

MAYOR'S BUSINESS READY TASK FORCE
September 11, 2012
2:00 – 5:00 PM, Municipal Court Room
Albany City Hall, 333 Broadalbin St. SW, Albany

Members: Sharon Konopa, Jeff Christman, Oscar Hult, Arthur Meeker, Jessica Pankratz, John Pascone, Dave Reece, Ron Reimers, Rob Richards, Dala Rouse, Mark Spence, Janet Steele

Staff: Wes Hare, Heather Hansen, Tari Hayes, Anne Catlin, David Martineau

Agenda

- Approval of Minutes
 1. July 31
 2. August 14
- Business from the Public
- Discussion of Remaining Items on the Business Ready Task Force *Issue Matrix*
 1. Infill and Redevelopment – Commercial & Industrial (David)
 2. Incentives for Adaptive Reuse (Anne)
 3. Increasing Allowances for Signs (Anne)
 4. Tree Cutting on Undeveloped Industrial Properties (Heather)
 5. Planning Fees for Concurrent Applications (Heather)
 6. Landscaping Requirements (Heather)
 7. Commercial Uses in Vacant Industrial Buildings (Heather)
 8. Upkeep of Abandoned Buildings (Heather)
 9. Expiration Dates for Approved Plans (Heather)
 10. Review of Recommended Home Business Standards (Anne)
- Next meeting:
 1. October 2, 2012
 2. Additional meeting?
- Adjourn

Mayor's Business Ready Task Force Minutes
July 31, 2012
2:00 – 5:00 PM, Municipal Court Room
Albany City Hall, 333 Broadalbin St. SW, Albany

Attendees: Arthur Meeker, Sharon Konopa, Mark Spence, Jessica Pankratz, John Pascone, Jeff Christman, Greg Roe, Rob Richards, Dala Rouse, David Reece, Rob Reimers, Oscar Hult

Staff: Evan Fransted, Ron Irish, Mike Leopard, Heather Hansen, Jeff Blaine, Lisa Bennett, Gary Stutzman, David Martineau, Mike Trabue, John Bradner

Guest: Richard Berger, Realtor's Association

1. Review and approval of June 19 minutes

Christman noted that Don Sullivan's first name was listed incorrectly in the minutes and asked for that to be corrected. Meeker moved to approve the minutes as corrected, Pascone seconded. Motion passed unanimously.

2. Business from the public

None.

3. Off-street parking standards (Heather Hansen) (see agenda file)

Off-street parking standards are intended to provide for adequately sized and designed parking and loadings areas that provide continuous flow through the parking lot allow pedestrians to move safely to and from buildings are attractive and protect adjacent properties from adverse impacts of uses with inadequate off-street parking. Albany's off-street parking space requirements are prescriptive rather than performance based, and have not been thoroughly reviewed or updated for awhile, though they are in line with many other jurisdictions.

Questions: Why can't the market decide this? Why aren't the standards more flexible? Why do we require parking that isn't needed? How can we provide more flexibility in achieving adequate parking spaces?

Hansen said off-street parking usually comes up as an issue when a change of use is proposed. Some categories, such as day care and construction contractors, are completely missing from the Development Code. Some communities have incentives to reduce the amount of parking needed but those are generally communities with more use of mass transit.

Pankratz mentioned two properties for sale that require more parking than what potential buyers believe is needed and there's no way to redraw the lot to get another spot. Fransted said Corvallis allows an exemption for change of use. Christman asked about situations where you don't know what the new use is but are told you need another parking spot anyway. Pascone said for some infill properties, there's no place to go.

Group discussion continued regarding creating parking requirements that are obvious; minimizing effects on neighboring land uses; and proximity to other off-street parking. Hansen said people shouldn't have to go through pre-application review for every new lease; Pascone said people get turned away because of the requirements. Consensus was to make the requirements flexible and permissive and to build that in at the front end of the process.

Reece asked how the type of space use applies to parking requirements, such as space used for storage versus customer interface space. Spence said the code should be broadly known about businesses and realtors – if a building has x amount of space, it requires x number of parking spaces. Fransted added that anything beyond two spaces requires ADA consideration.

Richards asked about parking in the Elm Street district, noting that, by 7:30 a.m., not one parking spot is in sight, particularly around old houses that have been repurposed to be medical offices. Hansen said the purpose of the zone was to support the medical community; medical offices have moved into old houses with no off-street parking. Fransted quoted code on parking in Elm Street district. Rouse noted that sometimes off-street doesn't have to be on site; it can be down the block or shared. Discussion continued about parking in the Elm Street district, how parking is managed there, and who may be inconvenienced. Hare said the Elm Street district is a good illustration; in large measure it functions pretty well. In any community, he said, you will find places with some congested parking. The questions to ask is are you driving people out of their homes or businesses or is it just a feature of the neighborhood? Hansen noted a study of parking downtown done by Fransted a few years ago to address a perception of a parking problem there. The study showed that isn't true.

Discussion turned to property on Queen Avenue near the railroad tracks, a photography business, KRKT offices and Clock Tower Realty. Reece asked if the required number of spaces is determined by the building's use or gross space. Hansen suggested eliminating space used for storage and for HVAC systems in parking calculations. Fransted said space requirements are sometimes calculated per employee and, for other uses, by sales floor area. Hare asked how one determines the difference in storage space and display case space, citing a new market on the east side of town. Reece spoke of a change of use on the Queen Avenue property that required upgraded landscaping and paving the parking lot.

Consensus:

- Add 2-space cushion similar to Corvallis, for infill/redevelopment only, and only if there isn't sufficient space onsite.
- Revisit the ratios in the code. Add explicit flexibility up front.
- Allow Director to provide flexibility as well, such as variations in types of uses and their parking needs.

4. On-street parking allowances

On-street parking is intended for general public use. When on-street spaces are counted toward the parking requirements of a business or other use, they are basically committed to that use. Customers and employees of businesses without adequate off-street parking who consistently park in front of homes or businesses may adversely impact those residents and business owners.

Question: Can we allow this to count toward parking requirements in more circumstances than allowed currently?

Martineau's research found that only Bend allows for on-street parking, which can count for up to 50% of required parking under limited circumstances. Those tend to be uses that have occasional gatherings of people. He also found zones that allow counting on-street parking toward parking requirements, and infill standards for village center zones that allow counting on-street parking within 100 feet of development. Hansen asked if additional locations or circumstances that make sense as well, such as industrial areas with a lot of employees parking on the street with no adverse impact because the parking does not affect residences. Christman asked if two businesses on the same site. Hansen said the requirement is supposed to be based on the frontage of the property. Discussion

followed about several existing businesses, changing uses, and requirements for new construction. Staff presumes that new construction will choose a place where they have the space for parking. Pascone said he would favor letting something happen than not. Hare said it becomes an issue with private property; creating one advantage at the expense of another is where problems begin. Konopa mentioned that Pascone and Janet Steele had parking on their list for this task force to discuss; any specifics? Hare mentioned parts of Ferry Street, industrial on both sides, where nobody parks on the street because they don't need to.

Rouse said there should be a difference between existing and new construction. Hare said Bend has some provision for that; staff will look at the wording of their code. Martineau said in more congested urban areas, parking could require more enforcement. Designers have to be very mindful of bike lanes, so doors aren't being opened into them. Businesses could also look at angled parking, which can fit a lot more in. Discussion continued on different considerations in commercial and industrial zones; the merits and limitations of marking on-street spaces; and parallel versus angled parking.

Consensus:

- Review Bend concept and adjust it for Albany
- Only allow on frontages
- Industrial areas, and other areas that won't impact residential neighborhoods
- Include a few examples of problems

5. Parking lot landscaping

Parking lot landscaping is multi-purpose, providing shade, directing traffic and pedestrians safely, reducing stormwater runoff and enhancing the overall appearance of the city.

Questions: It seems excessive. Why is it needed for even a few parking spaces? Can we relax the standards due to the economy?

Hansen summed up parking lot landscaping: it looks nice and it costs money. The Comprehensive Plan is supposed to guide the Development Code: ADC provides for an alternate plan that's more flexible. Some of what people consider parking lot landscaping is actually buffering and screening. Front and interior set back areas are also separate from parking lot.

Discussion followed regarding the impact of trees in parking lots; neglected landscaping at empty businesses; the benefits of landscaping versus additional parking; and stormwater runoff. Hansen said any code changes would mostly affect changes of use and infill. Additional discussion addressed stormwater management and water quality and how to integrate them beneficially into existing development; and use of bioswales and other permeable options. Hansen said staff doesn't want to make a lot of changes to parking lot landscaping knowing that stormwater standards are coming to the City Council for discussion and action. Blaine said state standards will only be required on new projects or those that are one acre and larger.

Consensus:

- Add threshold for requiring planter bays – Comp Plan says four
- Require maintenance of landscaping and enforce it!
- Wait to make any other changes until Public Works is done developing new stormwater quality regulations

6. Paving

Paving, along with curbing and landscaping, provides both visual and functional benefits – aesthetics, stormwater collection, dust control, and clear demarcation of stalls, traffic aisles and pedestrian ways.

Questions: Why don't we allow gravel parking lots for overflow parking or allow other materials? Why does the code reference the Public Works Director?

Hansen said for temporary or seasonal parking or special events a couple of times a year, gravel is allowed. Using gravel is a matter of what the community wants. Considerations include the cost of paving, appearance, and changes in use. Discussion covered paving requirements for existing uses versus new development; limited-duration parking; parking areas used for storage; and ADA surfacing requirements.

Consensus:

- Bring back option for temporary and seasonal use of gravel parking lots for "overflow" parking, not required parking
- Clarify difference between gravel areas for storage versus parking

7. ADA parking requirements

The City complies with this federal regulation through the State Building Codes.

Question: The regulations seem excessive. Why do we require it when some other cities don't?

Bennett provided a handout on accessibility requirements for parking (see agenda file.) She described the City's program, permitting process, and response to complaints. Other communities in Oregon have been subjected to lawsuits for failing to comply; our program can help prevent that, and it is really important to the disability community, Bennett said. Many disabled people don't care about access issues after they get into a building; getting to the building is a bigger issue.

8. Nonconforming situations/vacant buildings

The main issue is how to balance bringing nonconforming situations into conformance over time with out-of-pocket costs to businesses that want to use the sites now. Some buildings that have been vacant for a long time have lost their nonconforming status. Most nonconforming situations are: a once-legal use that is no longer allowed by current regulations; or allowed uses on property that have a nonconforming development that doesn't meet current requirements.

Questions raised:

- Why does nonconforming status expire after just one year?
- Can improvements "commensurate with development" be more clearly defined and addressed more simply?
- Can we be more flexible in giving owners or businesses time to make required improvements?
- Can we be more flexible with new uses or development on challenging properties?

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Leopard provided a list and maps of four properties to provide recent examples of challenging sites: 530 Queen Avenue SW; 1977 Santiam Highway SE; 615 Water Avenue NE; and 1260 Price Road SE. Each property prompted lengthy group discussion.

Consensus:

- Staff will bring back proposed revisions to the Nonconforming Situations section of the code, including reverting to nonconforming status.
- Staff has direction to look at the Waterfront District differently.

9. Other business

Rouse asked about a roofing company on residential property near Bowman Park that stores roofing tiles there. Hare said staff will look into it.

10. Next meeting: August 14, 2012, 2:00-5:00 p.m., to discuss the Development Review Process, start to finish.

Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Marilyn Smith

Public Information Officer

Mayor's Business Ready Task Force Minutes
August 14, 2012
2:00 – 5:00 PM, Willamette Room
Albany City Hall, 333 Broadalbin St. SW, Albany

Attendees: Sharon Konopa, Mark Spence, Jessica Pankratz, John Pascone, Jeff Christman, Greg Roe, Rob Richards, Dala Rouse, David Reece, Rob Reimers, Oscar Hult

Staff: Ron Irish, Mike Leopard, Jeff Blaine, Gordon Steffensmeier, Mark Shepard, Mike Trabue, John Bradner, Heather Hansen, Kristin Johns, Anne Catlin, David Martineau, Tari Hayes

Guest: Richard Berger, Realtor's Association

1. Business from the public

None.

2. Development Review Process (All) (see agenda file)

The Task Force discussed *The Development Review Process* handout provided in the agenda packet. The City's development review process involves multiple departments and outside agencies, and has multiple stages from initial discussions about the concept through construction and occupancy. There is frequent back and forth, sharing and submission of information, between the applicant and City staff. As an example of the development review process, throughout the meeting the Task Force referenced the YMCA Site Plan Review and Vacation Right-of-Way Project overview document, found in the agenda packet.

Step 1: Initial Contact and Consultation

PLANNING staff is usually the first to talk with a potential applicant, either at the counter or on the phone. There is a diverse level of applicant. Some, such as developers, have access to professional engineers and provide well documented ideas. Others, such as small business owners, bring in an idea and planning staff helps them put it down on paper. The group discussed ways to start out with a more positive approach, ("We're excited about your idea, thank you for bringing it forward," etc).

More ideas and inquiries are coming in via email, which works well for City staff and the applicants. Pascone reminded the group that he is available to assist small and large business owners as well as being a resource for City staff.

A large number of ideas never go past initial contact and consultation.

Step 2: Pre-Application Meeting

This meeting is a forum to discuss the proposal and give the potential applicant more information about the process, requirements, and information that will be needed for an application to be considered complete. In preparation for the meeting the applicants submits the proposal two weeks prior to the meeting. The pre-application information is confidential between internal staff and agency groups.

Questions: Can the time between be shortened? Can there be more flexibility in the day? Why is the first answer always no? Is there a way to track how many projects make it past the preapplication process?

During the two weeks, the materials are routed to other departments and outside agencies so they can research the site, review the proposal, and prepare relevant comments. It really does take that long to gather the comments and prepare for the meeting. Pre-application meetings are set for certain days to fit into department and staff schedules, but could be flexed for special requests.

Irish reminded the group that when there is a definite no on the project, it's stated first because historically, leaving it for last was a disaster. Catlin noted that staff tries to help the applicant ask the right questions during the meeting to find potential solutions/ suggestions on how to achieve the applicant's goals. The applicant is provided with meeting notes, which are not intended to be the "final word", since the proposal often changes by the time it becomes an application. It was noted that small, inexperienced, business owners can use the meeting information and notes to prepare bids for their startups.

Action Items:

- City staff will update the existing Development Review Process customer handout using the outline provided today.
- Staff will determine if data is available on the number of preapplication that turn into projects.

Step 3: Land Use Application Process & Decision

If the developer or property owner decides to move forward from the pre-application stage, they submit the application(s) and plans. The project is often somewhat different (sometimes significantly) from the preliminary proposal discussed at the pre-application meeting. Sometimes applications are bundled when possible, to process concurrently. This saves time and in some cases money for the applicant. There are some state regulations that dictate what can be bundled.

Completeness Check: Once Planning has received the application materials, the first step is to determine if all of the necessary information has been provided in order to process the application. The application materials are routed to applicable departments, outside agencies and utility companies, and they are given 14 days to determine whether there is enough information to evaluate the proposal against applicable code standards and laws. The information is made public at this time.

Once the application is deemed complete, state statutes require that a land use decision be rendered within 120 days (legislative decisions are not subject to this time period). Most applications take the City of Albany staff far less time to process than is allowed by state law.

Reece noted that he is impressed with the City's pre-application meeting practice and the process to get to a Letter of Completeness. Much better than some City's he works with. It would be good for the City to look into the software program used by Oregon Department of Transportation and other municipalities for permitting.

Public Notice: Four of the five levels of review require 10 to 14 days for public input on the proposal. Once the application is deemed complete, planning staff mails a Notice of Filing or a Notice of Public Hearing to property owners within a specified radius of the proposed development. Neighborhood meetings are required after preapplication and before application submission for some types of applications.

The group discussed ways to have staff be more involved in those meetings. Staff is there to note the views expressed on the project and to provide some subject matter expertise. Mostly they attend, when they are notified of a meeting, to observe.

Additional meetings may be held, and the applicant can send revised plans to the neighbors, at anytime, especially if the plans change significantly from neighborhood meeting to application submission. This heads off the feeling of “bait and switch” some neighbors express as projects proceed.

Staff Report and Notice of Decision: The planner collects all comments, findings and conditions of approval from other departments and outside agencies, and combines them into the Staff Report. The written findings outline the basis for approval, approval with conditions (in order to meet the standards), or denial. The Staff Report is a legal document that outlines the basis for the City’s decision. It is a crucial document if there is an appeal.

Members made comments and observations based on their experiences with projects. Staff decisions are based on the code standards and public input. Challenges arise when large amounts of evidence are presented at public hearings and Commissioners and Councilors are unable to review the evidence during the public hearings. There is little that can be done to curtail that practice.

Action item: Hansen noted that the “How to be a Good Public Hearing Participant” customer handout needs to be updated and put online.

Step 4: Satisfying Conditions of Approval

In most cases, all conditions of approval must be completed or financially assured before building permits are either issued or finalized, or subdivision or partition final plats are signed. Some conditions of approval are not required until the occupancy permit is requested, such as parking and landscaping. The developer can enter into Systems Development Charge (SDC) Credit Agreements or Capital Recovery Agreements, if applicable. These provide for reimbursement on some of their investment in public infrastructure.

When public infrastructure is required, it is typically **constructed privately** by obtaining a Permit for Private Construction of Public Improvements or Site Improvement (SI) Permit through Public Works. The developer may enter into a Mutual Improvement Agreement (MIA) in order to obtain building permits in advance of, or simultaneously with, construction of public improvements. Another option is to ask the City Council to form a Local Improvement District (LID) to construct the improvements through a public contract. This method shares the costs of the public utilities with those benefiting from them.

Questions: Could the bonding be combined? Is it possible to combine the preliminary, interim and final subdivision applications?

The group discussed the fees associated with the YMCA project. There was a significant cost difference between the Timber Linn Park site and the current site. The value of the project for the Timber Linn site was \$6 million and \$11 million for the current site. The building size increased from 56,660 to 77,700. Fees can be based on project cost estimates, square footage, type of applications, etc. A traffic study was required with the second application. The applicant asked the City Council to initiate the Vacation and they agreed to initiate it, waiving the \$2,000 application fee. The group discussed the different bonding amounts for public improvements and the security required to cover impacts and exposure to existing utilities.

Shepard thought that the wording on future MIA's may be able to be adjusted so developers can streamline the number of bonds they take out for projects.

Action items:

- Staff will review the planned development process for efficiency and effectiveness.
- Public Works will check with the City attorney on bonding alternatives.

Step 5: Building Permit & Construction Phase (excluding Land Divisions)

Building plans are submitted at the Community Development counter and are circulated to departmental staff for review (Building, Public Works, Planning, Fire, etc.). Building permits trigger other permits and fees associated with typical developments (SDCs, water meter installation permits, encroachment permits, etc.). Fees are used to support building staff, inspectors, permit technicians, plan reviews, etc. The group feels the City does an effective job protecting the safety of the community with building code guidelines and the high quality of inspectors and the inspections they do. Albany is aware of the competition for construction dollars with other cities. In response, building fees have stayed the same for a number of years. The Building division is primarily self-supported by revenue from fees. Planning is fee and general fund supported.

Certificate of Occupancy (C of O): After all buildings and improvements are inspected and determined to be complete, and any other conditions of approval are met (e.g., landscaping, parking lot construction, buffering/fencing, etc.), a C of O can be issued.

Action Item: Staff will add temporary C of O information to the handout.

Questions: Can the Albany Fire Department (AFD) be brought into the process earlier?

AFD participates in the site plan review process during the pre-application and project review stages. They can also add stipulations to the conditions of approval. Sometimes easements are needed in order for the AFD to cross other properties during an emergency. Without one, the property owners could erect fences (or deny access outright) to emergency personnel needing to cross their land. AFD staffing has been an issue in the past, however, they are in the process of hiring 3 additional Fire Marshalls, who will be able to assist in plan and project review. City staff is currently working to identify Fire Department requirements earlier in the land use process. They are working with the City Attorney to develop methods of incorporating fire and life safety requirements into the land use decision so they would become 'Conditions of Approval' rather than just being listed in the 'Information for the Applicant' section of the Notice of Decision, which has been a common source of confusion.

Wrap Up with Known Concerns and Suggested Actions

1. **Fees** –The most common concern regarding fees is about System Development Charges (SDCs). SDCs (water, transportation and parks) are required in order to pay for each development's fair share of improvements necessary to serve growth. They are not fees that can be waived and, without them, an alternate funding source for the required improvements would need to be identified. Hansen provided the group with a 2010 League of Oregon Cities SDC survey {see agenda file}. Albany ranks 26th out of 42 cities with populations that are over 5,000 or adjacent to Albany. SDC exceptions and credits can be made. The YMCA had over \$100,000 in SDC credits on their current project.
2. **Identification of Requirements and Potential Problems** – Staff has received concerns about the timing of identification of different issues. These can be legitimate concerns but they can also result from incomplete

information being provided early in the process. For the legitimate concerns, staff routinely evaluates them and determines if there are process changes that can be made to keep them from happening again.

3. **Timeliness of Response to Questions** – These concerns are more common for tree permits and Fire Department questions. Tree regulations are complicated by the fact that they are found in separate sections of the Albany Municipal Code and the Albany Development Code, and are regulated by two different departments. Staff is evaluating the feasibility of combining tree regulations and providing a single point of contact for the applicant. Timeliness of response to questions handled by the Fire Department is primarily a staffing issue that is being addressed.
4. **Reasonableness of Applying American With Disabilities Act (ADA) Standards** – Concerns have been expressed over the reasonableness of applying the ADA standards. It is true that the ADA standards can complicate a project but they are not standards from which the City can opt out. Properties in the process of infill or redevelopment will be asked to bring their properties up to ADA code. Christman noted that this results in cases where one property owner has to upgrade their lot and/building, but their neighbor doesn't. The City's ADA staff has ongoing ADA-specific trainings and works with many departments to understand the various construction challenges their customers face. These challenges, such as infill or redevelopment tie-ins, can often justify flexibilities.
5. **Delivery of Information** – When dealing with regulations every day it can be easy to lose sight of the fact that not every applicant is familiar with the development process or the typical standards and codes that are applied in the process. There are times when staff may list requirements or potential obstacles in a matter-of-fact manner, to the surprise of the customer. How the information is delivered to the applicant can be just as important as the information itself, and staff will continue to keep this in mind.

3. Next meeting: September 11: suggested code changes, October 2: bold and strike, T/B/D public meeting

Meeting adjourned at 5:00 p.m.

Respectfully submitted,

Tari Hayes

Administrative Assistant

Business Ready Task Force: Issue Matrix (9/6/12)

	Issue	Description	Response/Status
A	Home occupation (businesses and hobbies)	We want to encourage and support small home businesses. We also need to be concerned about compatibility with residential neighborhoods. Existing criteria are too subjective.	Discussed and reviewed on May 22 nd and June 19th. Proposed amendments will be reviewed at an Open House on 9/6/12. Scheduled for PC hearing on September 24th. Will be reviewed by BRTF on September 11th.
B	Site Plan Review checklist	Develop checklist to determine if SPR is warranted in all cases, such as change of use when no onsite improvements are possible. Request for "over the counter" review.	Discussed on June 19th. Will bundle amendments for PC hearings in the Fall.
C	Small-scale manufacturing with onsite sales	Current code unduly limits these uses. Review and revise.	Discussed on June 19th. Will bundle amendments for PC hearings in the Fall.
D E F	Existing buildings/ Challenging properties/ Nonconforming situations	Sites that are difficult to develop, and buildings that are difficult to lease or sell, due to ADC requirements. Consider short-term solutions until the economy turns around? Consider adding more flexibility for redevelopment or change of use, such as extending the 1-year expiration of nonconforming status, giving owner more time to make improvements, etc	Discussed on July 31st. Will bundle amendments for PC hearings in the Fall.
G	Use 25% of total project cost for "commensurate with development"	This is similar to the ADA requirement – it's an alternative way of defining "commensurate" with development.	
H	Parking requirements	Reconsider parking ratios, joint use for infill vs. new construction; off-street parking requirements; gravel lots; landscaping; restriping permits	
I	Development review process	Review and discuss process from start to finish – fees, timing, steps, and issues. Pick a recent example, such as SI projects, SPR. Include pre-apps. Fear of retribution is another issue, though no one was sure if it has actually happened. Who is responsible for relaying to prospective buyers/lessors what is allowed per zoning?	Discussed on August 14th. Will bundle amendments for PC hearings in the Fall.
J	Incentives for adaptive reuse	There are many possibilities that could incent filling vacancies downtown and in other areas, such as forgiven taxes, extended timeline for improvements, etc. Could have list of eligible properties.	September 11th Task Force

Business Ready Task Force: Issue Matrix (9/6/12)

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	Issue	Description	Response/Status	
K	Infill & Redevelopment	Consider adding flexibility for infill projects. Infill is defined as smaller lots (< 2 acres?) surrounded by existing development.	September 11th Task Force	
L	Landscaping requirements	Buffering and screening, setback areas - Can they be lessened or delayed?		
M	Signs – Limited situations	Temporary signs; integrated centers; mix of uses in one building with one entrance		
N	Tree cutting on commercial and industrial land	Should we lessen standards for commercial and industrial lands?		
O	Non-industrial uses in Industrial zones	There are more and more requests for commercial uses in existing buildings in industrial zones.		
P	Upkeep of vacant buildings	There are some properties that are run down and they affect the image of the City.		
Q	Capping fees on larger projects	Instead of the fee being x% of the total project cost, consider capping it.		
R	Expiration dates	Expand expiration times. Most approvals expire within 3 years, such as Site Plan Review, Subdivisions.		
S	Blighted areas	Relax standards – it's already run down so why not?		<i>Moved to K-Infill & Redevelopment</i>
T	Variances	Can they be allowed in more circumstances? Easy variances would not be legal, but we can find out how far we can push the envelope.		<i>Checked with Jim Delapoer. He strongly advises not to loosen standards for variances.</i>
U	SDCs are high	SDC fees can limit development. Do they have to be so high?	<i>Handout of SDC in other cities.</i>	
V	Goal 5	It should be goals, not regulations	<i>Memo - Protection of significant natural resources through Goal 5 is a state requirement.</i>	
W	Planned Development	Do we need to require so much open space?	<i>Small item - can be reviewed by staff</i>	



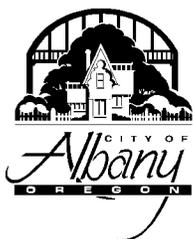
TO: Mayor's Business Ready Task Force
 FROM: David Martineau, Lead Current Planner
 DATE: September 5, 2012
 SUBJECT: Infill Development Standards

SUMMARY

“Infill” development is defined in the Albany Development Code as, “Development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, and streets and other public services are readily available.” Albany’s infill development standards are primarily aimed at residential developments to ensure compatibility with surrounding pre-existing development. The Code does not explicitly address infill of commercial or industrial property. Creation of a “positive infill strategy” is recommended to encourage desirable infill development.

TABLE OF SUGGESTIONS

Issue	Current Regulations	Proposed Revisions
Provide more flexibility in the ADC to encourage infill (and redevelopment) in commercial and industrial areas	ADC doesn't directly address commercial and industrial sites	Amend the Comprehensive Plan to provide a “positive infill strategy” that contains policies and action steps for implementation.
		Incorporate purpose statements into ADC zoning descriptions that support infill and redevelopment
		Provide alternative options in meeting design standards for infill development, i.e. select among options on a list
		Consider "floating" overlay zones that could provide flexibility in development standards and density allowances for infill lots
Residential infill opportunities are too limited in Village Center (VC) zones. Residential development helps support commercial development.	Infill is only directly addressed in two VC zones, and only for high density residential development on upper floors.	Encourage high density residential infill both horizontally and vertically in all VC zones
Lack of awareness in available resources that could provide incentives to develop infill sites		Invite staff from the Albany Revitalization Agency to attend pre-app meetings concerning potential infill development.



TO: Mayor's Business Ready Task Force

FROM: Anne Catlin, Community Development Planner

DATE: September 6, 2012

SUBJECT: Incentives for Adaptive Reuse and Minor Sign Code Amendments

Incentives for Adaptive Reuse

Staff met with Oscar Hult and Kate Porsche to discuss incentives currently available, or in use by other municipalities, for adaptive reuse downtown and city wide. Staff thought it would be helpful for you to have an understanding of the many different types of incentives already out there when considering a few new ideas. Frankly, I was surprised at how long the list of existing incentives already is! That said, there are a few suggestions for your consideration - including some relatively simple "free" development code amendments. **These incentives are listed and explained in the attached spreadsheet.**

In addition to the attached incentives, moving to a site plan "checklist" for change of uses on already developed sites, such as existing buildings downtown, will save time and costs for the applicant. (NOTE: this was discussed at the June 19 Business Ready Taskforce meeting.)

Limited Sign Code "Fix Its"

We all know how important signs are to businesses and customers. If you have ever obtained a sign permit in Albany, you may know how challenging our sign code is to use and understand. For more than a decade, one staff person reviewed all of the sign permits and figured out how to navigate the standards on sign allowances. Staff would like to schedule a complete review of our sign standards, hopefully within the next year. For now, there are some standards that need to be amended or clarified NOW in order to allow adequate signage for businesses.

Staff suggests the following minor amendments to increase the sign allowances for businesses:

1. The allowance for the total number of signs in commercial and industrial zones is per property, allowing two signs per frontage. "Per property" is limiting and inconsistent with other standards and should be per business.
2. In integrated centers, individual businesses are permitted one wall sign per street or parking lot frontage. That sounds good except there is reference back to the aggregate totals, which is a formula related to the amount of street frontage. Often many businesses do not have any street frontage. It is also unclear whether being on a joint-use free-standing sign for the center counts towards the aggregate. We propose to clean this up by using the wall sign standards for businesses within integrated centers.
3. Interior businesses in commercial and industrial areas are left trying to have sign using the "remaining signage area," which often is not enough for a readable sign. We propose a formula to allow for interior businesses to have wall signs.
4. Temporary signs - we recently improved these standards and streamlined the permitting process and fees. We still receive complaints about the 60 day limit per calendar year. Staff proposes increasing the number of days to 90 days per calendar year.

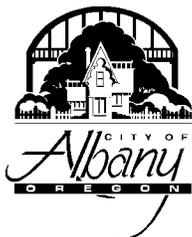
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Attachment: Incentives for Adaptive Reuse

EXISTING INCENTIVES			
	MINIMUM REQUIREMENTS	DESCRIPTION	Avail citywide?
Development Code Tools/Incentives			
Mixed Use Zoning	No requirements other than mixed use zoning: All downtown zones allow for mixed uses - allowing commercial/offices on all floors and residential on top floors or behind storefront, also MUC, MUR, OP		yes
Density waivers or transfers, or no minimum unit or land requirements	Projects in HD, LE, CB, WF, MUC zones	There is no maximum density in these mixed use zones and no minimum lot or area requirements	cluster & planned devel's
Reduced or No Parking/Loading Requirements	No parking is required in Downtown Parking Assessment District (bounded by Willamette River-Railroad St-5th-Calapooia)		no
Systems Development Charges Credits	Existing infrastructure and/or fixtures	City gives credit on SDCs for existing infrastructure and fixtures	yes
Federal Incentives			
20% Rehabilitation Tax Credit	building is designated historic and income producing; historic review of alterations by state/feds	20% of eligible rehab costs available as tax credit; Processed through SHPO and National Park Services	no
10% Rehabilitation Tax Credit	building constructed pre 1936, is not designated historic, is income-producing; rehab is for non-residential, property must be depreciable.	10% of eligible rehab costs available as tax credit; Tax credit claimed directly through IRS	yes
Brownfield Redevelopment	Must be a Brownfield site (hazardous substances and/or petro contamination), clean-up loans and grants require a 20% match	EPA has up to \$200,000 for assessments and up to \$1 million in loans/grants for clean up ; (work with state DEQ)	yes
Low-Income Housing Tax Credit	For low-income rental housing - restoration and new construction or rehabilitation; must apply for credits - can be competitive; usually used in combination with other funding sources	investors get a 10-year federal income tax benefit in exchange for cash investment	yes
New Market Tax Credits	commercial or industrial projects must benefit low income persons through jobs or services (persons at 80% or below MFI or in a census tract where 20% are below poverty line); expensive for small projects	provides tax credit (up to 39% over 7 years) to investors for equity investments in certified Community Development Entities that invest in low-income communities and persons.	yes
State Incentives			
Special Assessment of Historic Properties	must be on National Register, 10% of the RMV must be invested within 1st 5 years; exterior alterations and interior alterations of substance must go thru historic review	freezes value of building prior to improvements for 10 yrs	no
Vertical Housing Zone Program	Multi-story mixed-use development - existing or new construction. City must apply for targeted area/zone. Investment and rehab of properties in targeted areas of city to augment housing and to revitalize areas.	Projects receive a partial tax exemption over 10 years that varies with # of eligible floors.	possibly
Low-Income Multi-Family Grants & Loans	acquisition of existing and new construction developments that range from housing for persons with special needs to housing for lower income working Oregonians.	Developments may be funded through a combination of programs that include low interest loans, grants and tax incentives. Some applications are competitive, while other programs are open year around.	yes
Local & Other Incentives			
Urban Renewal Funding	Must be in the CARA district boundaries	grants and loans have been available for different types of projects and partnerships	within CARA
Historic Preservation Easements	designated historic property - needs qualifying non-profit to accept easement	easement donated in exchange for charitable contribution, must determine value of contribution	no
Energy Trust of Oregon - Upgrades	commercial and industrial users - cash incentives for qualified energy-efficient improvements and renewable energy projects and equipment. Also offer technical assistance		yes

INCENTIVES TO CONSIDER

	DESCRIPTION, BENEFITS, COSTS	APPLICABILITY & OTHER THOUGHTS
Development Tools/Incentives		
Multi-Family Open Space & Recreation Standards Exemptions	Exempt redevelopment and new construction within historic districts from multi-family open space/recreation area standards, triggered for 10 units or more. Variances (\$) would no longer be needed and would save costs and time for applicant and city; easier for new construction to be compatible (no balconies would be required, for example)	Apply to zones containing historic districts: HD & LE. Could apply to CB and WF, outside the historic districts, but zones where we want to encourage redevelopment.
Reduced Review Time & Cost	For uses allowed in the downtown zones that currently would require a Site Plan review, staff is recommended an administrative checklist (for change of use in existing buildings and expansions)	The site plan "checklist" would apply to situations outside of downtown.
Local Financial Incentives		
Tax abatement based on improvement value	Consider tax abatement from City taxes only, on the increased value of the redevelopment for a set time period - 3 to 5 years.	Offer citywide, however, participation may limit the amount of CARA funding a project might be eligible for or receive if in CARA district.
Tax "rebate" based on improvement value	This would be an upfront "grant" based on the amount of taxes estimated on the improvement value over a set time period (5 years). The "grant" would be paid back in the increased value. For example, a grant of \$20,000 towards improvements could be awarded if the city estimated the increase in tax revenues over 5 years would equal or exceed \$20,000.	Offer citywide, however, participation may limit the amount of CARA funding a project might be eligible for or receive if in CARA district.



TO: Mayor's Business Ready Task Force
 FROM: Heather Hansen, Planning Division Manager
 DATE: September 6, 2012

SUBJECT: Five New Items for Task Force Discussion:
 (1) Tree Cutting on Undeveloped Industrial Properties;
 (2) Planning Fees for Concurrent Applications;
 (3) Landscaping Requirements;
 (4) Commercial Uses in Vacant Industrial Buildings
 (5) Upkeep of Abandoned Buildings; and
 (6) Expiration Dates for Approved Plans

The five abovementioned items on the Task Force's *Issue Matrix* are covered by this memo. The issues, current regulations, and proposed revisions can be summarized as follows:

Issue 1: Tree Cutting on Undeveloped Industrial Property

Description	Current Regulations	Proposed Revisions
<p>Provide more flexibility for tree cutting on industrial properties. The task force recommendation will be reviewed and discussed by the Tree Commission.</p> <p>Staff met with the City Manager and City Forester to discuss options.</p>	<p>The existing standards are subjective, but they provide little flexibility to account for the unique needs of industrial development. This is especially true if tree removal is requested independent of plan review.</p>	<p>Add code language to the effect: "The Director, in consultation with the City Arborist, may grant an exception to any of the tree cutting standards for undeveloped industrial properties."</p> <p>Tree regulations will be revisited in their entirety within the next year.</p>

Issue 2: Lowering Planning Fees on Concurrent Applications

Description	Current Regulations	Proposed Revisions
<p>A task force member asked about capping fees on larger projects. The Building Division budget is 100% fee-based, and they are already struggling. The Planning fees don't come close to covering the actual cost, but the Division is supported by the General Fund.</p>	<p>Other than a few exceptions (natural resource overlays), there are no "discounts" for multiple applications submitted concurrently. The cities of Corvallis and Lebanon have such discounts.</p>	<p>Charge the higher application fee, then discount the remaining application fees by 25%-50%.</p>

Issue 3: Landscaping Requirements

Description	Current Regulations	Proposed Revisions
Can the requirements be lessened, or delayed?	<p>On non-residential land there are two options – general or alternative landscaping plans.</p> <p>The general plan requires: All required front and interior setback areas are landscaped; For every 1,000 sf there is a minimum of one 6-ft+ tree for every 30 feet of frontage; Five 5-gallon or eight 1-gallon shrubs, trees, or accent plants; the remaining area treated with suitable ground cover. If it's an industrial property adjacent to other industrial properties, only 30% of the setback area must be landscaped.</p> <p>The alternative plan allows properties with existing buildings to use the public right-of-way for apportionment of their landscaping requirement with the permission of the owner (city, county, ODOT, etc).</p>	Landscaping standards will be revisited over the next year during the development of new Public Works stormwater quality standards. Staff recommends waiting until that time, rather than having to revise then undo the landscaping revisions.

Issue 4: Allowing Commercial Uses in Vacant Industrial Buildings

Description	Current Regulations	Proposed Revisions
We have had many requests for commercial uses in vacant industrial buildings. Can we provide more flexibility during this economic downturn to encourage reuse of these buildings?	A limited number of commercial uses are allowed in Industrial zones. The main intent of Statewide Planning Goal 9 – Economic Development, which is implemented through our development code, is to maintain an adequate supply of land for its intended purpose. If industrial land is used for commercial purposes it's no longer available for industrial purposes. BUT, there are other ways of writing codes to achieve these purposes. We can work with DLCD's economic development specialist (Tom Hogue) to rewrite the code to enable more flexibility while maintaining an adequate supply of industrial land.	Staff talked with Tom Hogue and he is willing to assist Albany in a revamp of our code. We'd be the first in the State to provide the level of flexibility we discussed. But a complete revamp of our code will take at least a year and will require technical assistance funds. <i>In the meantime</i> , we could allow some commercial uses in industrial zones on a "temporary" basis – maybe up to 3 years with potential for annual renewal – through the conditional use process.

Issue 5: Upkeep of Abandoned Buildings

Description	Current Regulations	Proposed Revisions
<p>There are some abandoned commercial properties throughout the city that are run down. They are often in key visible locations in the City. They degrade the overall image of the city as well as the values of adjacent real estate.</p> <p>Staff met with the Mayor and City Attorney to discuss ways of addressing these "nuisance properties."</p>	<p>We do not currently have a way of addressing the upkeep of derelict buildings, other than through the dangerous buildings section of the AMC, which is limited to health and safety issues.</p>	<p>Our City Attorney proposes a "carrot and stick" approach.</p> <p>The "carrot" would be a loan fund created to front the money for demolition of the derelict commercial buildings, which would be repaid at the time of sale.</p> <p>The "stick" would be to deem properties that have lost their nonconforming status a public nuisance (<i>NOTE: we are proposing to return nonconforming status to all properties, then restart the clock on January 1, 2013</i>), then give the property owner a year to either bring the site into conformance or to demolish the building. In egregious cases, the City could file an injunction in circuit court, and the judge would determine what the property owner would need to do to abate the nuisance and when.</p>

Issue 6: Expanding Expiration Times for Approved Plans

Description	Current Regulations	Proposed Revisions
<p>Consider expanding expiration timeframes for land use approvals.</p>	<p>Most approvals expire within 3 years.</p>	<p>Add an option for an extension up to 1-year, assuming there haven't been changes to relevant city, state, or federal regulations.</p>



TO: Mayor's Business Ready Task Force
 FROM: Anne Catlin, Community Development Planner
 DATE: September 6, 2012
 SUBJECT: Home Businesses

Staff asked for your input on the current home business standards because their subjectivity makes them hard to evaluate and respond to complaints. Neighbors have different opinions about what constitutes *excessive traffic*, for example.

Changes incorporated to address concerns raised in June include:

- Hobbies are currently included as a "home occupation" but are being removed in the revised home business standards;
- Open houses and events, like yard and estate sales, would be exempt when they meet the city's regulations for yard sales (3 times a calendar year, up to 3 days each);
- Size and scale - Businesses allowed outright could be up to 25% of the house floor area (excluding garage) up to 500 square feet; OR when located in a garage (attached or detached) or an accessory building, they may be up to 1,000 square feet. Businesses that need more space would be considered through a Conditional Use review.

The proposal still includes two levels of home businesses. Those that can meet the clear and objective standards would be allowed outright like they are now but with an administrative checklist review (free - nominal applicant and staff time). While we do not currently have an application or checklist for home businesses, we feel it would help the business owner know what is allowed, and it will help the city identify any building or other permits that may be needed or other issues regarding the property or the proposal.

Businesses unable to satisfy the clear and objective standards would be processed as a Conditional Use through the "Type II" land use process. This process level provides an opportunity for neighborhood input, but remains a staff decision, unless the neighbors ask for or staff feels the application warrants a public hearing. The goal is to allow home businesses that exceed the clear and objective standards, but that can still be compatible with the residential character of the neighborhood.

We are holding a public open house tonight to get input on the recommended changes. We will share public comments with you next week.

alc/hah

Attachment: Home Business spreadsheet

Standard	Current Code	PROPOSED: Allow Outright	PROPOSED: With Conditional Use Approval
Review Process	Home business allowed if it meets the standards (no form or application, no fee)	Home business allowed administratively if it meets the clear and objective standards (checklist form, no fee)	Businesses that do not meet the clear and objective standards will be considered as a Conditional Use (CU). The CU review requires notice to neighbors and gives them a chance to comment on the proposal or request a public hearing. (fee)
Employees	Residents and 1 non-resident up to 20 hrs/week	Residents only	Residents and up to 2 FTE of non-resident employees.
Off-site Impacts	no <i>offensive</i> noise, smoke, dust, odors, vibrations, etc. at property line	No detectable noise (more than 50 dbls), smoke, dust, heat odors, or vibrations at property line	Conditional Use review
Signs	One small unlit sign on wall of residence, not larger than 12"x18"	No change, same for all home businesses: One small unlit sign on wall of residence, not larger than 12"x18"	
Residential Character	Use does not <i>adversely affect residential character</i>	Business conducted inside enclosed building except for nursery plant production	
	No visible <u>outside storage</u> of materials other than plant	No outside display or storage of materials or commodities to indicate from the exterior that any building on the site is being used for any purpose other than a residential use. (slightly modified)	
	No <u>display</u> to indicate from exterior that the building is being used for any purpose other than a dwelling.		
	<u>Size & Scale</u> . No standards.	<u>Size & Scale</u> . Use occupies no more than 25% of floor area of residence, up to a 500 square feet, OR up to 1,000 square feet if in a garage or an accessory building	Conditional Use review
Traffic & Parking	There is not <i>excessive</i> generation of traffic, including frequent delivers or pickups by trucks or other vehicles	3 deliveries/pick-ups per day by trucks or non-resident vehicles	Conditional Use review
		Only 1 customer vehicle at a time	Conditional Use review
		<u>Sales</u> . Products or services produced on-site, by appointment only	Conditional Use review
Exceptions	None in current standards but Albany Municipal Code (AMC) regulates yard sales	Garage, yard or estate sales <u>and</u> open houses or other events that comply with frequency in AMC 7.84.190 (up to 3 per year, 3 days per occurrence)	
Prohibited Uses	See ADC Section 3.110 for list	No change, but add two prohibited uses: kennels and dispatch or assembly of workers	