



# Community Development Department

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## STAFF REPORT

### Albany Development Code Text Amendments (DC-03-16)

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<b>HEARING BODY:</b>	PLANNING COMMISSION	CITY COUNCIL
<b>HEARING DATE:</b>	Monday, November 7, 2016	Wednesday, December 7, 2016
<b>HEARING TIME:</b>	5:15 p.m.	7:15 p.m.
<b>HEARING LOCATION:</b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

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### APPLICATION INFORMATION

DATE OF REPORT:	October 31, 2016
FILE:	DC-03-16
TYPE OF REQUEST:	Albany Development Code Text Amendments (Legislative Amendments): The proposal includes a variety of text amendments intended to streamline, clarify, remove barriers to development, and meet legal consistency requirements.
REVIEW BODIES:	Planning Commission and City Council (Type IV land use process)
APPLICANT:	City of Albany, Community Development Department
STAFF:	Melissa Anderson, Project Planner

### SUMMARY

The proposal includes a variety of text amendments to the Albany Development Code (ADC). The proposal includes a variety of legislative text amendments intended to streamline, clarify, remove barriers to development, and meet legal consistency requirements. 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 development code text amendments to be approved. Staff finds the proposed text amendments meet all applicable review criteria and recommend the Planning Commission recommend APPROVAL to the City Council.

### NOTICE INFORMATION

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on September 12, 2016, 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 September 16, 2016, 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 October 31, 2016, at least one week before the public hearing on November 7, 2016, 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 October 31, 2016, at least seven days before the first evidentiary public hearing.

As of the date of this report, no comments have been received by the Community Development Department.

## APPEALS

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.

## STAFF ANALYSIS

Albany Development Code (ADC) section 2.290, "Development Code Amendments" includes two review criteria that must be met for the proposed Development Code Text amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

**CRITERION 1:** *The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.*

The applicable Comprehensive Plan goals and policies are identified in *italic* type.

### 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

- 1.1 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 assure that 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 September 12, 2016, 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 September 16, 2016, 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 October 31, 2016, at least one week before the public hearing on November 7, 2016, in accordance with ADC 1.600.

- 1.2 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 October 31, 2016, at least seven days before the first evidentiary public hearing.

- 1.3 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.

### **Goal 9: Economic Development**

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**

- 1.4 To provide a supportive business environment, the development code was examined to identify measures to reduce the cost of starting or expanding a business. The proposed code amendments address issues to remove obstacles to development and streamline various land use review processes, which reduce process time and cost. Specific code changes are included in Attachment A and a summary of how these code changes remove obstacles to development and/or streamline the review processes are included in Attachment B.

### **Goal 12: Transportation**

Goal 2: *Provide a safe transportation system.*

Applicable Policies:

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

### **FINDINGS OF FACT**

- 1.5 To provide a safe transportation system, street design standards were evaluated to improve public safety. A recurring issue was identified relating to one of the design options for local street right-of-way and roadway width requirements. That option allowed for streets with a 28 foot curb width and parking along both sides of the street. The local school district found that design did not provide sufficient room for school buses to maneuver the streets to pick up school children. The proposed code amendments revise local street design standards to ensure the right-of-way and roadway width requirements are safe to accommodate pedestrians, vehicles, and school buses.
- 1.6 To provide a safe transportation system, the clear vision area standards were evaluated to improve public safety. The current standards describe a triangular clear area at intersections that is based on intersection control type and not vehicle speeds and road geometry. A recurring issue was identified relating to inadequate vision clearance on sites along arterial streets, particularly those that are curved and allow higher speeds. The proposed code amendments modify clear vision standards along arterial and collector streets to accommodate varying site conditions, such as curved streets and streets that allow higher speed limits.

### **CONCLUSIONS**

- 1.1 The process to review and adopt the proposed code amendments, which includes issuing notices and making information available prior to the public hearings, ensures the public can effectively participate in the planning 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 will facilitate economic development within the City by removing unnecessary obstacles to development and by streamlining various land use review processes, which reduce process time and cost, without sacrificing minimum expectations for quality and safety.
- 1.3 The proposed code amendments ensure safe transportation facilities by improving local street design standards and vision clearance standards.

1.4 In summary, the proposed development code amendments are consistent with the Comprehensive Plan goals and policies.

1.5 This review criterion is met.

**CRITERION 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.*

The applicable Development Code policies and purposes are identified in *italic type*.

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 OF FACT

- 2.1 The proposed code amendments support the Comprehensive Plan goals and policies related to economic development, transportation and citizen participation. The amendments will strengthen the Development Code as an implementing tool of these Plan goals and policies.
- 2.2 The proposed code amendments satisfy the State law requirement under ORS 197.493, by removing the time limit for recreational vehicles placed in recreational vehicle parks.
- 2.3 The proposed code amendments facilitate prompt review of development proposals by streamlining land use review processes, which reduce process time and cost.
- 2.4 The proposed code amendments facilitate the application of clear and specific standards by clarifying code language and standards.
- 2.5 The proposed code amendments clarify land use review processes, which provide for public notice, review and comment on development proposals that may have a significant impact on the community.
- 2.6 The proposed code amendments ensure the provision of safe transportation facilities with safer local street designs and clear vision standards.
- 2.7 The proposed code amendments address issues to streamline land use review processes, clarify code language, remove barriers to development, and meet legal consistency requirements. Specific code

changes are included in Attachment A and a summary of how these code changes address these issues are included in Attachment B.

### **Zoning District Purpose Statements**

2.8 Zoning district purpose statements for zones relevant to the proposed development code amendments are included below:

*ADC 3.020(7) HM — HACKLEMAN-MONTEITH DISTRICT. The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-family residential structures to other uses, including multi-family residential, is not allowed.*

2.9 The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith National Register Historic Districts. To preserve the residential and historic character of the HM zone, communication facilities are not permitted outright in the HM zone, consistent with all other residential districts in Article 3. In addition, permitted uses in the HM zone are proposed to be revised to allow antennas for amateur radio service outright, consistent with all other residential district of Article 3.

### **CONCLUSIONS**

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, and/or streamlining the review processes. Specific code changes are included in Attachment A and a summary of the each code change are included in Attachment B.

2.2 The proposed Development Code amendments are consistent with applicable residential zoning district purpose statements.

2.3 This criterion is satisfied.

### **OVERALL CONCLUSION**

The proposed Development Code Text Amendments meet all of the 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 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; or

Option 3: Recommend the City Council deny the proposed amendments.

### **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.

#### **Motion:**

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

*I move to recommend that the City Council approve the proposed Development Code Text Amendments (planning file DC-03-16). This motion is based on the findings and conclusions in the staff report to the Planning Commission, and findings in support of the proposal made by the Planning Commission during deliberations on this matter.*

### **ATTACHMENTS**

A. Proposed Text Amendments to the Albany Development Code

B. Summary of proposed text amendments

## Amendments to the Albany Development Code (ADC)

Proposed code amendments are written in **red** with additions underlined and deletions in ~~strike-out~~.

**ARTICLE 1**  
**ADMINISTRATION AND PROCEDURES**

**INTRODUCTION**

1.070 When Land Use Applications Are Not Required. Activities and developments listed below do not require a land use application but are nevertheless subject to the provisions of the Code, including, but not limited to setbacks, lot coverage, building height, design standards, on-site development and environmental standards.

Activities and development within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable, and may require a land use application as described in each respective section.

Activities and development on either a non-conforming site or a site containing a non-conforming use may require a Nonconforming Situations Review in accordance with Article 2.

- (7) Additions to an existing building or use expansions that are less than 2,000 square feet ~~or less~~ or less than 50 25 percent of existing building area, whichever is less, and that do not:
- (a) Add dwelling units; or
  - (b) Require three or more parking spaces or additional loading areas; or
  - (c) Modify site circulation or access.

For building additions greater than 2,000 square feet, see Site Plan Review applicability in Section 2.430.

1.080 Expiration of Land Use Approvals.

- (1) All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:
- (a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600 or the first phase, if the development was approved for phased construction; or
  - (b) If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
  - (c) Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years for all phases. Each phase that is platted and developed shall conform to the applicable requirements of this title; or
  - (d) An extension has been filed granted before the expiration date, and subsequently granted approval pursuant to Section 1.083.

1.083 Extension of a Land Use Approval. These provisions apply to all land use approvals that have not expired or for which a written request for an extension was received prior to the effective date of this Section 1.083.

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended one time for two years for all land use approvals, except for phased or planned developments, a

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second two-year extension may be granted. Applicants shall apply for an extension by filing an application for extension ~~at least 45 days~~ before the expiration date. For the purposes of this sub-section the expiration date shall be the applicable anniversary date of the Notice of Decision previously given to the applicant.

- (2) Requests for extensions shall be processed as a Type I application and shall be granted if there has been no change to all applicable local, state or federal standards since the original approval, or the development complies with any changes or can meet the current standards with limited modifications to the approved development.
- ~~(3)~~ If the Type I application for the extension request is not approved, the subject land use approval shall expire on the applicable anniversary date of the Notice of Decision previously issued to the applicant.
- ~~(4)(3)~~ While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

## APPLICATION PROCEDURES

- 1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective ~~citizen- public~~ participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. ~~City staff will attend the neighborhood meeting in an advisory capacity to answer questions.~~

## LIMITED LAND USE PROCESS

1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of partitions, subdivisions with fewer than 20 lots, and applications involving discretionary standards for design or Site Plan Review of permitted uses.
- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.
- (3) Once the application is deemed complete, written notice will be provided to persons who own property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, multi-family development, and Site Plan Review. For Site Plan Review of Residential Accessory Structures and all other limited land use decisions, the City will provide written notice to persons who own property within 100 feet of the entire contiguous site for which the application is made. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the City Council and whose boundaries include the site and to other neighborhood associations recognized by the City Council located within 300 feet of the site.

## Amendments to the Albany Development Code (ADC)

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**QUASI-JUDICIAL PROCESS****PROCEDURES**1.350 Type II Procedure.

- (1) The purpose of the Type II procedure is for the Director to review certain applications based on standards specified in this Code that may require limited discretion. A notice of filing is mailed to the applicant and property owners within ~~200~~ 300 feet of the property being reviewed to allow the applicant or property owners an opportunity to comment on the proposal prior to the Director's Decision. Persons that provided written comment are mailed the notice of tentative decision and given a chance to appeal the decision at the local level.
- (2) Once the application is deemed complete, a notice of filing shall be mailed to the applicant and persons who own property within ~~200~~ 300 feet of the proposed development site. Notice shall also be provided to any neighborhood association recognized by the City Council and whose boundaries include the site and to other neighborhood association recognized by the City Council within 300 feet of the site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The notice and procedures used by the City will:

**PUBLIC HEARINGS**

- 1.400 Mailed Notice. Addresses for a mailed notice required by this Code shall be generated from be provided by the applicants for land use applications. The mailing list must be certified by the applicants as accurate and complete as found on the most recent property tax assessment roll where the subject property is located. A person whose name is not in the tax records at the time an application is filed may receive notice if the person provides the Community Development Department with the necessary address(es). Any deficiency in the form of notice prescribed in this section, or failure of a property owner to receive notice, shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice.

**ARTICLE 2**  
**REVIEW CRITERIA**

**CONDITIONAL USES**

- 2.250 Review Criteria. Requests for conditional uses will be approved if the review body finds that the application conforms with the Albany Development Code and all of the following criteria, either outright or with conditions that bring the proposal into compliance:
- (1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
  - (2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
  - (3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
  - (4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
  - (5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to:
    - (a) Noise, glare, odor, litter, or hours of operation.

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

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- (b) Privacy and safety issues.
- (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

**SITE PLAN REVIEW**

2.430 Applicability. In general, Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain a legal nonconforming use will be processed in accordance with Section 2.350.

- (3) Building additions or use expansions greater than 2,000 square feet or greater than 50 percent ~~25%~~ of existing building area, whichever is less, or any expansion that requires three or more new parking spaces, additional loading areas, or modifies site circulation or access.

2.450 Review Criteria. Site Plan Review approval will be granted if the review body finds that the application conforms with the Albany Development Code and all of the following criteria that are applicable to the proposed development.

- (3) Public utilities can accommodate the proposed development.
- (4) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
- (3) The transportation system can safely and adequately accommodate the proposed development.
- (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (5) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- (7) The site is in compliance with prior land use approvals.
- (8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.

2.490 Application Contents. A Site Plan Review application must include:

- (1) A completed application form. The application shall be signed by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address, and the applicant's name, address, and signature shall also be provided.
- (2) A written narrative describing the proposed development and explanation of how the development satisfies applicable Albany Development Code standards and review criteria, including information required by Article 6 – Natural Resource Districts. ~~A mailing list of property owners within 300 feet of the entire site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an~~

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

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~~expected level of public interest. The list must be compiled from the most recent property tax assessment roll. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.~~

- (3) One set of conceptual drawings, including floor plans, lighting details, and building elevations and materials.
- (4) A conceptual landscape plan showing the type and location of proposed landscaping and screening, including any vegetated post-construction stormwater quality facilities.

**ARTICLE 3**  
**RESIDENTIAL ZONING DISTRICTS**

**SCHEDULE OF PERMITTED USES**

Uses Allowed in Residential Zoning Districts								
Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
<b>RESIDENTIAL: Miscellaneous</b>								
Subdivision Sales Office	19	N	<u>YS</u>	<u>YS</u>	N	<u>YS</u>	<u>YS</u>	<u>YS</u>
<b>OTHER CATEGORIES</b>								
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		Y	Y	Y	<u>YN</u>	Y	Y	Y
Communication Facilities <del>over 50 ft.</del>	16	N	N	N	<u>NY</u>	N	N	N
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y

Y = Yes, allowed, no Site Plan review required  
 CD = Cluster Development, see Art. 11  
 CU = Conditional Use approval required, Type III procedure  
 CUII = Conditional Use approval required, Type II procedure

N = No, not allowed  
 PD = Planned Unit Development, see Art. 11  
 S = Site Plan Review required

**SPECIAL CONDITIONS**

3.080 General. Where numbers appear in the column labeled “special conditions” or in a cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (12) Antennas and satellite dishes are subject to the following standards:
  - (a) Antenna or antenna supports may not be located within any front setback area or within any required landscape buffer yard.
  - (b) Antennas shall not extend higher than fifteen feet above the peak of the roof.
  - (c) Dish antennas exceeding 12 feet in diameter are not permitted.
  - (d) Dish antennas exceeding 36 inches in diameter may not be roof mounted.
  - (e) Dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
  - (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
  - (g) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (h) Antenna not in conformance with the above may be considered by Conditional Use review, Type II process.

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- (16) Public and Commercial Communication Facilities ~~over 50 feet in height~~ are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a facility is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Conditional Use, Type III Type II-land use decision.) See Article 8 for telecommunication facility design standards also apply.

Such a tower will also be subject to the following conditions:

- (a) The base of the antenna and any structures associated with the antenna shall be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.
- (b) The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250.
- (19) One subdivision sales office ~~and one parking lot to serve the office~~ is allowed ~~through a Site Plan Review~~ in a subdivision for two years from the date it opens if the following requirements are met:

## Standards

- (a) The purpose of the office must be to sell lots or houses in the subdivision.
- (b) The sales office ~~and parking lot~~ must be placed on one or more of the lots in the subdivision.
- (c) The sales office ~~and parking lot~~ must be established within one year of the date the final subdivision plat is signed.
- (d) At the time an application for the sales office ~~and parking lot~~ is submitted, the owner of the subdivision must own all of the lots within 100 feet of the lot where the sales office will be located. The “owner of the subdivision” is the owner of more than 50 percent of the lots in the subdivision.
- (e) The building must be placed in accordance with Section 3.190, Table 1 Development Standards, ~~except if a parking lot is constructed with the office; the setback in (i) below applies.~~
- (f) A manufactured building, a modular building, or a building constructed on the site is allowed for the office use. If a manufactured building is used, it must be placed in accordance with the standards for “Placement on Individual Lots” listed in Article 10. If a modular building is used, it must be removed from the property within two years of the date a building permit is issued for the sales office. If manufactured or site-built building is used, the building does not have to be removed from the lot.
- (g) Building permits must be obtained for the building. Manufactured and modular buildings must have the appropriate State of Oregon insignia that shows the appropriate construction standards are met.
- ~~(h) A parking lot is allowed with the sales office. The parking lot must be paved and meet the standards for parking lots in Article 9. The parking lot must be removed from the property within two years from the date the building permit for the sales office is issued.~~
- ~~(i) The parking lot must be located at least 10 feet from front and interior property lines. The setback must be landscaped in accordance with the front yard landscaping requirements for residential zoning districts.~~
- (h)(j) The ~~temporary~~ sales office ~~and/or parking~~ permit may be renewed once up to a year.

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

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**SPECIAL STATUS**

**3.085 Existing Residential Uses in the HM and RS-5 Zones Granted Special Status**

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), properties on the Special Status List shall be deemed to be conforming to the Hackleman Monteith (HM) and RS-5 Residential Single-Family (RS-5) zoning districts, as applicable. If any building on these properties is substantially destroyed, as defined in ADC Section 2.335(3), 2.340(4), it can be rebuilt to the same size (square feet) and density as existed on the property at the time the HM or RS-5 zoning was first applied, but will be subject to the regulations of any applicable overlay zone.

**LANDSCAPING**

**3.360 Requirements.** ~~All front yards shall be landscaped in accordance with Section 9.140. All front yards (exclusive of accessways and other permitted intrusions) are required to be landscaped prior to issuance of an occupancy permit or final building inspection approval. A temporary occupancy permit may be issued if the developer posts a bond with the City. In all residential districts except Rural Residential (RR), minimum landscaping acceptable per 50 lineal feet (or portion thereof, deducting the width of the driveway) of street frontage is:~~

- ~~(1) One tree at least six feet tall.~~
- ~~(2) Four 1 gallon shrubs or accent plants.~~
- ~~(3) The remaining front yard area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).~~

**ARTICLE 4**  
**COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

**TABLE 4-1**  
**SCHEDULE OF PERMITTED USES**

Commercial, Office and Industrial Zoning Districts									
Use Categories (See Article 22 for use category descriptions)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
<b>OTHER CATEGORIES</b>									
<u>Satellite Dish, Other Antennas, and Communication Facilities &lt; 50 ft.</u>	<u>23</u>	<u>Y</u>							
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	CU	S	Y

**SPECIAL CONDITIONS**

**4.060 General.** Where numbers appear in the “Special Conditions” column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (23) Communication Facility Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8.500.

Placement of antennas, satellite dish antennas, and monopoles less than 50 feet tall when

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measured from the ground; or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards:

- (a) Antennas or antenna supports, satellite dishes and monopoles shall not be located within any front yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
- (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
- (d) Antennas satellite dishes, monopoles and other communication structures less than 50 feet in height when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above, may be considered by conditional use review, Type II process.
- (e) See Section 8.500 for additional design standards for all telecommunications facilities.

**DEVELOPMENT STANDARDS**

**OUTSIDE STORAGE**

4.290 General.

- (5) Where outside storage is permitted,
  - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area.
  - (b) Outside storage over six feet tall must be screened ~~by landscaping~~ in accordance with 9.250.

**ARTICLE 5**  
**MIXED USE ZONING DISTRICTS**

**TABLE 5-1**  
**SCHEDULE OF PERMITTED USES**

Use Categories (See Article 22 for use category descriptions)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
<b>OTHER CATEGORIES</b>										
<u>Satellite Dish, Other Antennas, and Communication Facility &lt; 50 ft.</u>	<u>20</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Communication Facility >= 50 ft.	<del>20 21</del>	CU	N	N	<del>CU-24</del>	<del>CU-24</del>	<del>CU-24</del>	N	<del>CU-24</del>	N

Y = Yes, allowed, no Site Plan review required  
 CU = Conditional Use review required, Type III procedure  
 CUII = Conditional Use review required, Type II procedure

N = No, not allowed  
 S = Site Plan Review required

**SPECIAL CONDITIONS**

5.070 General. Where numbers appear in the “Special Conditions” column or in any cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (20) Communication Facility Placement Standards. The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet

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of a roof top is permitted outright in all districts subject to the following standards and those found in Section 8.500:

- (a) No antennas, antenna supports, satellite dishes or monopoles shall be located within any front yard setback area or within any required landscape buffer yard.
  - (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street, shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - ~~(d) Towers are not permitted.~~
  - ~~(d)~~(e) Antennas, satellite dishes, monopoles and other communication structures less than 50 feet in height, when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above, may be considered through a Conditional Use review, Type II process.
- (21) ~~In CB, LE, PB and ES, e~~Communication towers and poles at least 50 feet in height when measured from the ground or over 15 feet above a rooftop, may be considered through a Conditional Use review, Type III process. No communication structure is allowed in any front setback. Article 8 for telecommunication facility design standards also apply.

**ARTICLE 6**  
**NATURAL RESOURCE DISTRICTS**

**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.
- 6.180 Applicability. The Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. Where Plate 7 shows that there are slopes 12 percent or greater on a property, the applicant may choose to submit a topographic survey, prepared and stamped by a licensed surveyor or civil engineer, showing two-foot contour intervals for the entire site. If the applicant chooses to submit survey information, and the survey indicates that the property does not contain slopes 12 percent or greater, the Hillside Development standards will not apply.
- 6.190 Procedure. Hillside Development is reviewed as part of the land division, Site Plan Review, or conditional use application processes as a Type III procedure, except development that only requires a building permit is reviewed as a Type I procedure.

**ARTICLE 8**  
**DESIGN STANDARDS**

**MULTIPLE FAMILY DEVELOPMENT**

- 8.230 Private Open Space. In all newly constructed multiple family developments except in the CB, HD and LE zoning districts and assisted-living and nursing home developments, private open space shall be provided as follows:

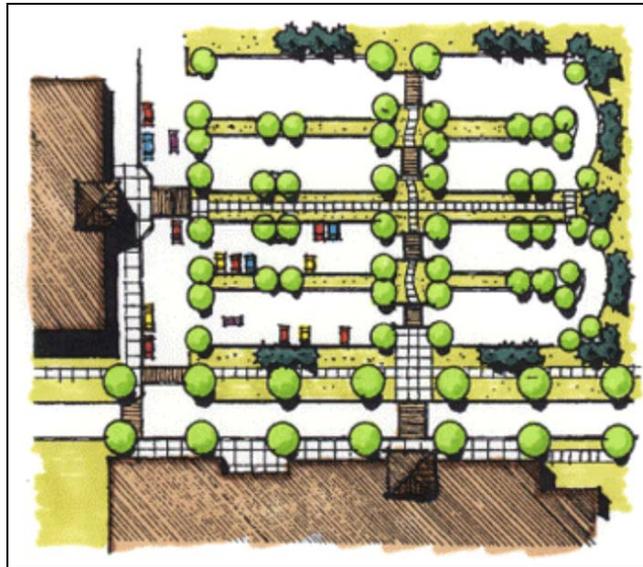
## Amendments to the Albany Development Code (ADC)

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## COMMERCIAL AND INSTITUTIONAL SITE DESIGN

8.380 Large Parking Areas. The amount of parking needed for larger commercial development can result in a large expanse of pavement. Landscaping in a parking area shall be incorporated in a manner that is both attractive and easy to maintain, minimizes the visual impact of surface parking, and improves environmental and climatic impacts (Figure 8-6). In addition to the provisions of Article 9, the following standards apply to commercial development when more than 75 parking spaces are proposed and/or modified.

- (1) Walkways are necessary for persons who will access the site by walking, biking or transit. A continuous pedestrian walkway at least 7 feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. The walkways must be designed for access by disabled persons. If the walkway crosses a parking area or vehicle aisle, the standards in Subsection (2) below apply.
- (2) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping, curbs or parking bumpers. ~~Walkways shall be at least 7 feet wide with no car overhang or other obstruction; 9' 6" for car overhang on one side; 12 feet for car overhang on both sides.~~ Walkways may cross a vehicle aisle if distinguished by a color, texture or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle.



**FIGURE 8-6. Sample parking area landscape design.**

- (3) The parking area shall be divided into pods of no more than ~~75~~ 50 spaces each with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.
- (4) Pods may have access at one or both ends. A pod may be U-shaped with double access at one end.
- (5) Pods shall be separated with physical breaks by providing one or more of the following: building pads, pedestrian walkways, landscape strips, landscaped pedestrian walkways, interior streets or accessways.
  - (a) Pedestrian walkways used for pod separation shall have a minimum unobstructed width of 5 feet with no car overhang; 7' 6" wide for car overhang on one side; or 10 feet wide

## Amendments to the Albany Development Code (ADC)

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- with a car overhang on both sides.
- (b) Landscape strips used for pod separation shall have a minimum landscape strip width of 5 feet with no car overhang; 7' 6" wide for car overhang on one side; or 10 feet wide with a car overhang on both sides.
- (c) Landscaped pedestrian walkways used for pod separation shall have a minimum unobstructed walkway width of 5 feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of 5 feet when provided.
- ~~(a) Landscape strips between parallel parking rows that are at least 5 feet wide with no car overhang and 10 feet wide with a car overhang. When incorporating pedestrian walkways, the strips shall be at least 20 feet wide to accommodate vehicle overhangs, walkways, lights, posts and other appurtenances.~~
- ~~(b) Building pads, landscaped pedestrian walkways, interior streets or other site features.~~
- (6) Landscaping for large parking areas shall consist of at least seven (7) percent of the total parking area plus one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

**ARTICLE 9****ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS****OFF-STREET PARKING**

- 9.120 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards:
- (13) Bicycle Parking. Bicycle parking space requirements are as follows:
- (a) For multiple-family dwellings (three or more units) – one space per four units.
- (b) For industrial development – one space for every 10 automobile spaces required.
- (c) For commercial or office development - ~~at least two spaces, plus~~ one space for every 10 automobile spaces required with a minimum of two spaces.

**LANDSCAPING**

- 9.140 General Requirements. Landscaping requirements by type of use are listed below:
- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) ~~are required to~~ must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
- (a) One tree at least 6 feet tall.
- (b) Four 1-gallon shrubs or accent plants.
- (c) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (2) Landscaping Required – Non-Residential. All required front and interior setbacks; ~~(exclusive of accessways and other permitted intrusions);~~ must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial industrial districts is as follows:

## Amendments to the Albany Development Code (ADC)

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- (a) One tree at least 6 feet tall for every 30 feet of street frontage.
- (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
- (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.

9.190 Completion Guarantees. ~~Final~~ Occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:

~~(1) Occupancy is requested between December 1 and March 1.~~

~~(1)(2)~~ A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection ~~(4)(5)~~ below, no additional security under this subsection is required for that part of the landscaping.

~~(2)(3) The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval. The applicant and City agree to a specified installation completion date. The date chosen will be the soonest date possible after it is safe to plant (i.e. chance of freezing has passed).~~

~~(3)(4)~~ To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned.

~~(4)(5)~~ Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits.

Amendments to the Albany Development Code (ADC)

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TABLE 9-4. Buffer and screening matrix

BUFFER MATRIX	PROPOSED USE								
	Detached dwelling	Attached dwelling 1-story	Attached dwelling 2+ stories and multi-family	Manufactured home park or subdivision	Commercial/professional or mixed-use	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, <del>and HM, RM, MUR and RMA districts</del>	0'	0'	10'	0'	10' S	30' S	30' S	40' S	10' S
<del>Dwellings in RM, MUR and RMA</del>	<del>0'</del>	<del>0'</del>	<del>10'</del>	<del>0'</del>	<del>10' S</del>	<del>30' S</del>	<del>30' S</del>	<del>40' S</del>	<del>10' S</del>
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10' <del>S</del>	10' <del>S</del>	10' <del>S</del>	10' S (1)	10'	10'	10'	10'	10'
Commercial or professional uses, or commercial and mixed use districts	10'	10'	10'	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'
"S" indicates screening required. (1) See Section 10.270(2)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. [Ord. 5445, 4/12/00]									

## Amendments to the Albany Development Code (ADC)

Proposed code amendments are written in **red** with additions underlined and deletions in ~~strike-out~~.

**FENCES**

9.380 Standards. Fences and walls shall meet the following standards. If a fence or wall is used to meet required screening, it shall meet the provisions in Section 9.385.

Standards for All fences:

- (5) In no instance or zone shall a fence exceed 8 feet except when permitted in 9.370.
- Fences over ~~6-7~~ feet tall require a building permit prior to construction. Fences over 6 feet tall shall meet building setbacks, except when permitted along property lines in Sections 9.370(4)(d) or permitted in required setbacks in 9.380(3)(a).

**ARTICLE 10****MANUFACTURED HOME DEVELOPMENT STANDARDS****RECREATIONAL VEHICLE PARKS**

10.520 Where Permitted. Recreational vehicle (RV) parks are permitted in the CC, RM and RMA districts with a conditional use approval. RV parks are also permitted in the LI and TD district with Site Plan Review approval.

10.530 Procedure. An application for conditional use approval of a proposed RV park will be processed through the ~~Type II~~ Type III procedure. Applications for Site Plan Review approval will be processed through the Type I-L procedure.

10.540 Recreation Vehicle (RV) Park. RV parks shall be built to the following standards and comply with state standards in effect at the time of construction:

- (1) The space provided for each RV must be a minimum of 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- (2) Roadways must be at least 30 feet wide if parking is permitted on the margin of the roadway, or 24 feet wide if parking is not permitted on the edge of the roadway. Roadways must be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each RV space.
- (3) A space provided for an RV must be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water. The part of the space not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- (4) All RV spaces must be provided with public water and sewer. An RV staying in the park must be connected to the water and sewer utilities provided by the park if the vehicle has equipment needing such service.
- (5) All RV spaces must be provided with electrical service.
- (6) Trash receptacles for the disposal of solid waste materials must be provided in convenient locations for the use of guests of the park and be of sufficient quantity and capacity so that there is no uncovered accumulation of trash at any time.

~~(7) — No RV shall remain in the park for more than six months in any twelve month period.~~

## Amendments to the Albany Development Code (ADC)

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**ARTICLE 11**  
**LAND DIVISIONS AND PLANNED DEVELOPMENTS**

**GENERAL PROVISIONS**

11.030 Relationship to Other Local Regulations. All proposed development governed by this article must meet the underlying zoning district standards, applicable lot and block standards under this Section, the applicable on-site improvements of Article 9 (e.g., off-street parking, landscaping, buffering and screening), the applicable Natural Resource District Requirements of Article 6 (e.g., open space, floodplain, hillside development, significant wetlands, habitat assessment, riparian corridor, and Willamette River Greenway), and the post-construction stormwater quality requirements in Title 12 of the Albany Municipal Code.

11.065 Recording Final Plats. Once city approval is granted for a final plat, it must be recorded ~~within 45 days~~ with the Linn or Benton County Records Division, ~~unless an extension is approved by the City and the County Surveyor's Office. If the final plat is not recorded within 45 days, it expires.~~

**LOT AND BLOCK ARRANGEMENT**

11.090 Lot and Block Arrangements. In any single-family residential land division, lots and blocks shall conform to the following standards in this Article and other applicable provisions of this Code:

- (8) ~~Cul-de-sac lots are limited to five lots or units with access on a cul-de-sac bulb except that additional lots or units may be permitted when one additional off-street parking space is created for each unit that has access on a cul-de-sac bulb.~~ The minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.
- (9) Flag lots are ~~discouraged and~~ allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street is determined by the City Engineer to be not feasible or not practical. ~~cannot be provided.~~ The minimum width for a flag lot is 22 feet, except when ~~point~~ access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet.

**PROPERTY LINE ADJUSTMENTS**

11.130 Submittal Requirements. An application for a property line adjustment shall include the following:

- (1) ~~consists of a~~ completed application form, signed by all property owners involved in the proposed adjustment, ~~and a map showing the following details:~~
- (2) A written narrative describing the proposed development and explanation of how the development satisfies applicable Albany Development Code standards and review criteria, including information required by Article 6 – Natural Resource Districts; and
- (3) A map showing the following details:
  - a) The scale, north point and date of the map.
  - b) The County Assessor's tax map and lot number identifying each parcel involved in the adjustment.
  - c) The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed.
  - d) The area, before and after the property line adjustment, of each parcel.

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

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- e) The proposed property lines and dimensions of each parcel.
- f) Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone.
- g) Adjacent rights-of-way with width shown.

**SUBDIVISIONS AND PARTITIONS**

11.180 Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:

(1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.

~~(1)~~(2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

~~(2)~~(3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

~~(3)~~(4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.

~~(4)~~(5) The location and design allows development to be conveniently served by various public utilities.

~~(5)~~(6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Amendments to the Albany Development Code (ADC)

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**ARTICLE 12**  
**PUBLIC IMPROVEMENTS**

**STREETS**

12.120 Rights-of-Way and Roadway Widths. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum shown below in Table 12-1. Where a range is indicated, the width shall be determined by the City Engineer. Reductions in roadway width may be allowed to facilitate curb extensions required for approved street side post-construction stormwater quality facilities in the landscape strip/planter area. Reductions require approval of the City Engineer.

**TABLE 12-1. Street right-of-way and roadway width requirements.**

Type of Street	Minimum Rights-of-Way Width	Minimum Roadway Width
Arterial	70-120 feet	40-70 feet
Collector	60-80 feet	36-48 feet
Local*	<u>52-42</u> -56 feet	<u>22-28</u> -32 feet
Radius for turnaround at end of cul-de-sac	43 feet	36 feet
Alley	14-20 feet	12-20 feet

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

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

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

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

~~(2) Optional Design for Minor Local Streets. In lieu of the standard design in subsection (1), a minor local street may have a 28 foot wide paved surface within a 52 foot right of way, with parking on both sides, when the following performance standards are met:~~

~~(a) Provisions are made to ensure that emergency response vehicles have adequate access to all properties on the street. A 40 foot long clear area must be provided for every two properties along each side of the street. The clear area may be created with parking restrictions created by adjoining driveways or other method approved by the City Engineer.~~

~~(b) The street will have fewer than 1,000 average daily trips per day (ADT) when all future street connections are made.~~

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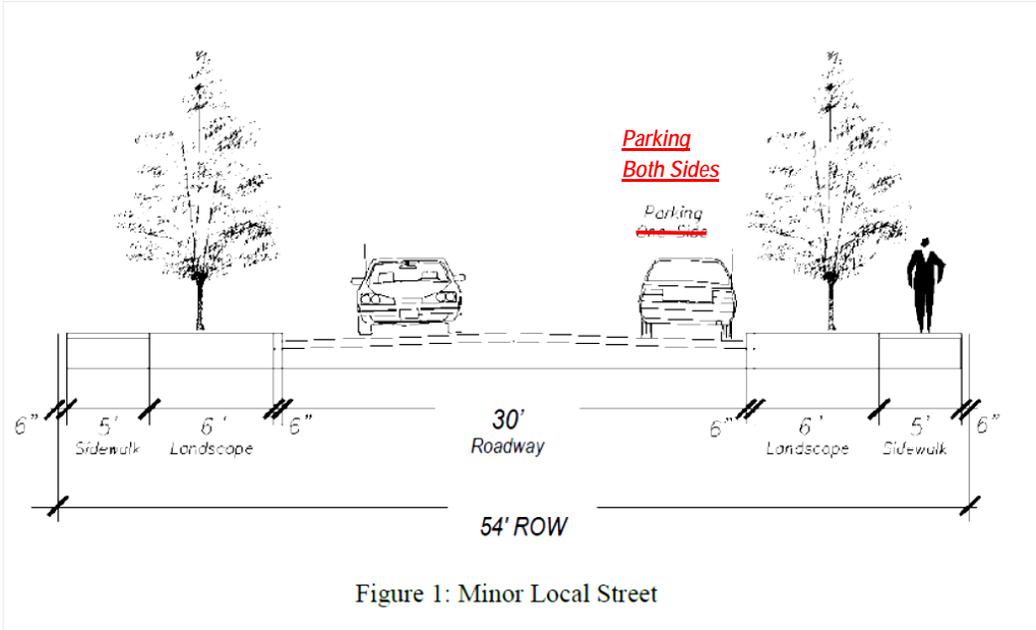


Figure 1: Minor Local Street

(23) Network Local Streets. A network local street will have more than 1,000 ADT. The standard design is a ~~28~~ 32-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a ~~52~~ 56 right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides ~~restricted to one side~~ of the street. See Figure 2.

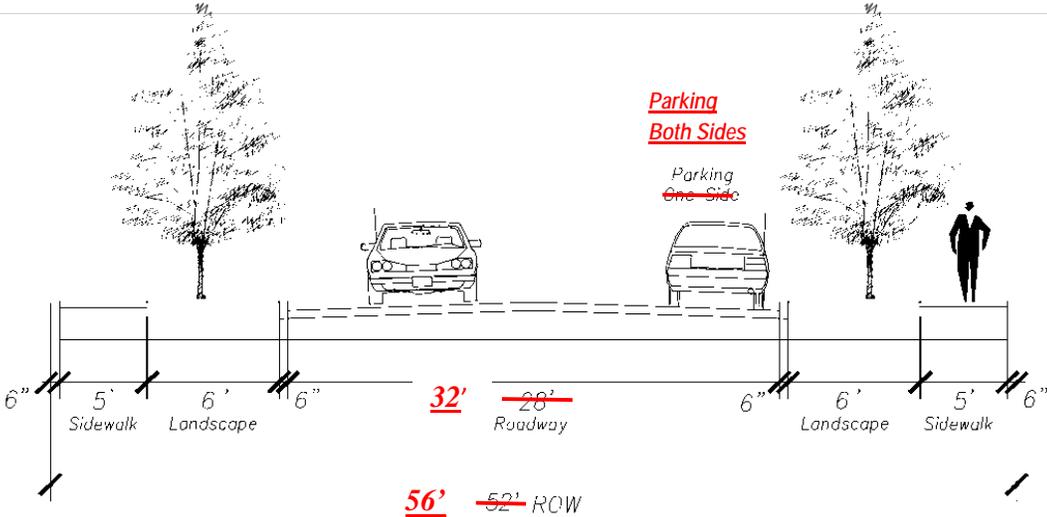


Figure 2: Network Local Street

~~(4) Alley Option~~. ~~Alleys are encouraged in residential neighborhood design. A narrower minor local street (22-foot paved surface) will be allowed with alley access because the alley will reduce some of the parking and access functions usually found on the frontage street. All private utilities must be located in the alley, and no curb cuts will be permitted along the street. The standard 6 foot planter strip and 5 foot setback sidewalks are required along the frontage street. See Figure 3. As an incentive, lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone. See Table 1, Article 3.~~

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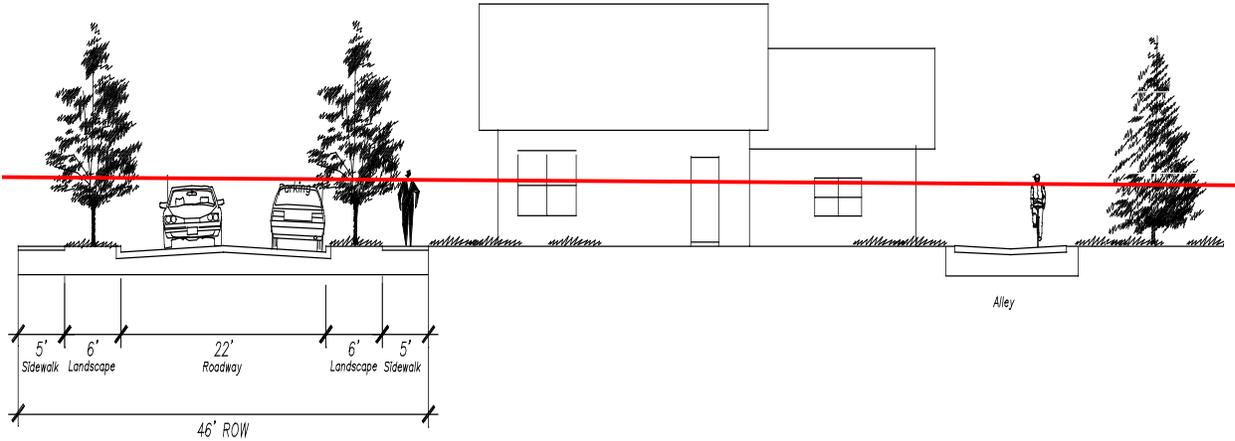


Figure 3: ~~Alley Option~~

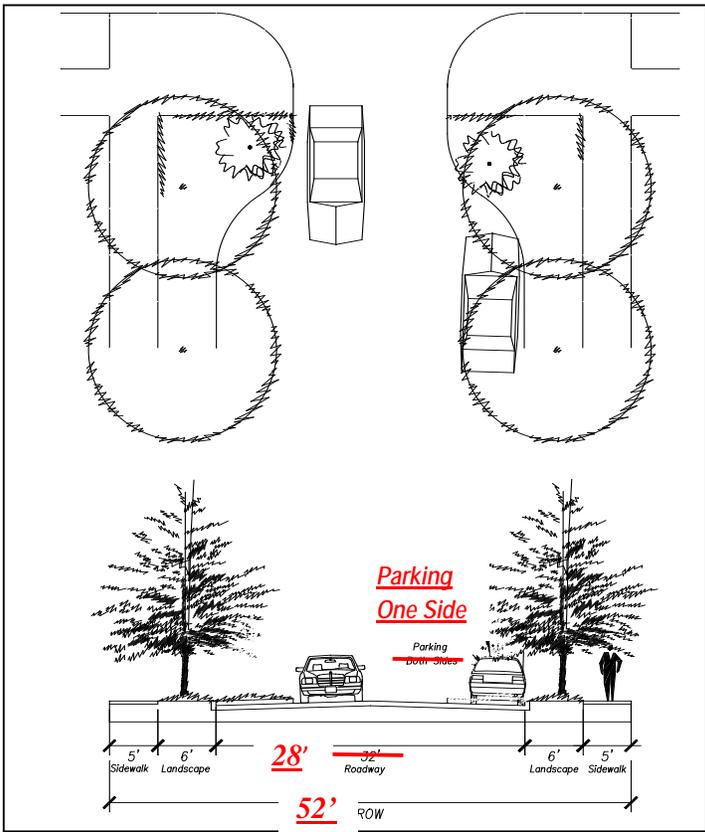


Figure 3:4: ~~WideNarrow~~ Local Street Option

~~(3)(5)~~ Narrow Local Street Option. The City Engineer may approve a narrow network local street design with a 28-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure 3. Wide Local Street Option. A wider local street (32 foot paved surface) may be proposed to accommodate parking on both sides of the street. Additional pedestrian amenities, such as bulb outs at intersections and larger street trees, will be required as a condition of the subdivision or planned development approval to offset the wider street section. See Figure 4.

Amendments to the Albany Development Code (ADC)

Proposed code amendments are written in **red** with additions underlined and deletions in ~~strike-out~~.

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

- (1) The clear vision area provisions do not apply to the following:
  - (a) a public utility pole,
  - (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
  - (c) another plant species of open growth habit that is not planted in the form of a hedge and that is planted and trimmed to leave at all seasons a clear and unobstructed cross-view,
  - (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
  - (e) an official warning sign or signal,
  - (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
  - (g) existing or new buildings that meet the minimum setbacks.

~~(2) A clear vision area consists of a triangular area, two sides of which are lot lines or a driveway and a lot line for a distance specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides (See illustration below, Figure 6). The measurements in Table 12-4 below shall establish the clear vision areas:~~

- (2) A clear vision area consists of a triangular area.
  - (a) For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12-4 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 6). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.

**TABLE 12-4. Measurements for establishing clear vision areas.**

Type of Intersection	Measurement Along Each Lot Line or Drive Edge*
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection	30 feet
<del>Commercial and Industrial District driveways</del>	<del>20 feet</del>
Residential <del>District</del> driveways	15 feet
Alley (less than 25 feet)	20 feet

~~\*When two or more streets of different right of way width intersect, the distance to be measured along the lot lines shall be the distance specified for each type street.~~

Amendments to the Albany Development Code (ADC)

Proposed code amendments are written in **red** with additions underlined and deletions in ~~strike-out~~.

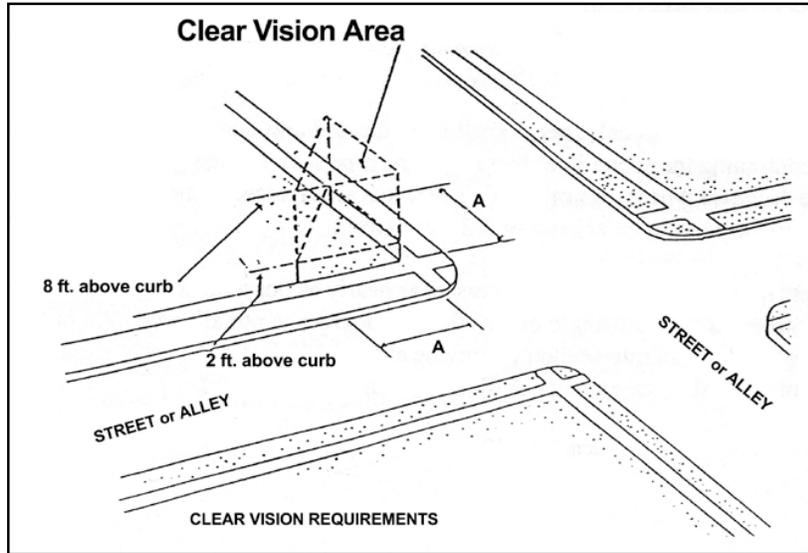


Figure 6. Example clear vision area.

- (b) For non-residential local streets and driveways and all intersections involving collector and arterial streets, the clear vision area shall be a triangular area providing the sight distance specific in the Table 12-5 below.

**TABLE 12-5. City sight distance requirements.**

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

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

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

## Amendments to the Albany Development Code (ADC)

Proposed code amendments are written in *red* with additions underlined and deletions in ~~strike-out~~.

**ARTICLE 22****USE CATEGORIES AND DEFINITIONS****RESIDENTIAL USE CATEGORIES**22.270 Assisted Living Facility

Assisted Living facilities are places that provide housing, personal care or assistance to unrelated residents that need help with activities of daily living, who are usually elderly or disabled persons. At least one person ~~resides on the site that is~~ responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents is present on the site at all times. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.

- (1) *Use Examples*. Types of uses include, but are not limited to: nursing and convalescent homes; life care or continuing care services, hospice care facility, dementia care and assisted living facilities.
  - (a) Retirement housing units that are separate units and are owner-occupied or rented are classified as Single-Family and Two-Family or Three or More Units.
  - (b) Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or homeless shelters).

**ATTACHMENT B**

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Streamline	1.070(7)	Sites with small buildings are more likely to be required to go through land use review rather than sites with a large building, which places a burden on sites with a small building, irrespective of actual impacts of the development.	Modifies the threshold for requiring land use review on building additions from 25% to 50% of the existing building area, thus removing the burden on sites with a small building.
Streamline	1.083	The code requires submittal of a request for a land use permit extension 45 days prior to the expiration date of the decision, which is a long period of time and it could be reduced or eliminated.	Removes the requirement for submittal of a request for a land use permit extension 45 days prior to the expiration date of the decision, and allows a request for extension to be filed up to the date of expiration of the original approval.
Streamline	1.203	Listing a code requirement for city staff to attend a neighborhood meeting provides a basis for appeal on a process error. City policy is for staff to attend neighborhood meetings; however, there is no need to have this procedure codified.	Removes the requirement in the code for staff to attend neighborhood meetings; however, staff will continue to attend meetings as a general policy.
Clarify	1.330(3)	The public notice area for Site Plan Review for Residential Accessory Structures is a 100-foot radius from the subject property; however, the code does not specify this.	Clarifies that only a 100-foot notice area for Site Plan Review for Residential Accessory Structures is required, distinguishing the notice area from other Site Plan Reviews, which requires a 300-foot notice area.
Consistency	1.350	Type II land use review notice area is only 200 feet, but it should be consistent with and at least the same as a Type I-L land use review notice area, which is 300 feet.	Changes the Type II land use review mailing notice area from 200 feet to 300 feet, consistent with the Type I-L process.
Streamline	1.400	The code requires the applicant to provide the mailing list for public notices; however, staff always generates the mailing list to ensure the information is accurate.	Removes the requirement for the applicant to provide a mailing list, because City staff always generates the list.

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Clarify and Consistency	2.250	The conditional use review criteria does not specifically refer to basic development code standards, such as parking, landscaping, setbacks, etc.; however, these standards also apply and it needs to be clarified.	Clarifies that all applicable development code standards apply, in addition to the rest of the conditional use review criteria.
Streamline	2.430	Sites with small buildings are more likely to be required to go through site plan review rather than sites with a large building, which places a burden on sites with a small building, irrespective of actual impacts of the development.	Modifies the threshold for requiring site plan review on building additions from 25% to 50% of the existing building area, thus removing the burden on sites with a small building.
Clarify and Consistency	2.450	The site plan review criteria does not specifically refer to basic development code standards, such as parking, landscaping, setbacks, etc.; however, these standards also apply and it needs to be clarified.	Clarifies that all applicable development code standards apply, in addition to the rest of the site plan review criteria.
Clarify	2.490	The application information requirements for site plan review does not specify everything that actually needs to be submitted for a complete application.	Clarifies the application content requirements for site plan review.
Consistency and Clarify	3.050	The code is inconsistent because communication facilities are allowed in the HM zone, while they are not allowed in any of the other residential zones; and antennas for amateur radio service are not allowed in the HM zone, while they are allowed outright in all of the other residential zones.	Removes communication facilities from the HM zone, and allows antennas for amateur radio service in the HM zone.

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Streamline and Remove Barriers	3.050 & 3.080(19)	Subdivision sales office is required to go through a Type I-L Site Plan Review, which takes unnecessary time and money to process. In addition, a fully improved parking lot is required with the sales office, which is expensive and unnecessary for a sales office that is only temporary.	Allows subdivision sales office outright (vs. through site plan review), through a Type I review and removes the requirement for a parking lot.
Clarify	3.080(12)	Antennas that cannot meet the standards under special condition (12) can be considered under conditional use review; however, the code does not specify whether it is a Type II or Type III conditional use review process.	Clarifies the process for conditional use review is a Type II process.
Consistency and Clarify	3.050 & 3.080(16)	The code allows communication facilities > 50 ft. tall to be consider through conditional use review, but the code is silent for communication facilities < 50 feet tall.	Clarifies communication facilities < 50 feet tall may also be considered through conditional use review, just as communication facilities > 50 feet tall can be considered through conditional use review.
Consistency	3.080(16)	The code is inconsistent because communication facilities are considered through conditional use, Type III review in commercial zones, vs. a Type II review in residential zones.	Modifies the conditional use review process for communication facilities in residential zones from a Type II review process to a Type III review process, consistent with commercial zones.
Correct Reference	3.085	This code section references another code section that is incorrect and it needs to be corrected.	Corrects reference to non-conforming Section under ADC 2.335(3).
Correct Redundancy	3.360	This code section is redundant with ADC 9.140 and it should be deleted.	Revises ADC 3.360 to reference ADC 9.140 to eliminate redundancy.

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Consistency and Clarify	4.050 & 4.060(23)	The land use table specifies that communication facilities > 50 feet tall can be considered through conditional use review, but it is silent for communication facilities < 50 feet tall, even though special condition (23) refers to communication facilities < 50 feet tall.	Adds communication facilities < 50 feet in height to the land use table, consistent with special condition (23).
Consistency Clarify	4.060(23)	Antennas and towers less than 50 feet tall that cannot meet the standards under special condition (23) can be considered under conditional use review; however, the code does not specify whether it is a Type II or Type III conditional use review process.	Clarifies the process for conditional use review is a Type II process. Also revises the code language for consistency within special condition (23).
Remove Barriers	4.290(5)(b)	This requirement limits screening material for outside storage to only landscaping rather than allowing other screening materials such as fencing. Flexibility with respect to screening materials is more practical and can be more effective.	Removes the requirement to only use landscaping for screening and allows other materials to be used for screening in accordance with screening standards of ADC 9.250.
Consistency and Clarify	5.060 and 5.070(20)	The land use table specifies that communication facilities > 50 feet tall can be considered through conditional use review, but it is silent for communication facilities < 50 feet tall, even though special condition (20) refers to communication facilities < 50 feet tall.	Adds communication facilities < 50 feet in height to the land use table, consistent with special condition (20).

<b>Objective of Code Change</b>	<b>ADC Section</b>	<b>Issue</b>	<b>Proposed Code Change</b>
Consistency and Clarify	5.070(20)	Antennas and towers less than 50 feet tall that cannot meet the standards under special condition (20) can be considered under conditional use review; however, the code does not specify whether it is a Type II or Type III conditional use review process.	Clarifies the process for conditional use review is a Type II process. Also revises the code language for consistency within special condition (20).
Consistency and Clarify	5.060 and 5.070(21)	Special condition (21) should apply to the MUC zone, just as it does to the CB, LE, PB and ES zones.	Applies special condition (21) to the MUC zone, consistent with the CB, LE, PB and ES zones.
Consistency and Clarify	5.070(21)	Special condition (21) doesn't specify whether the conditional use review is a Type II or Type III process.	Clarifies the process for conditional use review is a Type III process for communication facilities > 50 feet tall.
Streamline and Clarify	6.190	The code is unclear whether the Type III land use review procedure applies to building permits on land with steep slopes.	Clarifies that building permits are only a Type I review procedure for hillside development/steep slopes.
Remove Barriers and Safety	8.230	It is unsafe and impractical to require private open space (i.e. balconies) on assisted-living and nursing home buildings.	Removes the requirement for private open space on assisted-living and nursing home developments.
Remove Barriers	8.380(5)	The standards for large parking lots are difficult to comply with and they need to be more flexible to be applied.	Modifies the pod design requirements for large parking lots to allow more flexibility.
Clarify	9.120(13)	The code is unclear how many bicycle parking spaces are required for commercial development.	Clarifies how many bicycle parking spaces are required for commercial development.
Clarify	9.140(1)&(2)	The current wording does not account for the fact that ADC 9.190 allows landscaping to be financially guaranteed prior to final occupancy.	The revision make it clear that landscaping can be financially guaranteed prior to final occupancy in accordance with ADC 9.190.

**ATTACHMENT B**

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Remove Barriers and Clarify	9.190	The code allows an applicant to provide financial assurance to delay installation of landscaping after issuance of an occupancy permit, but only during the winter months (Dec. - March); however, with financial assurance, it is unnecessary to apply this time constraint. In addition, The current text does not account for development where there is no occupancy permit.	The revision allows landscaping to be installed after issuance of an occupancy permit with financial assurance, any time of year rather than only during the months of December through March. The revision also makes it clear financial assurance can be applied to development that does not need a building permit.
Clarify and Remove Barriers	Table 9-4, Buffer/Screen Matrix	The screening requirement in the front yard of residential development along arterial streets conflicts with other sections of the code (i.e. fencing and vision clearance standards). The buffer and screening matrix unnecessarily separates two line items, which could be combined.	Removes the screening requirement in front of residential uses abutting arterial streets. Consolidates all residential uses in residential districts into one line item on the buffer and screening matrix.
Clarify	9.380(5)	The development code is inconsistent with current building code requirements.	Changes reference to building permit requirements for fence height from 6 feet to 7 feet, to be consistent with current building code standards.
Consistency	10.530	The conditional use review process in the land use tables for RV Parks are listed as a Type III process, but section 10.530 lists it as a Type II process, which is incorrect.	Modifies the conditional use review process for RV Parks from a Type II process to a Type III process to be consistent with land use tables.
Consistency with State Law	10.540(7)	The development code is inconsistent with State law, by limiting the amount of time an RV can be placed in an RV park.	Removes the time limit on RVs placed in an RV Park to be consistent with State law, ORS 197.493.
Clarify and Consistency	11.030	The land division standards do not specifically refer to basic development code standards and the lot and block standards; however, these standards also apply and it needs to be clarified.	Clarifies that all applicable development code standards and the lot and block standards apply to land divisions.

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Remove Barriers	11.065	Limiting the time to record final plats is unnecessary and creates unnecessary problems for applicants.	Removes the requirement for replats to be recorded within 45 days of approval.
Remove Barriers	11.090(8)	Engineering standards have changed to allow rolled curbs on cul-de-sacs, which makes the standard that limits the number of accesses on on a cul-de-sac obsolete.	Deletes the standard that limits access to cul-de-sacs bulbs to five lots or units.
Clarify	11.090(9)	Flag lots: The the word "discouraged" cannot be implemented. It is unclear when a public street "cannot be provided."	Flag lots: Removes the word "discouraged," and clarifies when public streets do not need to be provided.
Clarify	11.130	The application information requirements for property line adjustments does not specify everything that actually needs to be submitted for a complete application.	Clarifies the submittal requirements for property line adjustments.
Clarify and Consistency	11.180	The land division criteria do not specifically refer to basic development code standards and the lot and block stanards; however, these standards also apply and it needs to be clarified.	Adds criteria for land divisions to be consistent with the underlying zone standards and with the lot and block standards.
Safety	12.122	A recurring issue was identified relating to one of the design options for local street right-of-way and roadway width requirements. That option allowed for streets with a 28 foot curb width and parking along both sides of the street. The local school district found that design did not provide sufficient room for school buses to maneuver the streets to pick up school children.	Revises local street design standards to ensure the right-of-way and roadway width requirements are safe to accommodate pedestrians, vehicles and school buses.

Objective of Code Change	ADC Section	Issue	Proposed Code Change
Safety	12.180	The current standards describe a triangular clear area at intersections that is based on intersection control type and not vehicle speeds and road geometry. A recurring issue was identified relating to inadequate vision clearance on sites along arterial streets, particularly those that are curved and allow higher speeds.	Modifies clear vision standards along arterial and collector streets to accommodate varying site conditions, such as curved streets and streets that allow higher speed limits.
Clarify	12.200	The definition of "development" is cumbersome because it attempts to include everything it considers development rather than the few things that are not considered development.	Clarifies the definition of development for purposes of this Section.
Clarify and Remove Barriers	22.270	The definition of "Assisted Living Facilities" requires a person to be living on-site, which is an unnecessary requirement.	Modifies the definition of "Assisted Living Facilities" by clarifying that a person needs to be present on-site at all times vs. actually living on-site.