institutional development. Pedestrian amenity features make walking more pleasant by providing shade, visual interest, and places to sit and gather in locations near or accessible from a public sidewalk. Improvements to these standards give preference to higher-benefit amenities, thereby encouraging features that will be most conducive to walking.
- 1.23 The proposed development code text amendments are consistent with the policies noted above because they support a diversified transportation system with high-quality pedestrian and bicycle facilities.

COMPREHENSIVE PLAN CHAPTER 7: SOCIAL AMENITIES

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

Goal: Improve Albany's image, livability, appearance, and design quality through aesthetic enhancement.

Applicable Policies:

Policy 1: Expansion and new development projects shall be designed and landscaped to complement and enhance the appearance of the development site and surrounding area.

Findings of Fact and Conclusions

- 1.24 The design standards in Article 8 are intended to ensure attractive and pedestrian-oriented development that will complement and enhance the surrounding area. The proposed code amendments are primarily intended to clarify and simplify the standards, and to offer flexibility in some cases, but the standards remain consistent with that intent.
- 1.25 The proposed development code text amendments are consistent with the policies noted above.

COMPREHENSIVE PLAN CHAPTER 8: URBANIZATION

Goal 14: Urbanization

Goal: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Applicable Policies:

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

Policy 12: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:

- a. **Efficient and safe utilization of transportation facilities.**
- b. **A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.**
- c. **Compatibility between land uses, particularly adjacent residential neighborhoods.**
- d. **Efficient extension of public facilities and services.**

Findings of Fact and Conclusions

- 1.26 Annexation is the first step in converting land in the Albany Urban Growth Boundary to urban land. Annexation and subsequent development provides economic and social benefits to the City of Albany through the creation of housing; business and commercial enterprise; creation of construction and permanent jobs; and expansion of the City's tax base. When annexations are properly timed, they allow for orderly expansion of City boundaries and contribute to logical extensions of public infrastructure.
- 1.27 The existing design standards discourage strip commercial development by requiring commercial buildings be oriented to the street and generally requiring parking to be located to the side or rear of buildings. The proposed code amendments retain these requirements, and while they do provide greater flexibility, they continue to allow parking in front of the building only under certain circumstances and require parking lot landscape buffers to mitigate any impacts on the pedestrian environment.
- 1.28 The proposed development code text amendments are consistent with the policy noted above.

COMPREHENSIVE PLAN CHAPTER 9: LAND USE PLANNING

Goal 1: Citizen Involvement

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

Applicable 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.**
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

- 1.29 This application is reviewed according to the Type IV land use review process. In accordance with that procedure, input from all points of view from citizens and agencies was solicited to ensure interested parties have the opportunity to participate. Public participation was solicited in the following ways.
- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on July 9, 2020, 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 August 7, 2020, to various agencies, including Benton County and Linn County Planning and the Oregon Department of Transportation.
- Notice of the public hearing was also published in the *Albany Democrat-Herald* on August 10, 2020, at least one week before the public hearing on August 17, 2020, in accordance with ADC 1.600.
- 1.30 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 August 10, 2020, at least seven days before the first evidentiary public hearing.

- 1.31 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.
- 1.32 Five joint work sessions with the Planning Commission and City Council were held on November 19, 2018, March 11, 2019, June 10, 2019, November 4, 2019, and January 13, 2020 to discuss working concepts and draft code amendments. All work sessions were open to the public, with notification to stakeholders and interested parties.
- 1.33 Staff and consultants held 12 meetings with a project Task Force composed of 12 stakeholders and discussed specific feedback on the draft code concepts and draft code amendments between September 2018 and January 2020.
- 1.34 Public open houses were held on February 25, 2019, March 4, 2019, and October 22, 2019, to present draft code concepts and provide an opportunity for feedback from the public.
- 1.35 Two surveys were made available in both online and hard copy formats to attendees of the open houses and to interested parties City-wide in February-March 2019 and October-November 2019. Forty-seven people participated.
- 1.36 The proposed code amendments were refined several times based on input from the public and the Task Force in an effort to achieve support for the amendments and address concerns.
- 1.37 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, solicited input from the public at multiple times and in multiple ways, and included refinements to reflect the input provided by participants.

Conclusions: Development Code Amendments Criterion 1

- 1-1 The process of crafting the proposed development code text amendments included multiple outreach efforts to the public and stakeholders, and incorporated input from a variety of perspectives. 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 take into account public comments prior to making a final decision. These procedures meet the requirements of citizen involvement in the land use planning process.
- 1-2 The proposed code amendments support goals of the Comprehensive Plan regarding natural resource and historic resource protection, business development, pedestrian-oriented design, variety of housing opportunities, and attractive development.
- 1-3 The proposed code amendments support use of alternative modes of transportation by clarifying standards for pedestrian and bicycle facilities associated with multi-family, commercial, and institutional development.
- 1-4 In summary, the proposed development code amendments are consistent with the Comprehensive Plan goals and policies.
- 1-5 Given the above analysis, this review criterion is met.

Development Code Amendment - Review Criterion 2.290(2)

The proposed amendments are consistent with Development Code policies on purpose and with the purpose statements for the base zone, special purpose districts, or development regulation where the amendment is proposed.

Findings of Fact

- 2.1 ADC 2.290(2) requires ADC amendments to be consistent with ADC policies and purpose statements for the affected base zones. Below are purpose statements from Article 1 – Administration and Procedures, Article 2 – Review Criteria, Article 3 – Residential Zoning Districts, Article 4 – Commercial and Industrial Zoning Districts, Article 5 – Mixed Use Zoning Districts, Article 6 – Natural Resource Districts, Article 7 – Historic Overlay District, Article 8 – Design Standards, Article 9 – On-site Development and Environmental Standards, Article 10 – Manufactured Home Development Standards, Article 11 – Land Divisions and Planned Development, Article 12 – Public Improvements, Article 13 – Signs, and Article 22 – Use Categories and Definitions.

Article 1 – Administration and Procedures

Introduction

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 are 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.

1.050 Consistency with Plan and Laws. Actions initiated under this code shall be consistent with the adopted Comprehensive Plan of the City of Albany and with applicable state and federal laws and regulations as these plans, laws, and regulations may now or hereafter provide. Since the City of Albany has a Comprehensive Plan and implementing regulations that have been acknowledged by the State of Oregon as being in compliance with statewide goals, any action taken in conformance with this code shall be deemed also in compliance with statewide goals and the Comprehensive Plan. Unless stated otherwise within this code, specific findings demonstrating compliance with the Comprehensive Plan are not required for land use application approval. However, this provision shall not relieve the proponent of the burden of responding to allegations that the development action requested is inconsistent with one or more Comprehensive Plan policies.

Article 1 Purposes – Findings of Fact and Conclusions

- 2.2 The proposed amendments support the Comprehensive Plan goals and policies, as demonstrated in Findings 1.1-1.34. The amendments will strengthen the Development Code as an implementing tool of these Plan goals and policies.
- 2.3 The proposed development code text amendments provide clear and objective standards for review of housing, consistent with Oregon Revised Statutes (ORS) 197.307(4) and Oregon Administrative Rule (OAR) 660-008-0015.
- 2.4 The proposed development code text amendments facilitate prompt review of development proposals by streamlining land use review processes for certain uses where potential concerns can be addressed through clear and objective development standards.
- 2.5 The proposed development code text amendments facilitate the application of clear and specific standards by providing more clear and specific standards for design and development of housing and also of commercial and institutional uses.
- 2.6 The proposed development code text amendments to Article 1 continue to allow opportunity for public review and comment on development proposals.
- 2.7 The proposed development code text amendments continue to protect and enhance the beauty and character of Albany through refinements to development and design standards that ensure attractive, pedestrian-oriented development in the city.
- 2.8 Specific code changes are included in Attachment A and a summary of how these code changes address these issues are included in the Overview of Key Changes beginning on page 2.
- 2.9 The proposed development code text amendments are consistent with the purposes noted above.

Article 2 Review Criteria Purpose Statement

2.010 Overview. The Development Code provides nondiscretionary and discretionary standards for the City to use in evaluating how land use proposals comply with the use and development requirements of the Code. The nondiscretionary criteria provide clear and objective standards for certainty in most situations. Discretionary criteria provide flexibility by allowing more subjective standards and objectives, and allow modification of regulations in response to specific site conditions. This chapter contains the criteria for evaluation of the following land use applications: ...

Article 2 Purposes – Findings of Fact and Conclusions

- 2.10 The proposed development code text amendments include a new Type III Adjustment review, which includes discretionary criteria that provide flexibility and allows modification of regulations in response to specific site conditions.
- 2.11 The proposed code amendments create a set of nondiscretionary criteria for residential Site Plan Review, which provide clear and objective standards for the review of housing applications.
- 2.12 The proposed amendments regarding annexations will bring Albany's Code into compliance with current regulations that were put in place by SB 1573 in 2016.
- 2.13 The proposed development code text amendments are consistent with the purpose statement for Article 2.

Article 3 Residential Zoning Districts Purpose Statement

3.010 Overview. The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various

neighborhoods. These regulations provide certainty to property owners, developers and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7.

Article 3 Purposes – Findings of Fact and Conclusions

- 2.14 The proposed code amendments enhance certainty for property owners, developers, and neighbors by refining the development standards in Article 3 and ensuring that they are all clear and objective.
- 2.15 The proposed code amendments preserve land for housing by removing the unnecessary 125-foot setback for residential sites adjacent to Exclusive Farm Use properties, which has been identified as a barrier to housing development.
- 2.16 The proposed development code text amendments are consistent with the purpose statement for the Residential Zoning Districts.

Article 4 Commercial and Industrial Zoning Districts Purpose Statement

4.010 Overview. The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts.

Article 4 Purposes – Findings of Fact and Conclusions

- 2.17 The proposed code amendments to Article 4 are minor and generally not substantive, and the standards continue to allow for flexibility of development while minimizing impacts on surrounding uses.
- 2.18 The proposed development code text amendments are consistent with the purpose statement for the Commercial and Industrial Zoning Districts.

Article 5 Mixed Use Zoning Districts Purpose Statement

5.000 Purpose. This article is intended to define the character of Albany’s mixed-use zoning districts. The mixed-use zones implement the concepts identified in the **Balanced Development Patterns Project (2001)** and the **Town Center Plan (Central Albany Land Use and Transportation Study, CALUTS, 1996)**. These zoning districts are compatible with the **Village Center Comprehensive Plan** designation applied in the Central Albany area, North Albany, east of Interstate 5 on Knox Butte Road, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation.

Article 5 Purposes – Findings of Fact and Conclusions

- 2.19 Proposed code amendments to Article 5 are intended to remove discretionary language and ensure all standards applicable to housing are clear and objective; substantive changes to the development standards are not proposed.
- 2.20 The proposed development code text amendments are consistent with the purpose statement for the Mixed Use zoning districts.

Article 6 Natural Resource Districts Purpose Statements

6.010 Overview. The natural resource districts are intended to protect valuable natural resources within the City of Albany while allowing reasonable economic use of property.

Floodplain

6.070 Purpose. The Floodplain overlay district (/FP) standards are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.

Hillside Development

6.170 Purpose. The Hillside Development overlay district (/HD) is intended to regulate the development of potentially hazardous terrain, minimize public and private losses due to earth movement hazards in specified areas, and minimize erosion and related environmental damage. It is not the intent of Hillside Development standards to transfer density within a development.

Significant Natural Resource Overlay Districts

6.270 Purpose and Intent. The intent of these supplemental Significant Natural Resource overlay districts is to protect significant natural resources within the City of Albany as designated under Statewide Planning Goal 5 and the provisions of the Goal 5 administrative rule (OAR 660, Division 23), while ensuring reasonable economic use of property.

More specifically, the purpose and intent of each Significant Natural Resource overlay district is as follows:

- A. Riparian Corridor overlay district (/RC): To protect and enhance Albany's riparian areas, thereby protecting and restoring the hydrologic, ecological, and land conservation functions these areas provide. Significant riparian corridors support valuable fish and wildlife habitat; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks; and reduce the effects of flooding.

A healthy riparian corridor is comprised of a multi-storied forest of native species of trees, shrubs, and ground cover. Many riparian corridors in Albany have the potential to be restored to higher function and value.

- B. Significant Wetland overlay district (/SW): To protect and enhance the integrity, function and value of Albany's significant wetlands and fish-bearing waterways. Wetlands and waterways provide hydrologic and ecologic functions; and reduce adverse effects of flooding. The vast majority of significant wetlands are in riparian areas. There are a small number of isolated significant wetlands.

The higher quality isolated wetlands will be regulated locally (as identified in the Citywide ESEE Analysis); and the lower quality isolated wetlands will not be regulated locally, but must comply with state and federal wetland regulations.

- C. Habitat Assessment overlay district (/HA): To protect habitat for northwestern pond and western painted turtles in and around Thornton Lakes by reviewing and limiting the impacts of development activities on their habitat. This was the only area in Albany where there is a documented presence of a species listed by either the federal government or the State of Oregon. The State lists the species as "sensitive, critical." The overlay identifies an area of high likelihood of turtle nesting, foraging, or migration routes. The overlay district regulations provide a limited level of protection (as identified in the Thornton Lakes ESEE Analysis). Voluntary methods of turtle habitat protection and enhancement are encouraged and essential.

Willamette River Greenway

6.500 Purpose. The Willamette River Greenway district is intended to guide development along the Willamette River so as to preserve the existing scenic, use and natural features.

Article 6 Purposes – Findings of Fact and Conclusions

- 2.21 The proposed code amendments to Article 6 are intended to provide a clear and objective review track for housing development, while preserving a landowner’s ability to develop their property under the same guidelines they do today.
- 2.22 The approach for the Floodplain Overlay District (/FP) clarifies that the clear and objective standard is that applicants not develop new dwelling units or create new residential lots or parcels within the Special Flood Hazard Area. Applications for residential development within the Special Flood Hazard Area would be required to comply with the existing standards and criteria as is currently the case. Therefore, the existing standards remain in place, and are already consistent with the Floodplain purpose statement.
- 2.23 The approach for the Hillside Development Overlay District (/HD) allows applicants to opt to provide a “certification” rather than a geotechnical report, because basing a permit on a report is not considered a “clear and objective standard.” Certification removes the discretion from the City’s decision, while still ensuring a proposed development will not impact or be impacted by stability problems associated with the hillside location, consistent with the Hillside Development purpose statement.
- 2.24 The approach for the Significant Natural Resource Overlay Districts (/RC, /SW, and /HA) clarifies that the clear and objective standard is that applicants do not develop new dwelling units or create new residential lots or parcels within the Natural Resource Overlays. Applications for residential development within the overlays would be required to comply with the existing standards and criteria as is currently the case. Additional minor changes are proposed to improve the clarity of the standards. Therefore, the existing standards remain in place, and are already consistent with the Significant Natural Resource Overlay Districts purpose statements.
- 2.25 The approach for the Willamette River Greenway Overlay District (/WG) clarifies that the Willamette Greenway statute (which requires consideration of certain discretionary criteria) take precedence over the requirement to provide clear and objective standards. Therefore, the existing standards remain in place, and are already consistent with the Willamette River Greenway purpose statement.
- 2.26 The proposed development code text amendments are consistent with the purpose statements for the Natural Resource Districts.

Article 8 Design Standards Purpose Statements

8.000 Overview. The purpose of this Article is to establish additional standards for certain uses. These standards are intended to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high-quality development is maintained throughout Albany.

Single Family Homes

8.100 Purpose. The design standards for single-family homes are intended to create pedestrian-friendly, sociable, safe and attractive neighborhoods through human-scale design. These standards emphasize the functional relationship between the home and the street. Compatibility standards protect the architectural character of existing neighborhoods. These design standards are adaptable to many different architectural styles.

Findings of Fact

- 2.27 The proposed code amendments to the Single Family Homes focus on making the standards clear and objective and clarifying language where needed. The intent is that the outcomes resulting from the amended standards

will be generally consistent with the existing standards, but that the standards will be easier and more straightforward to apply. As such, the proposed amendments to not alter the standards' consistency with the Single Family Homes purpose statement and should help ensure consistency with purpose by making the standards easier to interpret and apply.

Multiple Family Development

8.200 Purpose. These sections are intended to set standards for quality designs in new multiple-family developments. Good design results when buildings are visually compatible with one another and adjacent neighborhoods and contribute to a residential district that is attractive, active, and safe.

Findings of Fact

- 2.28 The proposed code amendments to the Multiple Family design standards focus on making the standards clear and objective, but also add flexibility by providing a wider range of options or reducing requirements for some standards. These improvements and refinements should result in relatively minor changes to the outcomes resulting from application of the amended standards. Further, the proposed amendments should help ensure consistency with the purpose of the multi-family standards by making the standards easier to interpret and apply.
- 2.29 Proposed amendments to the recreation and open space standards help ensure quality designs for multi-family development by establishing more specific standards for acceptable common open space amenities. Proposed amendments also encourage high quality open space amenities through a new credit option based on the value of the amenities.
- 2.30 Proposed amendments to the setback and building orientation standards offer two paths to meeting the standards, and to ensuring multi-family development contributes to an attractive, active, and safe environment. One option enhances the pedestrian environment by orienting buildings to the street, limiting parking adjacent to the street, and requiring design treatments for entries. The other option enhances the pedestrian environment by requiring enhanced landscaping in the setback area to create a park-like appearance along the sidewalk, and continuing to limit parking between the building and the street. Tree spacing standards for the enhanced landscaping option are intended to promote safety by reducing available hiding places.
- 2.31 Proposed code amendments will apply the façade design standards of Section 8.255 to all multi-family development. The proposed amendments will continue to require minimum window coverage on street-facing façades and will apply clearer and more straightforward standards for how to meet the façade design and articulation requirements. These features promote visual interest and compatibility with adjacent buildings and neighborhoods by ensuring buildings have design details that create a sense of quality and permanence. These features also contribute to an attractive, active, and safe environment by engaging the interest of pedestrians and providing “eyes on the street.”
- 2.32 Proposed amendments to the transition standards continue to promote compatibility with adjacent neighborhoods by requiring larger setbacks adjacent to single-family zoning districts or pre-existing single-family homes in other districts, but by capping the setback at 30 feet will allow for the more efficient use of multi-family development sites.
- 2.33 Proposed amendments to the pedestrian connections standards continue to promote an active and safe district by clarifying standards for pedestrian walkways and ensuring they are designed to a minimum standard.
- 2.34 Proposed amendments to the vehicle circulation system standards promote safety and quality design by establishing minimum design standards for interior drive aisles and by clarifying the traffic calming standards.

Commercial and Institutional Site Design

8.310 Purpose. These sections are intended to set threshold standards for quality design in new commercial, mixed-use, and institutional development. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods and contribute to a commercial district that is attractive, active and

safe. These qualities, in turn, contribute to the creation of commercial districts that facilitate easy pedestrian movement and a rich mixture of land uses.

Findings of Fact

- 2.35 The proposed code amendments to the Commercial and Institutional Site Design Standards focus on improving the standards, making them easier to apply, and adding flexibility. These improvements and refinements should result in relatively minor changes to the outcomes resulting from application of the amended standards. Further, the proposed amendments should help ensure consistency with the purpose of the commercial and institutional standards by making the standards easier to interpret and apply.
- 2.36 Proposed amendments to the building orientation standards continue to enhance the pedestrian environment by orienting buildings to the street, limiting parking adjacent to the street, and requiring design treatments for entries. While proposed amendments allow more flexibility for parking to be in the front of buildings, new landscape buffer standards will ensure that impacts to the pedestrian are minimized.
- 2.37 Proposed code amendments will apply the façade design standards of Section 8.345 to all multi-family development. The proposed amendments will continue to require minimum window coverage on street-facing façades and will apply clearer and more straightforward standards for how to meet the façade design and articulation requirements. These standards achieve similar outcomes and support the same purposes as the equivalent multi-family standards, as noted in Finding 2.30.
- 2.38 Proposed amendments to the street connectivity and internal circulation standards promote safety and quality design by establishing minimum design standards for interior drive aisles and by clarifying the traffic calming standards.
- 2.39 Proposed amendments to the pedestrian amenities standards continue to promote an active and safe district and facilitate easy pedestrian movement by improving the pedestrian amenities standards. Pedestrian amenity features make walking more pleasant by providing shade, visual interest, and places to sit and gather in locations near or accessible from a public sidewalk. Improvements to these standards give preference to higher-benefit amenities, thereby encouraging features that will be most conducive to walking.
- 2.40 Proposed amendments to the pedestrian connections standards continue to promote an active and safe district and facilitate easy pedestrian movement by clarifying standards for pedestrian walkways and ensuring they are designed to a minimum standard.
- 2.41 Proposed amendments to the large parking area standards continue to promote quality design and an attractive and safe district by establishing landscaping standards that enhance the appearance of large parking areas and pedestrian walkway standards that ensure safety for crossing a parking area.
- 2.42 Proposed amendments to the compatibility standards continue to promote compatibility with adjacent buildings and neighborhoods by minimizing impacts associated with glare, noise, odors, dust, and unsightly exterior improvements.

Supplemental Residential Design Standards in Village Centers

8.485 Purpose. These provisions are intended to promote the design of an urban environment that is built to human scale and to foster a mixed-use character for village centers with an emphasis on a high-quality pedestrian environment

Findings of Fact

- 2.43 The proposed code amendments to the village center design standards focus on making the standards clear and objective and adding some flexibility. These refinements should result in relatively minor changes to the outcomes resulting from application of the amended standards. Further, the proposed amendments should help ensure consistency with the purpose of the village center standards by making the standards easier to interpret and apply.

- 2.44 The proposed amendments continue to promote human-scale, pedestrian-oriented design by establishing standards for external building materials, roofline design, screening of equipment, and by encouraging alley access.

Article 8 Purposes – Conclusions

- 2.45 The proposed development code text amendments are consistent with the purpose statements for Design Standards.

Article 9 On-site Development and Environmental Standards Purpose Statements

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: ...

Tree Protection

9.205 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.

Article 9 Purposes – Findings of Fact and Conclusions

- 2.46 The proposed code amendments to the tree protection standards in Article 9 retain the existing Site Plan Review criteria for tree felling, but provide a new clear and objective track for housing development. The proposed amendments continue to protect trees as part of residential development, but allow tree removal where necessary for the development. As such, the proposed amendments continue to balance the preservation of significant trees with individual property rights.
- 2.47 The proposed amendments to the buffering and screening standards are intended to make these standards clear and objective and to replace the use of Director discretion with the new Adjustment review process. These refinements do not change the standards' consistency with the Article 9 purpose of minimizing adverse effects on surrounding property owners or the general public.
- 2.48 The proposed development code text amendments are consistent with the purpose statements for On-Site Development and Environmental Standards.

Article 11 Land Divisions and Planned Developments Purpose Statements

11.000 Overview. The most permanent feature of a community is the way land is divided into parcels. This article describes the process of converting raw land into building sites. The primary goals of this design review are to better ensure that natural features have been taken into account; that roads and utilities are properly designed and installed, and that adequate open space has been provided. This article establishes the standards and procedures for property line adjustments, partitions, subdivisions, planned developments, and condominiums.

Article 11 Purposes – Findings of Fact and Conclusions

- 2.49 Proposed amendments to the cluster development standards 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. These amendments better ensure that natural features have been taken into account through the cluster development process.

- 2.50 The proposed development code text amendments are consistent with the purpose statements for Land Divisions and Planned Developments.

Article 12 Public Improvements Purpose Statement

12.010 Purpose. The provisions for new public improvements in this article are intended to address the City's concerns relative to public health, safety, and welfare.

Article 12 Purposes – Findings of Fact and Conclusions

- 2.51 Proposed amendments to Article 12 are limited to clarifying how public improvement standards relate to clear and objective requirements for needed housing and other minor housekeeping items, including clarifying the City's authority to exercise discretion over the use of, and access to, City-owned property for the protection of public health, safety, and welfare. As such, the proposed amendments do not alter the standard's consistency with the purpose of Article 12.
- 2.52 The proposed development code text amendments are consistent with the purpose statement for Public Improvements.

Article 7 Historic Overlay District Purpose Statement

7.000 Overview. The regulations of the Historic Overlay District supplement the regulations of the underlying zoning district. The Historic Overlay District provides a means for the City to formally recognize and protect its historic and architectural resources. Recognition of historical landmarks helps preserve a part of the heritage of the City. When the regulations and permitted uses of a zoning district conflict with those of the Historic Overlay District, the more restrictive standards apply.

Article 10 Manufactured Home Development Standards Purpose Statement

10.000 Overview. This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured homes provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. The following is a list of the main headings in this article. ...

Article 13 Signs Purpose Statement

13.110 Purpose

- 1.1 While signs communicate all types of helpful information, unregulated signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, illumination, movement, materials, location, height, and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values; the character of the various neighborhoods; the creation of a convenient, attractive, and harmonious community; protection against destruction of or encroachment on historic convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

- 1.2 A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein must be deemed to be an integral, but accessory and subordinate, part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs to ensure they are appropriate to the land, building, or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (1) of this section.
- 1.3 These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
- 1.4 These regulations do not regulate every form and instance of visual communication that may be displayed anywhere within the jurisdictional limits of the City. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
- 1.5 These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

Article 22 – Definitions

22.010 Introduction to the Use Categories. This section classifies land uses and activities into use categories based on common functional, product, or physical characteristics. The use categories provide a systematic basis for assigning present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the zoning district purpose statements.

22.400 Definitions. As used in this Code, the following words and phrases shall have the following meanings:

...

Article 7, 10, 13, and 22 Purposes - Findings of Fact and Conclusions

- 2.53 The proposed amendments to Articles 7, 10, 13, and 22 are limited to updating terminology, figure and table numbers, cross references, and adding one definition to Article 22 in support of proposed Code amendments.
- 2.54 The proposed development code text amendments are consistent with the purpose statements for Articles 7, 10, 13, and 22.

Conclusions: Development Code Amendment Criterion 2

- 2-1 The proposed amendments are consistent with Article 1–General Administration–Purpose by removing obstacles to development, clarifying code standards, ensuring consistency within the development code, streamlining the review processes for some uses while ensuring public review and comment on potentially impactful uses. Specific code changes are included in Attachment A.
- 2-2 The proposed Development Code amendments are consistent with applicable purpose statements in Articles 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 22, as described in Findings 2.10 through 2.53.
- 2-3 Based on the above analysis, this criterion is satisfied.

Overall Conclusion

Based on the analysis in this report, the proposed Development Code text amendments meet all of the applicable review criteria as outlined in this report.

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

Option 1: Recommend that the City Council approve the amendment request; or

Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission;
or

Option 3: Deny the amendment request. The City Council will only consider the proposal on appeal by the applicants.

Staff Recommendation

Based on the staff recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed Development Code text amendments under planning file DC-02-20. This motion is based on the findings and conclusions in the August 10, 2020, staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

Attachments

- A. Proposed Development Code Text Amendments
- B. Written Testimony

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CPTED	Crime Prevention Through Environmental Design
DC	Development Code Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
ESEE	Economic, Social, Environmental, and Energy (Analysis)
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rule
ODOT	Oregon Department of Transportation
ORS	Oregon Revised Statutes
SB	Senate Bill