

ORDINANCE NO. 5767

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO SITE PLAN REVIEW (FILE DC-02-11) AND DECLARING AN EMERGENCY.

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions, and to be in compliance with state and federal laws; and

WHEREAS, these amendments are proposed as a part of the on-going process of evaluating and updating the Code to ensure the regulations are clear and there are no inconsistencies; and

WHEREAS, these amendments are proposed to ensure that any Site Plan Review process that involves interpretation is a land use decision; and

WHEREAS, these amendments are proposed to streamline and simplify the Site Plan Review process; and

WHEREAS, these amendments are proposed to fix conflicting sections and grammatical errors concerning Site Plan Review; and

WHEREAS, on October 24, 2011, the Planning Commission held a work session on the proposed amendments; and

WHEREAS, on November 7, 2011, the Planning Commission held a public hearing and recommended these changes to the City Council, based on their deliberation, and the staff report; and

WHEREAS, on December 7, 2011, the Albany City Council held a public hearing on the proposed amendments; reviewed the amendments recommended by the Planning Commission and any testimony presented at the public hearing and then deliberated.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings and Conclusions found in the staff report, attached as Exhibit A, are hereby adopted in support of this decision.

Section 2: The Albany Development Code text is hereby amended as shown in Exhibit B, attached. It includes revisions in the following articles:

Article 1, Administration and Procedures: When Land Use Applications Are Not Required, Change of Use and Minor Additions, Modification of Approved Site Plan Review and Conditional Use Applications, Type I Procedure, Type I-L Procedure.

Article 2, Review Criteria: Site Plan Review

Article 3, Residential Zoning Districts: Schedule of Permitted Uses, Special Conditions

Article 4, Commercial and Industrial Zoning Districts: Schedule of Permitted Uses, Special Conditions, Parking Requirements for Commercial and Industrial Uses

Article 5, Mixed Use Village Center Zoning Districts: Schedule of Permitted Uses, Special Conditions, Non-Residential Parking Space Requirements

Article 6, Special Purpose Districts: Floodplain Development Permit Required, Hillside Development Procedure

Article 10, Manufactured Home Development Standards: Plot Plans Required, Temporary Uses

Article 11, Land Divisions and Planned Developments: Interim Submittal Review Criteria

Article 12, Public Improvements: Water and Sewer Approval, General Provisions

Article 13, Signs: Nonconforming Signs

Section 3: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Albany, an emergency is hereby declared to exist. This ordinance will be in full force and effective immediately upon its passage by the Council and approval by the Mayor.

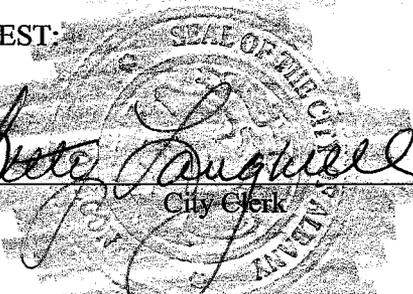
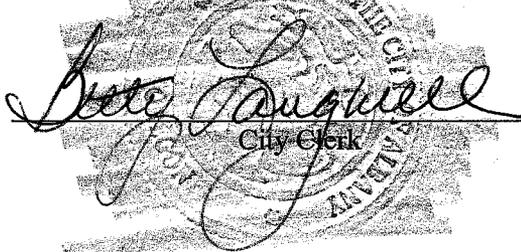
Passed by the Council: December 7, 2011

Approved by the Mayor: December 7, 2011

Effective Date: December 7, 2011


Mayor

ATTEST:



City Clerk



Community Development Department

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STAFF REPORT FINDINGS AND CONCLUSIONS Development Code Amendments - DC-02-11

HEARING BODY

CITY COUNCIL

HEARING DATE

Wednesday, December 7, 2011

HEARING TIME

7:15 p.m.

HEARING LOCATION

Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

The Albany Development Code (ADC) allows for the Community Development Director to initiate legislative amendments. The City has implemented a process to periodically evaluate and adopt changes to the ADC – to include both clarifying and policy edits. The proposed amendments include changes to Site Plan Review standards and procedures.

The purpose of the amendments is to: 1) ensure that any Site Plan Review process that involves interpretation is a land use decision; 2) streamline and simplify the process; 3) fix conflicting sections and grammatical errors.

There are currently three levels of Site Plan Review:

- Option A (new development, Type I-L, limited land use decision);
- Option B (additions or increased intensity to existing site or development, Type I-L limited land use); and
- Option C (change of uses, Type I administrative level review)

The Type I process is a review based on standards specified in the Code that do not require interpretation or the exercise of policy or legal judgment. It does not require notice to surrounding property owners or ability to appeal the decision. Unfortunately, the review criteria for the Option C application often require staff interpretation and legal judgment. We recommend that the Option C application be eliminated and replaced with a Site Plan Review Type I-L process. The proposed amendments will allow some development activities to no longer require Site Plan Review and would only require building permits. For example, the current regulations require Site Plan Review for building additions of 500 square feet or more. The proposed amendments would require Site Plan Review for building additions greater than 1,000 square feet as long as the addition isn't greater than 20 percent of the existing building area.

The three different types of Site Plan Review applications (Options A, B and C) would be combined and streamlined to reduce staff time and paper. Projects currently reviewed through the Site Plan Option C process that qualify for the Type I process will be processed administratively but the process will no longer be called "site plan review". Also, there are several ADC sections that conflict and would be corrected with the proposed amendments.

The Planning Commission hearing on these amendments was November 7, 2011. The Planning Commission voted unanimously to recommend the Council approve these amendments with a modification. The approval modified Section 2.430 to remove proposed bold language that read "In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing

development that are not being modified **unless non-conforming with provisions of code.**" The Planning Commission was concerned that the language was too broad and would apply to all areas of development. The intent of the language was to reference non-conforming development as stated in Section 2.370 in order to be clear that the non-conforming section would apply. Staff has revised this section to read "In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified **except for non-conforming development as stated in Section 2.370.**"

STAFF RECOMMENDATION

Staff is recommending APPROVAL of the proposed Development Code amendments.

GENERAL INFORMATION

DATE OF REPORT:	November 30, 2011
FILE:	DC-02-11
TYPE OF APPLICATION:	Legislative amendments to the following Development Code Articles that include Site Plan Review procedures and standards (Exhibit A): <ul style="list-style-type: none"> • Article 1, Administration and Procedures; • Article 2, Review Criteria; • Article 3, Residential Zoning Districts; • Article 4, Commercial and Industrial Zoning Districts; • Article 5, Mixed Use Village Center Zoning Districts; • Article 6, Special Purpose Districts – reference amendments; • Article 9, On-Site Development and Environmental Standards – grammar and reference amendments; • Article 10, Manufactured Home Development Standards – grammar corrections; • Article 11, Land Divisions and Planned Developments – grammar and reference corrections; • Article 12, Public Improvements – grammar corrections; • Article 13, Signs – grammar corrections.
REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	City of Albany, Planning Division
APPLICANT REP:	Evan Fransted, Planner II
ADDRESS/LOCATION:	Not Applicable

NOTICE INFORMATION

A notice of public hearing was published in the *Albany Democrat Herald* October 28, 2011. The Development Code amendments were posted on the City's Web site. No comments have been received.

The Planning Commission held a public hearing on the proposed amendments on November 7, 2011. No one testified at the hearing.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND that the City Council APPROVE the proposed Development Code amendments.

The Planning Commission approval modified Section 2.430 to remove proposed bold language that read "In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified **unless non-conforming with provisions of code.**" The intent of the language was to reference non-conforming development as stated in Section 2.370 in order to be clear that the non-conforming section would apply. Staff has revised this section to read "In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified **except for non-conforming development as stated in Section 2.370.**"

CITY COUNCIL DECISION OPTIONS

The City Council may do one of the following:

- 1) Approve the proposed legislative amendments as summarized in the staff report, ordinance Exhibit A and ordinance Exhibit B;
- 2) Approve as modified the proposed legislative amendments; or
- 3) Deny some or all of the proposed legislative amendments.

The City Council may also continue the public hearing to a specified date in order to receive testimony, review modified language, or continue deliberation.

APPEALS

A City Council decision can be appealed to the Oregon Land Use Board of Appeals by filing a Notice of Intent to Appeal within 21 days of the Council decision.

STAFF ANALYSIS

Development Code Amendment File DC-02-11

The Albany Development Code (ADC) contains the following review criteria that must be met for these Development Code amendments to be approved. Code criteria are written in *bold italics* and are followed by the Proposed Amendments, Findings and Conclusions.

- (1) *The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.*

Relevant Comprehensive Plan goals and policies are written in *italic* type and considered as a separate review criterion following the description of the major revisions.

FINDINGS OF FACT

Planning Goal 1, Citizen Involvement, Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Planning Goal 1, Citizen Involvement, Policy 2: When making land use and other planning decisions:

- a. *Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*
- b. *Utilize all criteria relevant to the issue.*
- c. *Ensure the long-range interests of the general public are considered.*

- d. Give particular attention to input provided by the public.
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.

- 1.1 The Site Plan Review Option C is a Type I process that does not require notice to surrounding property owners, affected groups or neighborhood organizations. The proposed amendments would eliminate Site Plan Review Option C.
- 1.2 Type I-L Procedure, Section 1.330. The proposed amendments would require that surrounding properties owners within 300 feet are notified when any development requires a Site Plan Review application. Also, recognized neighborhood and community organizations should receive notice of any Site Plan Review application. Anybody that is notified will have the opportunity to submit comments on the proposed project and participate in the land use decision process.

Planning Goal 1, Citizen Involvement, Policy 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.

- 1.3 As mentioned above in 1.2, any development that requires Site Plan Review would require that project information is mailed to surrounding property owners, neighborhood and community organizations. The Albany Democrat Herald newspaper may also be notified and anybody from the public can review information on the proposed project.

Planning Goal 14, Urbanization, Development Review: Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards.

Planning Goal 14, Urbanization, Development Review, Policy 4: Encourage flexibility in design review and interpretation of policies and regulations by ensuring that functional design and community benefit remain as the principal review criteria. Consider variance, conditional use, and special request procedures where strict interpretation of regulations would impede fulfillment of these criteria.

- 1.4 The proposed amendment would change the Site Plan Review process to be entirely a Type I-L process that allows greater interpretation of policies and regulations by following quasi-judicial land use procedures.

Planning Goal 14, Urbanization, Development Review, Policy 5: Ensure the City's land use planning process and policy framework is workable and understandable for local officials, staff, and the public. Ensure the degree of application and review is commensurate with the size and complexity of various development requests.

- 1.5 There are currently two sets of criteria for Site Plan Review. Site Plan Review Option A and B share one set of criteria. Site Plan Review Option C has another set of criteria. The proposed amendments would eliminate Site Plan Review Option C criteria and combine the three options into one set of review criteria.
- 1.6 The remainder of the proposed amendments include grammatical corrections and fixing inconsistencies within the Code. These clarifying amendments will help make the Code more understandable for the staff and the public.
- 1.7 The proposed amendments will allow easier use of the Development Code for local officials, staff, and the public by simplifying the process.

CONCLUSIONS

- 1.1 The proposed Development Code amendments are consistent with the Comprehensive Plan goals and policies.
- 1.2 This criterion is satisfied.
- (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 and considered as a separate review criterion.

FINDINGS OF FACT

- (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.*
- 2.1 As discussed in Review Criterion 1 above, the proposed amendments will be consistent with the goals and policies of the Comprehensive Plan.
- (2) *Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.*
- 2.2 Oregon Revised Statutes Section 197.015(12)(a)(B) defines a limited land use decision as "the approval or denial of an application based on discretionary standards designed to regulate the physical characteristics of a use permitted outright, including but not limited to site review and design review."
- 2.3 The proposed amendments will create a single Site Plan Review application that will be reviewed based on existing discretionary standards and processed as a limited land use decision consistent with the Oregon Revised Statutes.
- (3) *Facilitate prompt review of development proposals and the application of clear and specific standards.*
- 2.4 The proposed amendments will create a single Site Plan Review application process with one set of review criteria that will make the review of development quicker and the standards easier to understand.
- (4) *Provide for public information, review, and comment on development proposals that may have a significant impact on the community.*
- 2.5 As discussed in Review Criterion 1 above, the proposed amendments would allow for greater public participation by notifying the public on more development proposals that could potentially have an impact on the community, which currently do not require notification with the Site Plan Review Option C process.
- (6) *Establish procedures and standards requiring that the design of site improvements and building improvements consistent with applicable standards and design guidelines.*
- 2.6 The current Site Plan Review process involves the review of the design of site improvements and building improvements to ensure consistency with the standards in the Albany Development Code (ADC). The proposed amendments would be consistent with current policy.

(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.

2.7 The current Site Plan Review process involves the review of the relationship between land uses and traffic circulation. The proposed amendments would be consistent with current policy.

(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.

2.8 The current Site Plan Review process involves the review of natural hazards to ensure reasonable protection and consistency with the standards in the Albany Development Code (ADC). The proposed amendments would be consistent with current policy.

(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.

2.9 As discussed in Review Criterion 1 and Section 2.3 above, the proposed amendments will create a Site Plan Review process that follows Type I-L procedures that requires surrounding property owners to be notified. The proposed amendments will allow affected property owners the opportunity to participate in the land use decision making process.

CONCLUSIONS

2.1 The proposed Development Code amendments are consistent with the purposes of the Code.

2.2 This criterion is satisfied.

SITE PLAN REVIEW Code edits with collective notes in yellow. New Code language is shown in **bold** and removed language in ~~strikethrough~~.

ARTICLE 1

1.070 When Land Use Applications Are Not Required. Activities and developments ~~within special purpose districts~~ must comply with the regulations of the Code, **including but not limited to setbacks, lot coverage, and building height; overlay district standards** described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic); **Article 8 (Design Standards); Article 9 (On-site Development and Environmental Standards)**, as applicable, and may require a land use application as described in each respective section. Activities and developments listed below ~~that occur outside of overlay districts~~ do not require a land use application but are nevertheless subject to the provisions of the Code: [Ord. 5764, 12/1/11]

- (1) Agricultural uses permitted outright in Articles 3, 4 and 5.
- (2) **New Detached single-family dwellings or a two-unit dwellings and additions to existing single-family dwellings or two-unit dwellings.**
- (3) Residential accessory buildings up to 750 square feet and/or walls not greater than 11 feet tall or **that meet the standards listed in** ~~{See Section 3.080(9).}~~ [Ord. 5728, 1/27/10]
- (4) Non-residential accessory buildings of any size in the NC, CC, RC, IP, LI, HI and PB zones and non-residential accessory buildings up to 750 square feet in the CB, HD, ES, LE, MS, MUC, MUR, OP and WF zoning districts. [Ord. 5728, 1/27/10]
- (5) ~~Landscaping and~~ Routine property maintenance.
- (6) **New parking areas or expansions to existing parking areas that do not require Site Plan Review as stated in Section 2.430.** ~~Improvement of existing or new parking areas containing less than 1,000 square feet that meet the provisions of this Code.~~

Staff Comments: Listing the standard here and in Section 2.430 was confusing and repetitive. So, Section 2.430 lists the full standard.

- (7) **Building additions to an existing building 200 square feet or less. For building additions greater than 200 square feet, see Section 2.430.**
- (8) A change internal to a building or other structure or use of land that does not constitute a change of use as **defined in Article 22 and listed in Articles 3, 4 or 5. If a nonconforming use of a building has been vacant for more than one year, refer to Articles 3, 4 or 5 for permitted uses in each zoning district.** *Staff Comments: The vacancy of a nonconforming building is discussed in ADC 2.340(1).*

Staff Comments: The definition in Article 22. Change of Use: Change of the primary use on a property from one use category to another or a change in use that may result in the need for additional parking or loading facilities, or other building or development standards to be brought into conformance with current regulations.

- (9) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.

- (10) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) that conforms with all other requirements of this Code and other applicable City regulations, public health, and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
- (11) The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works, including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than six months' duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.
- (12) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less that does not adversely affect drainage patterns.
[Ord. 5764, 12/1/11; Ord. 5728, 1/27/10]

~~1.073 Change of Use and Minor Additions. A change of use within an existing structure and/or building additions up to 500 square feet are reviewed through the Site Plan Option C process. See criteria in ADC 2.550 to 2.580. Additions within special purpose districts must comply with the regulations described in Articles 4, 6, and 7, as applicable.~~
[Ord. 5764, 12/1/11; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10]

Staff Comments: The language above is no longer applicable because Site Plan Review Option C will be eliminated with the proposed changes.

- 1.226 Modification of Approved Site Plan Review and Conditional Use Applications. When a property owner wants to make changes to the approved plans and the approval has not expired, the following procedures shall be used to review the proposed modifications.
- (1) Definitions: When "property owner" is used here, it means the property owner, or the property owner's authorized agent. When "site plan" is used here, it means the site plan approved through either a Site Plan Review **application** or a review of a Conditional Use **application**.

ACTIONS NOT INCLUDED AS LAND USE DECISIONS

- 1.260 Definition. A "land use decision" does not include a decision of the City:
- (2) That is made under land use standards that do not require interpretation or the exercise of policy or legal judgment;
 - (3) That approves or denies a building permit under clear and objective land use standards;
 - (4) That is a limited land use decision; or
 - (5) That determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility that is otherwise authorized by and consistent with the Comprehensive Plan and land use regulations.
- 1.270 Procedure. Land use applications that do not result in land use decisions are processed under the Type I Administrative procedure. The Director makes the decision based on the stated review criteria, without need for public hearing or notification.

- 1.280 Examples. Examples of applications that do not result in land use decisions include, but are not limited to, lot line adjustments, preliminary planned development plans, final subdivision plats, **and land use status letters.** ~~and site plan review Option C involving a change in use or minor addition to existing use in a conforming building.~~

ADMINISTRATIVE PROCESS

1.320 Type I Procedure.

- (1) The purpose of the Type I procedure is to provide for land use review based on standards specified in this Code that do not require interpretation or the exercise of policy or legal judgment. Approval of a Type I land use application is not a land use decision. ~~(See definitions in Article 22.)~~
- (2) Under the Type I procedure, the Director shall process an application without need for public hearing or notification.
- (3) Examples of applications processed through a Type I procedure include, but are not limited to, -- lot line adjustments, preliminary planned development plans, final subdivision plats, **and land use status letters.** ~~, and site plan review Option C involving a change in use or minor addition to existing use in a conforming building.~~ [Ord. 5728, 1/27/10]

LIMITED LAND USE PROCESS

- 1.325 Definition. A "limited land use decision" is a final decision or determination made by the City pertaining to a site within its urban growth boundary that concerns approval or denial of applications based on discretionary standards to regulate the physical characteristics of a use permitted out right. Applications that result in limited land use decisions are not subject to the requirements of the Oregon Revised Statutes (ORS) and this Code relative to quasi-judicial public hearings. [Ord. 5728, 1/27/10]

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** ~~Review of uses permitted outright 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) Written notice will be provided to persons who reside on or 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** ~~Option A or B development.~~ For all other limited land use decisions, the City will provide written notice to persons who reside on or 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. [Ord. 5728, 1/27/10]
- (4) The notice and procedures used by the City will:

- (a) Provide a 14-day period for submission of written comments before the decision;
 - (b) State that issues that may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing before the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - (c) List, by commonly used citation, the applicable criteria for the decision;
 - (d) Provide the street address or other easily understood geographical reference to the subject property;
 - (e) State the place, date and time that comments are due;
 - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - (g) Include the name and phone number of a local government contact person;
 - (h) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;
 - (i) Briefly summarize the local decision making process for the limited land use decision being made, and
 - (j) Include other information the Director deems appropriate.
- (5) Decisions and Appeals. Standing to appeal a limited land use decision shall be limited to the property owner of the subject development, the applicant, and/or any person who has provided written comments pursuant to Section 1.330(4)(b) or who spoke at the public hearing, if one was held.
- (a) For application types for which a neighborhood meeting is not required in Section 1.203, a limited land use decision made by the Director may be appealed to the Land Use Board of Appeals (LUBA) when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Director's notice of decision is mailed.
 - (b) For application types for which a neighborhood meeting is required in Section 1.203, a limited land use decision by the Director may be appealed to the Planning Commission when a person with standing files a Notice of Appeal with the City not later than 10 days after the Director's notice of decision is mailed.
 - (c) At the Director's discretion, a limited land use application may be referred to the Planning Commission or Hearings Board for the local decision.
 - (d) A limited land use decision made by the Planning Commission or Hearings Board may be appealed to the LUBA when a person with standing files a Notice of Intent to Appeal with LUBA no later than 21 days after the Planning Commission notice of decision is mailed. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5562, 10/10/03]

ARTICLE 2

SITE PLAN REVIEW

2.400 Purpose. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. ~~Site Plan Review is not intended to evaluate the proposed use or structural design. Rather, †~~ The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [Ord. 5445, 4/12/00]

~~2.410 Levels of Review. A site plan is reviewed at one of three levels, with the degree of detail required based on its projected land use impacts. Option A review is primarily for new development and is subject to~~

~~the greatest scrutiny. Option B review is primarily for expansions of existing development and for projects that will generally result in fewer impacts on the surrounding area than a new development. Option C review is used for a change in use or another modification to a developed site that will not result in a greater impact on the neighborhood or on public facilities. [Ord. 5445, 4/12/00]~~

2.420 Relationship to Other Regulations. When a land use application is approved based on review criteria in this Code, the applicant must still comply with other applicable codes, ordinances, statutes, and regulations. [Ord. 5445, 4/12/2000]

2.430 When Site Plan Review is Required. In general, a Site Plan Review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified **except for non-conforming development as stated in Section 2.370.** ~~An exception to this is parking areas where any proposed change to a parking lot will result in the entire parking area being reviewed.~~ Site Plan Review is required in all of the following instances:

- (1) ~~New development.~~ Any development listed in Articles 3, 4 or 5 that specifically requires Site Plan Review. [Ord. 5445, 4/12/00]
- (2) A change internal to a building or other structure or use of land that constitutes a change of use as **defined in Article 22** and listed in Articles 3, 4 or 5.
- (3) **Any development or change of use to a nonconforming use of a building, structure, or land not occupied by a permitted or legally nonconforming use for one continuous year may require Site Plan Review as listed in Articles 3, 4 or 5.** *Staff Comments: This is existing language from ADC 2.340(1).*
- (4) Building expansions ~~additions of 500 square feet or more~~ **greater than 1,000 square feet or greater than 20% of existing building area, whichever is less,** or any expansion that results in a reduction of required parking spaces. **Any additions within special purpose districts must comply with the regulations described in Articles 4, 6, and 7, as applicable.**
- (5) ~~Parking area expansions of 1,000 square feet or more~~ **New parking areas or expansions to existing parking areas greater than 1,000 square feet or greater than 10% of any existing parking area, whichever is less.**
- (6) **Temporary placement of a manufactured home for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies. (See Sections 10.470-10.490.)**

~~2.440 When Site Plan Review is not Required. Activities and developments listed below do not require Site Plan Review, but are nevertheless still subject to the applicable provisions of the Code:~~

- ~~(1) Agricultural uses permitted outright in any zone.~~
- ~~(2) A detached single-family dwelling or one duplex.~~
- ~~(3) Non-residential accessory buildings of any size in the NC, CC, RC, IP, LI, HI and PB zones and non-residential accessory buildings up to 750 square feet in the CB, HD, ES, LE, MS, MUC, MUR, OP and WF zoning districts that conform to the provisions of this Code and the adopted building code. [Ord. 5742, 7/14/10]~~
- ~~(4) Accessory buildings in residential districts that meet the following standards. (The applicant must~~

submit information when he or she applies for building permits showing that the standards are met. The Community Development Director or his/her designee will determine whether the standards are met.)

- (a) ~~The proposed building is not taller than the tallest building on adjacent property. Height here means the height of the building at its highest point.~~
 - (b) ~~The area enclosed by the foundation of the proposed building is not larger than the area enclosed by the foundation of the largest building on adjacent property (in square feet).~~
 - (c) ~~The amount of land that will be covered by buildings if the proposed building is constructed is not more than the applicable lot coverage allowances of the Development Code.~~
 - (d) ~~The proposed building meets or exceeds the applicable setback requirements in the Code for the primary residential structure.~~
 - (e) ~~The materials of the proposed building (e.g. siding and roofing), and the color of those materials, are the same as those of the primary residential structure on the subject property.~~
 - (f) ~~If the proposed building is located in a special purpose district listed in Articles 6 or 7 of the Development Code, it must also conform with the requirements of that district.~~
- (5) ~~Landscaping and routine property maintenance.~~
- (6) ~~Improvement of parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.~~
- (7) ~~Internal changes to a building, structure, or use of land that is not a change of use.~~
- (8) ~~An emergency measure necessary for safety or protection of property when authorized by the City Manager with written notice to the City Council.~~
- (9) ~~Any temporary use of land of up to a 30 day duration (such as a promotional event, festival, carnival, or outdoor sale) that conforms with all other requirements of this Code and other applicable City regulations and public health and safety requirements, some of which may limit the location, scope, or duration of the use.~~
- (10) ~~Establishment, construction, alteration, or maintenance of a public facility authorized by the Public Works Director including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than six months duration but does not include major substations, treatment facilities, storage tanks, reservoirs, or towers.~~
- (11) ~~Excavation and fill for foundations and all other excavation or fill involving 50 cubic yards or less that does not adversely affect drainage patterns and is not located within a floodplain, or slope area. [Ord. 5381, 3/26/97; Ord. 5445, 4/12/00]~~

Staff Comments: These are already list in Section 1.070.

2.450 Review Criteria. A site plan **Site Plan Review** approval will be granted if the review body finds that the application meets all of the following criteria that are applicable to the proposed development.

- (1) Public utilities can accommodate the proposed development.
- (2) The transportation system can safely and adequately accommodate the proposed development.
- (3) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and

avoid congestion.

- (4) 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.
- (5) 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.

[Ord 5764, 12/1/11; Ord. 5445, 4/12/00; Ord. 5635, 1/11/06; Ord. 5720, 08/12/09]

2.460 Conditions of Approval. The City may attach conditions to the approval of a Site Plan Review application in order to ensure that the proposal will conform to the applicable review criteria. **Conditions of approval should be specific to the proposal and the facts set in the staff report for the application. In addition to conditions of approval, a list of general Code provisions that apply to the application may be attached to the approval.**

2.465 Approved Plans are Final. Projects shall be completed according to the approved site plan and landscape plan. Modifications to approved plans are subject to the standards in Section 1.226. [Ord. 5720, 08/12/09]

~~OPTION A SITE PLAN REVIEW~~

2.470 Applicability. This level of review is intended for new development within the City. ~~Any proposal that is not appropriately reviewed under Options B or C will be reviewed under Option A.~~
[Ord. 5445, 4/12/00]

2.480 Procedure. A Type I-L limited land use procedure is followed for an ~~Option A Site Plan Review application~~ with the Director acting as the review body. [Ord. 5445, 4/12/00] **A Site Plan Review application that includes Hillside Development is reviewed as a Type III procedure. (See Section 6.190.)**

2.490 Application Contents. ~~An Site Plan Review application for Option A Site Plan Review~~ must include:

- (1) A completed application form.
- (2) A mailing list of property owners within ~~100~~ **300** feet of the entire site, ~~except that a mailing list of property owners within 300 feet must be provided when a subdivision, manufactured home park, or multi-family development is proposed.~~ **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 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.
Staff Comments: ADC 1.330, Type I-L procedures says notice is provided with 300 feet and Director's decision to increase notice area.
- (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.
- (5) A site plan showing the following applicable information:

- (a) Assessor's map and tax lot number and lot and block description or other legal description.
- (b) Lot dimensions and total lot area.
- (c) North arrow.
- (d) Location of all existing and proposed structures, including minimum distances from all structures to property lines.
- (e) Percentage of the lot covered by all existing and proposed structures and paved areas.
- (f) Adjacent zoning designations and land uses including approximate location of buildings, accesses, streets, sidewalks, curbs, easements, and utilities.
- (g) Locations and dimensions of rights-of-way of all abutting streets (whether public or private) and existing and proposed driveways.
- (h) Size and location of all utilities.
- (i) Locations, dimensions, and nature of any existing and proposed easements.
- (j) Location of any non-access strips.
- (k) Natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed finished grade contours at 1-foot intervals, or at a larger interval if approved by the City Engineer.
- (l) Clearly identify any existing and proposed swales, ditches, or other drainage ways.
- (m) Location, size, and capacity of the existing and proposed drainage system including pipe size, slope, detention facilities, and water quality facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, and capacity of the downstream drainage system that would serve the proposed development. Also provide any supporting calculations.
- (n) Typical cross sections at adjacent property boundaries showing pre-and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
- (o) Location and species of trees larger than 25 inches in circumference measured at 4-1/2 feet above mean ground level from the base of the trunk.
- (p) Location and dimensions of delivery and loading areas.
- (q) Location and dimensions of parking and circulation areas.
- (r) Location and dimensions of trash disposal areas.
- (s) Location of proposed signs. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
- (t) Location and type of proposed pedestrian amenities and common areas (when applicable).
- (u) Location of airport height restrictions.
- (v) Location of floodplains.
- (w) Location of hillsides with slopes greater than 12 percent.
- (x) Location of wetlands.
- (y) Location of riparian corridors.
- (z) Location of Willamette Greenway.
- (aa) Location of historic districts, structures and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

[Ord. 5720, 08/12/09]

2.500 ~~Appeals.~~ An Option A Site Plan Review decision is a limited land use decision and may be appealed in accordance with Section 1.330. [Ord. 5445, 4/12/00]

OPTION B REVIEW

~~2.510~~ ~~Applicability.~~ This level of review is intended for expansion of existing structures or development that will have a minimal impact on the surrounding area. An Option B Site Plan Review must be filed when the following developmental activities are proposed:

- ~~(1) An addition larger than 500 square feet to an existing structure.~~
- ~~(2) Accessory buildings greater than 750 square feet in the CB, HD, ES, LE, MS, MUC, MUR, OP and WF zoning districts. [Ord. 5742, 7/14/10]~~
- ~~(3) Parking lot additions of over 1000 square feet.~~
- ~~(4) A change in occupancy to a more intensive use in an existing building.~~
- ~~(5) Reduction in the number of existing parking spaces.~~

~~Any development consistent in scope and impact with those listed here may also be reviewed under an Option B review, at the Director's discretion. [Ord. 5265, 12/18/96; Ord. 5445, 4/12/00]~~

~~2.520 Procedure. A Type I L limited land use procedure is followed for the Option B Site Plan Review with the Director acting as the review body. [Ord. 5445, 4/12/2000]~~

~~2.530 Application Contents. The Director may require any of the information listed for Option A Site Plan Review in Section 2.490. In many cases, not all of this information will be applicable. [Ord. 5445, 4/12/00]~~

~~2.540 Appeals. An Option B Site Plan Review decision is a limited land use decision and may be appealed in accordance with Section 1.330. [Ord. 5445, 4/12/00]~~

OPTION C REVIEW

~~2.550 Applicability. An Option C Site Plan Review is intended for review of development in existing buildings and building additions up to 500 square feet. It is appropriate for the following types of development proposals: [Ord. 5742, 7/14/10]~~

- ~~(1) A change in occupancy to a use that is not more intense in off-site impacts.~~
- ~~(2) A building addition to an existing or proposed use that is not greater than 500 square feet, and does not include additional outside storage or outside seating area of any size. [Ord. 5742, 7/14/10]~~
- ~~(3) Resurfacing of nonconforming parking lots.~~
- ~~(4) Other development with similar impacts. [Ord. 5445, 4/12/00]~~

~~2.560 Procedure. A Type I procedure is followed for the Option C Site Plan Review. [Ord. 5445, 4/12/00]~~

~~2.570 Application Contents. An Option C Site Plan Review requires submittal of only the completed application form. [Ord. 5445, 4/12/00]~~

~~2.580 Review Criteria. The following criteria must be met in order for the Director to approve the proposed development. If the criteria cannot be satisfied, then the development will be processed as a Site Plan Option B Review or may be denied. [Ord. 5742, 7/14/10]~~

- ~~(1) Off-street parking is adequate to serve the proposed use.~~
- ~~(2) The proposed use will not create additional adverse effects for abutting properties or the neighborhood (i.e., noise, or air pollution; increased parking requirements; increased traffic; or require improvements to public facilities.) [Ord. 5742, 7/14/10]~~

- ~~(3) Any non-conformity with the provisions of this Code will be brought into compliance to an extent commensurate with the proposed changes, including compliance with sign, landscaping, and parking requirements, except when restricted by building location or limiting site characteristics.~~
- ~~(4) Any applicable criteria from Section 2.450.~~

Staff Comments: Only sections with the reference to "Site Plan Review" are included; no changes are proposed to the standards in the rest of the Code.

ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

Staff Comments: This section is at the end of the table.

3.050 SCHEDULE OF PERMITTED USES

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 Devel., See Art. 11
 S = Site Plan Review required

3.080 SPECIAL CONDITIONS

- (9) The definitions of "Accessory Building" and "Accessory Use" in Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 2, Section 3.190 for Accessory Structure Standards.

Accessory buildings in residential districts that are **750 square feet or larger and/or with walls taller than 11 feet that** meet the following standards are not subject to Site Plan Review. They will be processed as Type I staff decisions. Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The determination of whether the standards are met will be made by the Community Development Director or his/her designee.

- (a) The proposed building does not exceed the height of the tallest building on adjacent property. For this section, height means the height of the building at its highest point, usually the ridge of the roof.
- (b) The square footage of the footprint of the proposed building does not exceed the square footage of the footprint of the foundation of the largest building on adjacent property.
- (c) The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.
- (d) The proposed building meets or exceeds the applicable setback requirements for the primary residence as listed in Table 2.
- (e) The materials used on the proposed building (e.g. siding and roofing), and the color of those materials, shall be similar to those used on the primary residential structure (e.g. cement board lap siding is similar to wood lap siding).
- (f) If the proposed building is located in any of the special purpose districts listed in Articles 6 and 7 of the Development Code, the building must also be reviewed for conformance with the requirements of the applicable district.

Accessory buildings not meeting the standards in this section require Site Plan Review.

A garage or other non-residential building on a property without a residence cannot be the primary use of a residentially-zoned property except as described below. The purposes of this limitation are to preserve the opportunity for residential land to be used for housing, and to avoid a non-residential building on residential property for use as commercial storage. Non-residential structures on residentially-zoned land will be allowed when the following conditions are met:

- (a) The structure will not preclude the use of the property for housing;
- (b) The structure must meet the requirements of Section 3.080(9) or be approved through the Site Plan Review process;
- (c) The structure is not used for a commercial purposes; and
- (d) Exception in RR: Buildings used for farm or agricultural product or equipment storage are permitted in the RR zone.

[Ord. 5281, 3/26/97; Ord. 5673, 6/27/07]

- (20) One subdivision sales office and one parking lot to serve the office is allowed through a ~~Type I-L~~ ~~Option C~~ Site Plan Review in a subdivision if the following requirements are met:

**ARTICLE 4
COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

4.050 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
Non-Res'l Accessory Buildings, greater than 750 square feet		S-18	Y	Y	Y	Y	Y	Y	Y

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

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

4.060 SPECIAL CONDITIONS

- (4) Waste and Recycling Related Uses in the CC, LI, and HI zones.
 - (b) Limited uses in LI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are allowed with Site Plan Review. Salvage yards, junkyards, and refuse transfer stations are not permitted. All other material and recycling operations are considered through a conditional use review.
 - (c) Limited uses in HI. Processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a conditional use review.
- (7) Indoor Entertainment and Recreation in the CC, RC, IP, LI and HI zones.
 - (c) Limited uses in IP. Exercise and health clubs or gyms are permitted through Site Plan Review.
- (8) Offices in the IP zone. Offices intended to serve customers on site are considered through the conditional use review. Offices with limited customer traffic are permitted through Site Plan Review. See Article 22 for Office examples.
- (9) Offices in the LI zone. Offices intended to serve customers on site are not allowed. Offices with limited customer traffic are permitted through Site Plan Review. See Article 22 for Office examples.
- (16) Educational and Religious Institutions.

(a) Vocational or trade schools in IP, LI and HI are allowed through Site Plan Review. All other educational and religious institutions are reviewed as a conditional use.

(18) Non-Residential Accessory Buildings over 750 square feet in the OP zone require Site Plan Review.

(21) Residential Accessory Buildings are permitted outright with residential uses if they meet the following conditions:

(a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls ~~no more~~ equal to or less than eleven 11 feet tall.

~~(b) Attached accessory buildings, garages or carports are less than 1,000 square feet.~~

(b) All other residential district accessory buildings, garages or carports require a Site Plan Review.

**4.250 TABLE 2
PARKING REQUIREMENTS FOR COMMERCIAL AND INDUSTRIAL USES**

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to Site Plan Review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft. GFA
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to Site Plan Review
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: High schools, colleges and universities	Subject to Site Plan Review
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to Site Plan Review
Greenhouses and nurseries	2 per employee
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Motor vehicle repair and service stations	1 per each 2 employees plus 2 per each service stall
Offices: all business and professional	1 per 300 sq ft GFA
Philanthropic, charitable and nonprofit institutions (excluding churches)	1 per 2 employees plus 1 per 500 sq ft GFA
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft GFA
Rail and bus passenger terminals	5 plus 1 per 100 sq ft waiting area
Residential uses	See Article 3, Table 3 for parking standards.

USE	SPACES REQUIRED
Restaurants, Drive-in	1 per 50 sq ft GFA

**ARTICLE 5
MIXED USE VILLAGE CENTER ZONING DISTRICTS**

5.060 SCHEDULE OF PERMITTED USES

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
Residential Accessory Buildings	18	Y/S	Y/ CUH S	Y/ CUH	Y/ CUH	Y/ CUH	N	S Y/ CUH	Y/ CUH	Y/S

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

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

5.070 SPECIAL CONDITIONS

(14) Residential Care or Treatment Facility. A residential care facility (six or more residents) requires a Site Plan Review. A "residential home" (as defined in ORS Chapter 443) or group home that includes five or fewer residents is permitted outright in any zone that allows single-family residences.

(18) Residential Accessory Buildings. Accessory buildings are permitted outright in MUC, MUR, WF, HD, CB, ES, MS and LE, and with Site Plan Review in MS and MUC, if they meet the following conditions:

(a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven 11 feet in height tall.

All other residential accessory buildings, garages or carports require a Site Plan Review in MUC, MUR, and WF and ES, and are considered through a Conditional Use Type II review in HD, CB, LE, MS and MUC ES. [This is indicated by the use of a "/" in the matrix. For example, "Y/S" means accessory uses that don't meet the standards in (a) above require a Site Plan Review.] [Ord. 5556, 2/21/03]

Staff Comments: This section currently contradicts Sections 1.070, 2.510 and 5.060.

5.080 Existing Uses Granted Special Status.

2) Industrial and Commercial Uses. The regulations below apply to those properties indicated on Figure 5-2.

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), all industrial and commercial uses legally in operation before January 11, 2006, shall be deemed to be conforming with the base zoning district. The use may change to another industrial or commercial use provided the new use does not create greater off-site impacts than the current use. A change of use is subject to the applicable Site Plan Review requirements of this Code.

5.260 Parking Standards.

Site Plan Review ~~is not~~ may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430 ~~containing less than 1,000 square feet and otherwise meeting the provisions of this Code.~~

TABLE 4: NON-RESIDENTIAL PARKING SPACE REQUIREMENTS

USE	SPACES REQUIRED
Air, rail and motor freight terminals	Subject to Site Plan Review
Animal hospitals and clinics	1 per 400 sq ft GFA
Banks and financial institutions	1 per 200 sq ft on first floor plus 1 per 600 sq ft above first floor
Beauty and barber shops and other personal services	1 per 200 sq ft plus 1 per 3 employees
Bowling alleys	4 per lane
Building materials sales	1 per 500 sq ft GFA
Central Albany Area retail trade (excluding properties within the Downtown Parking Assessment District)	1 per 3 employees plus 1 per 400 sq ft sales area
Churches and other places of religious assembly	1 per 6 seats or 12 feet of bench length (1)
Commercial recreation and assembly	Subject to Site Plan Review
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: High schools, colleges and universities	Subject to Site Plan Review
Funeral houses	1 per 4 seats or 8 feet of bench length
Furniture, machine and office equipment sales	1 per 500 sq ft GFA plus 1 per 3 employees
Golf courses (including clubhouses and accessory uses)	Subject to Site Plan Review
Greenhouses and nurseries	2 per employee
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Laundries and cleaners	1 per 300 sq ft GFA
Libraries, reading rooms, museums and art galleries	1 per 2 employees plus 1 per 500 sq ft GFA
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Medical and dental clinics	1 per 200 sq ft GFA
Meeting rooms, private clubs and lodges	1 per 100 sq ft GFA plus 1 per 200 sq ft GFA (2)
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Motor vehicle repair and service stations	1 per each 2 employees plus 2 per each service stall
Offices: all business and professional	1 per 300 sq ft GFA
Philanthropic, charitable and nonprofit institutions (excluding churches)	1 per 2 employees plus 1 per 500 sq ft GFA
Radio and television stations and studios	1 per 2 employees plus 1 per 300 sq ft over 2,000 sq ft GFA
Rail and bus passenger terminals	5 plus 1 per 100 sq ft waiting area
Restaurants: Drive-in	1 per 50 sq ft GFA
Restaurants: Sit-down and carry-out restaurants, taverns, bars and nightclubs	1 per 100 sq ft GFA
Retail: Shopping centers, food, drugs, hardware, variety and department stores	1 per 200 sq ft sales floor area
Retail: Specialty shops and other retail stores under 6,000 sq ft	1 per 300 sq ft GFA plus 1 per 3 employees
Sales and rental of motor vehicles, trailers, mobile homes, boats, modular houses	2 per employee
Skating rinks	1 per 200 sq ft GFA
Stadiums, grandstands, coliseums, auditoriums and theaters	1 per 4 seating capacity (3)
Swimming pools, for pool only	10 plus 1 per 150 sq ft pool surface area
Testing, repairing, cleaning, servicing of materials, goods or products and warehousing and wholesale	1 per 2 employees plus 1 per 300 sq ft of patron serving area, plus 1 per company vehicle

**ARTICLE 6
SPECIAL PURPOSE DISTRICTS**

Staff Comments: No changes are proposed to the standards of the special purpose districts.

6.093 Floodplain Development Permit Required.

- B. The following activities will be processed through a Type I-L procedure as established in ADC 1.330:
- (1) Any development in the floodway, allowed by Sections 6.100-6.101, ~~that does not require a Site Plan Review Option A,~~ will be reviewed through the Site Plan Review ~~Option B~~ process.
 - (4) Additions or expansions of Continuous Storage Operations pursuant to Section 6.112 will be reviewed through the Site Plan Review ~~Option B~~ process.
 - (5) New Continuous Storage Operations pursuant to Section 6.112 will be reviewed through the Site Plan Review ~~Option A~~ process.

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.

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

9.207 Applicability. ~~Site plan review~~ **Tree felling permit** approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone.

9.208 Tree Felling Criteria. The following review criteria ~~replace the Site Plan Review criteria found elsewhere in this code~~ **will be used** for the purposes of reviewing tree felling. A ~~site plan review for A tree felling permit~~ will be processed as a Type I-L land use decision.

- (1) The Community Development Director or his/her designee shall approve a ~~site plan review tree felling permit~~ **tree felling permit** for tree felling **removal** when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director may require the applicant to provide a Certified Arborist's report.
- (2) For property where a site plan review, conditional use or land division application has been approved or is currently under review, the Community Development Director, City Forester, or his/her designee shall approve a ~~site plan review for tree felling permit~~ **tree felling permit** when the applicant demonstrates that all of the following review criteria are met: (...not relevant)
- (3) For property where tree felling has not been approved as part of a site plan review, conditional use, or land division application, the Community Development Director or his/her designee shall approve a ~~site plan review application for tree felling permit~~ **tree felling permit**, if the review criteria above are met, and the following criteria are met: (...not relevant)
- (4) The Director may attach conditions to the approval of the ~~site plan review for tree felling permit~~ **tree felling permit** to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met.

**ARTICLE 10
MANUFACTURED HOME DEVELOPMENT STANDARDS**

- 10.300 Plot Plans Required. The application for a new or expansion of an existing manufactured home park shall be accompanied by ten copies of the plot plan of the proposed park. The plot plan should show the general layout of the entire manufactured home park and should be drawn to a scale not smaller than 1" = 40'. In addition to the application requirements for Site Plan Review, the plan must include the following information:
- 10.490 Other Temporary Uses. A Site Plan Review approval may be issued under the Type I-L procedure so as to provide adequate temporary building space for the following uses only:
- (1) Night watchman.
 - (2) Temporary offices accessible to the general public for use during construction or remodeling.
 - (3) Temporary building space for education, non-profit, and government agencies.
- 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 procedure. Applications for Site Plan Review approval will be processed through the Type I-L procedure.

**ARTICLE 11
LAND DIVISIONS AND PLANNED DEVELOPMENTS**

- 11.310 Interim Submittal Review Criteria. A planned development request will be granted interim approval by the review body if the development meets the Site Plan Review criteria of Section 2-650 2.450 and all of the following applicable criteria: (...not relevant)

**ARTICLE 12
PUBLIC IMPROVEMENTS**

- 12.440 Water Plan Approval. Preliminary water plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan. [Ord. 5720, 8/12/2009]
- 12.500 Sewer Plan Approval. Preliminary sewer plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan. [Ord. 5720, 8/12/2009]
- 12.530 General Provisions. The review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer. The

storm water drainage system must be separate from and independent of any sanitary sewer system. When possible, inlets should be provided so surface water is not carried across any intersection or allowed to flood any street. Surface water drainage patterns and proposed storm drainage must be shown on every development proposal plan. All proposed storm sewer plans and systems must be approved by the City Engineer as part of the tentative plat or site plan review process.

Preliminary storm sewer plans and systems must be submitted to the City Engineer as part of the tentative plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan. [Ord. 5720, 8/12/2009]

ARTICLE 13 SIGNS

13.810 Nonconforming Signs.

13.811 General Provisions. Nonconforming signs are subject to the following provisions:

- (1) When sign copy is not part of a **Site Plan Review process application**:
 - (a) Only the signs being changed are affected and do not affect the status of other signs that may be nonconforming due to sign area, aggregate area, or number of signs.
 - (b) The aggregate area restrictions shall not be used to decrease the new sign beyond its previous existing size.
- (2) When a **Site Plan Review application** is required, total business signage compliance beyond sign copy changes shall be commensurate with the amount of change occurring on the site.
- (3) When sign copy change occurs on a joint use, nonconforming sign structure, then the total signage on the sign structure does not have to comply with sign regulations if:
 - (a) The sign is removed from the sign structure;
 - (b) The sign copy is changed but the individual business meets Code requirements for aggregate sign area and for total number of signs;

OR

 - (c) The sign copy is changed but the business receives site plan review approval. Under Site Plan Review, the business may be required to meet Code compliance for aggregate sign area and number of signs as well as other site improvements commensurate with the amount of change occurring on site.