



## ORDINANCE NO. 6062

AN ORDINANCE AMENDING THE CITY OF ALBANY COMPREHENSIVE PLAN WHICH WAS ADOPTED BY ORDINANCE NO. 4836, AND THE CITY OF ALBANY ZONING MAP AND ALBANY DEVELOPMENT CODE WHICH WERE ADOPTED BY ORDINANCE NO. 4441, AND ADOPTING FINDINGS

WHEREAS, from time to time it is appropriate to amend the Albany Comprehensive Plan (CP), the Albany Zoning Map, and Albany Development Code (ADC) to plan for future needs or changing conditions; and

WHEREAS, on July 21, 2022, the Land Conservation and Development Commission adopted Climate-Friendly and Equitable Communities (CFEC) administrative rules in response to Governor Brown's Executive Order 20-04 directing state agencies to take urgent action to meet Oregon's climate pollution reduction targets while ensuring equitable outcomes for underserved populations; and

WHEREAS, a component of the CFEC rules requires metropolitan cities with populations over 5,000 to establish Climate Friendly Areas (CFAs), which are urban mixed-use areas that provide access to more housing and transportation choices, services and jobs, that have capacity to accommodate 30 percent of Albany's total housing needs in 2040 as identified in the 2020 Housing and Residential Land Needs Assessment; and

WHEREAS, the Oregon Administrative Rules in 660-012-0310 require cities to adopt CFAs by December 31, 2024; and

WHEREAS, the City of Albany hosted three meetings between November 2022 and May 2023 to inform the public about the CFEC rules and also conducted two surveys to get feedback on the candidate CFAs and modified the boundaries of the candidate CFAs to reflect public input; and

WHEREAS, the City of Albany held five open houses between September 11, 2024, and November 12, 2024, to get input on the proposed CFA standards, and held four focus groups in December 2024, to get feedback on walkable design standards; and

WHEREAS, the Albany Planning Commission and Albany City Council held a work session on March 3, 2025, to review and provide feedback on the proposed ADC changes and HIP policies; and

WHEREAS, a notice of the planning commission and city council public hearings was published in the Albany Democrat-Herald on March 1, 2025; and

WHEREAS, a "Ballot Measure 56 Notice" was mailed on February 24, 2025, to property owners within the proposed CFA boundaries; and

WHEREAS, a notice of public hearing was emailed to Benton County, Linn County, and the North Albany Neighborhood Association on February 26, 2025; and

WHEREAS, on March 17, 2025, the Albany Planning Commission held a public hearing regarding the proposed amendments to the CP, ZM, and ADC, considered public input, deliberated on the proposed amendments, and recommended approval based on findings presented in the staff report and after considering public testimony; and

WHEREAS, on April 9, 2025, the Albany City Council held a public hearing on the proposed legislative amendments to the CP, ZM, and ADC, reviewed the findings of fact and testimony presented at the public hearing, and deliberated.

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

Section 1: The Albany Comprehensive Plan Chapters 8 and 9 and the Albany Comprehensive Plan map are hereby amended as described in Exhibit A (planning file CP-01-25).

Section 2: The Albany Zoning Map is hereby amended as described in Exhibit B (planning file ZC-01-25).

Section 3: The Albany Development Code is hereby amended to add new Article 14, and amend Articles 1, 2, 3, 4, 5, 8, 9, 11, 12, and 22 as described in Exhibit C (planning file DC-02-25).

Section 4: The findings and conclusions included in the staff report attached as Exhibit D are hereby adopted in support of the decision.

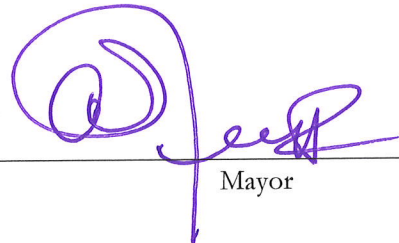
Section 5: Findings demonstrating compliance with Oregon Administrative Rules and the Highway Impact Studies in Exhibit E are hereby adopted in support of the decision.

Section 6: A copy of this ordinance shall be filed in the office of the city recorder of the City of Albany and these changes shall be made to the Albany Comprehensive Plan and Map, Albany Zoning Map and Albany Development Code.

Passed by the Council: 4-23-2025

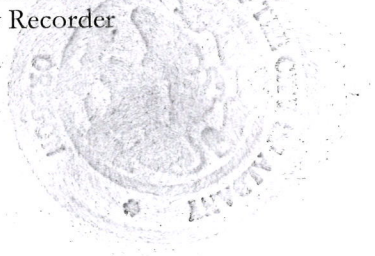
Approved by the Mayor: 4-24-2025

Effective Date: 5-23-2025

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder



**Staff Comments:** Minor amendments are proposed to incorporate Climate Friendly Areas objectives for compact mixed-use walkable areas and increased walkability policies citywide.

## CHAPTER 8: URBANIZATION

### GOAL 13: ENERGY CONSERVATION

#### BACKGROUND SUMMARY

Certainly, no other subject in this Plan affects as many areas of urban activities and growth as does energy conservation. Although most energy policy statements and implementation methods pertaining to transportation and directing growth are contained in those respective parts of the Plan, the remaining aspects of energy conservation impact virtually all types of land use actions. For this reason and because energy use is of such great importance in determining future growth patterns and specific land use activities, energy conservation is addressed as a specific element of the Plan.

As the costs of energy, land, and infrastructure increase, there is a greater need for conserving and efficiently using existing land and resources. There are a variety of mechanisms, policies, and actions the City can implement to reduce energy consumption citywide. Creating more mixed-use walkable areas and transportation and housing choices can help reduce energy consumption from transportation and construction, for example.

The implementation methods suggest a number of specific measures which the City should explore for more efficient use of existing energy supplies. Many of the programs suggested will be controversial since they place new restrictions on developers and property owners. However, there are no easy solutions to the energy issue and the evaluation of programs and alternatives will continue as needs, technology, and priorities change over time.

It will take careful evaluation and planning to ensure that Albany's energy conservation and planning efforts remain relevant and ready for the challenges of the future.

[Ord. 6060, 3/28/25]

## GOAL 13: ENERGY CONSERVATION

### GOAL, POLICIES, AND IMPLEMENTATION METHODS

#### GOALS

Achieve efficient utilization of all types of energy and maximize the conservation of non-renewable resources.

Transition to a compact land use pattern along transit lines that conserves natural resources and minimizes environmental impacts.

#### POLICIES

1. Promote development and use of comprehensive energy conservation and management programs that provide opportunities for efficient energy use and subsequent cost savings associated with:
  - a. Existing and future residential, commercial, and industrial uses.
  - b. Transportation management and planning programs that are directed at transportation efficiency such as reducing dependence on the private automobile.
  - c. Other efforts such as conservation incentives and recycling programs.
2. Promote land use development patterns and projects that are energy-efficient and cost effective.
3. Provide incentives such as density bonuses and encourage the use of other incentives such as financial and tax programs to promote energy efficient building and project design and development.
4. Coordinate with state, federal, and local agencies and private utilities concerning energy issues and conservation efforts.
5. Coordinate with the Oregon Department of Environmental Quality and other state and federal agencies to define any environmental considerations that may affect economic development opportunities in Albany.
6. Support efforts to attract and retain environmentally responsible industries. These are businesses that:
  - a. Reduce dependence on fossil fuels and extract underground metals and minerals.
  - b. Reduce dependence on chemicals and other manufactured substances that can accumulate in nature.
  - c. Reduce dependence on activities that harm life-sustaining ecosystems.
  - d. Balance the needs of present and future generations.

[Ord. 6060, 3/28/25]

#### IMPLEMENTATION METHODS

1. Promote energy conservation and cost savings within all City operations by:
  - a. Periodically evaluating operational procedures and implementing changes that will result in energy cost savings.
  - b. Investing in cost-efficient energy conservation opportunities and technology.
  - c. Considering energy costs and conservation factors when planning for building improvements and equipment acquisition.
  - d. Auditing energy use in all existing City buildings to provide the basis for future conservation measures.
  - e. Periodically reviewing vehicle and equipment specifications to ensure purchase of the most energy-efficient and cost-effective equipment.

2. Promote energy efficiency and conservation by encouraging businesses, residential property owners, and developers to design buildings and facilities and conduct operations in a manner that will conserve energy through methods such as:
  - a. Life cycle costing procedures related to energy-consuming equipment and buildings.
  - b. Centralization of heating and cooling facilities and avoidance of electric resistant heat for space heating needs.
  - c. Utilization of alternative and renewable resources including cogeneration and solar energy.
3. Promote energy conservation objectives in the planning, development, design, and utilization of the transportation system by:
  - a. Establishing street construction standards (types of materials, widths, design speeds etc.) which encourage the conservation of land and materials.
  - b. Providing efficient transportation connections between major employment and activity centers and residential neighborhoods.
4. Require an adequate number and the appropriate type of trees to be planted in parking lots of over three spaces to provide a certain percentage of shading within the first ten years after planting.
5. Promote solar retrofitting of existing structures by:
  - a. Identifying solar opportunities through the energy audit process.
  - b. Holding public workshops on methods of remodeling for utilization of solar energy.
  - c. Seeking state and federal funds for solar retrofitting projects.
6. Require energy conservation to be a criterion applied to all land use decisions and ensure the efficient processing of planning and building permits related to energy conservation efforts.
7. Require new street and outside area lighting to utilize the most practical energy-efficient fixtures and, where economically feasible, have Pacific Power convert old mercury vapor and incandescent street lighting to more efficient methods.
8. Encourage research and analysis of local energy usage to identify:
  - a. Consumptive trends, opportunities for cost-effective conservation, and the results of energy conservation efforts.
  - b. The social, environmental, and economic consequences of energy-related activities.
  - c. Opportunities to utilize alternative sources for local consumption which may include:
    - 1) Solar energy for municipal pool heating.
    - 2) Electrical energy generation from the water treatment plant outfall.
    - 3) The reuse of waste heat from industrial operations.
9. Encourage the development of a comprehensive energy ordinance that would promote cost effective energy conservation measures.
10. Develop methods and regulations to promote the use of solar energy such as:
  - a. Requiring subdivision and building site designs to show maximum solar orientation.
  - b. Regulations which include standards for providing solar access in new developments through street design, building shadow patterns, and solar envelopes.
  - c. Covenants that address solar access protection within new developments.
  - d. Model procedures to assist property owners in obtaining solar access rights.
11. Explore the development of funding opportunities for energy conservation projects and programs such

as:

- a. Housing rehabilitation programs that include energy retrofitting of homes occupied by low-income persons.
  - b. Recycling efforts and alternative energy projects.
  - c. Industrial, commercial, and institutional building energy audits and retrofits.
12. Participate in regional energy conservation projects and programs involving state, federal, and local agencies and the private sector including:
- a. Support for the model conservation standards developed by the Northwest Power Planning Council.
  - b. A comprehensive regional energy conservation program.
  - c. Utility sponsored voluntary programs that promote energy conservation, incentive programs, and projects.
  - d. Maintenance of an energy emergency preparedness plan consistent with the State of Oregon Emergency Preparedness Plan to minimize the adverse effects of an energy emergency.
13. Participate with area utilities, businesses, and applicable agencies to develop and implement the following programs:
- a. A standard method of evaluating conservation measures to determine their cost effectiveness and to illustrate what conservation measures beyond the requirements of Uniform-B~~uilding~~ C~~ode~~ standards are cost effective.
  - ~~b. Public information and assistance regarding investment decisions relating to energy consumption which include:~~
    - ~~1) Projected energy costs.~~
    - ~~2) Tax advantages of energy conservation related investments.~~
    - ~~3) Various energy inputs required for manufacturing processes.~~
    - ~~4) Utilization of life-cycle costing methods for energy-consuming products and equipment.~~
  - ~~e~~b. Public education/information and assistance programs concerning operational ~~actual~~ costs, energy costs, and ways to reduce energy consumption ~~of providing and using energy.~~
  - d. ~~Cooperat~~eion with homebuilders and local contractors to promote the use of the State of Oregon's Structural Energy Efficiency program.
  - e. ~~Reducti~~on of peak load energy conditions by encouraging employers to set up staggered work hours.
14. Through various media, develop and implement energy education and information sharing programs in conjunction with private, public, and non-profit organizations to provide information on:
- a. Energy auditing and financing programs that are part of area utilities' conservation programs.
  - b. Climatic conditions applicable to the use of solar energy including micro-climatic conditions such as wind patterns, sun angles, shading patterns, etc. which are applicable to the siting of structures.
  - c. The use of landscaping for energy conservation.
  - d. Retrofitting techniques and devices (such as thermostat setbacks, furnace modifications, shower flow restrictors), typical savings and tax advantages of conservation measures.
  - e. Establishing integrated energy systems using renewable energy.
15. Develop and maintain clearly defined air shed and other environmental information regarding standards established by the Oregon Department of Environmental Quality for prospective industries considering locating in Albany.

16. Develop a strategy for returning idle, underutilized, and/or contaminated lands ("brownfields") to productive use.
17. Continue efforts to plant and maintain trees in the city as a strategy for reducing both carbon emissions and energy expenditures.
18. Develop a mechanism for transfer of development rights among property owners to protect open space (floodplains, wetlands, riparian corridors, woodlands, view corridors, and meadows).
19. Develop parking and landscaping standards that improve the quality of storm water runoff.

[Ord. 6060, 3/28/25]

### RECOMMENDATIONS

1. Encourage the State of Oregon to adopt building code regulations which encourage the use of energy-efficient heating and cooling building practices. Code requirements should include formulas for calculating solar gain and heat loss for new structures.
2. Encourage the Oregon Department of Energy to inform the City of any programs that provide energy conservation assistance or any other special energy-related programs directed toward local governments.

## GOAL 14: URBANIZATION

### DIRECTING GROWTH BACKGROUND SUMMARY

This chapter of the Comprehensive Plan seeks to clarify Albany's role in growth management. The City of Albany seeks neither to unduly restrict growth nor promote growth for its own sake. However, through the adoption of this Plan, the City has taken an affirmative position on the well-planned direction and management of growth.

The City has opportunities to influence and thereby direct growth through establishment of City policies and actions. The state of Oregon also influences growth by establishing rules and laws jurisdictions must comply with. Cities, through the Comprehensive Plan and zoning, must designate enough urbanizable land to accommodate forecast population growth and the need for housing, employment, services, open space and recreational needs.

The state, through statewide Planning Goal 14, Urbanization, and other state planning goals and rules, requires cities to establish mixed use urban areas that provide housing, employment, services, transit and amenities to give residents more housing and transportation choices. The City has an interest in maintaining and supporting a relatively compact urban form and more mixed use areas so that urban services can be more efficiently provided. ~~Longer police patrols, lengthy sewer and water extensions, and so on all result in increased service costs.~~ Compact urban form also promotes energy conservation through decreased reliance on automobiles and allowing more land to be utilized for agricultural production.

Albany has established an Urban Growth Boundary (UGB) in accordance with the statewide Planning Goal 14, which identifies where future growth will be located. The UGB is intended to accommodate at least 20 years of residential and employment growth. The UGB alone has little initial effect on achieving a compact form of growth. However, the Urban Growth Boundary does identify areas which require city-county coordination before, during, and after development. It is usually preferable to have land outside the city limits remain undeveloped until urban services are available thereby allowing increased flexibility in the urbanization process.

The Comprehensive Plan, the Comprehensive Plan Map, and supporting area plans determine what types of development can occur within the city and UGB and serve as the basis for managing and planning for growth. While new development essentially pays to extend services, the City's facility plans and capital improvement programs determine the city's priority needs and investments in public infrastructure and facilities.

[Ord. 6060, 3/28/25]

## GOAL 14: URBANIZATION

### DIRECTING GROWTH GOAL, POLICIES, AND IMPLEMENTATION METHODS

#### GOALS

1. Achieve stable land use growth that results in a desirable and efficient land use pattern.
2. Designate climate friendly areas to encourage compact, walkable neighborhoods with a mix of residential and commercial uses with access to transit and to provide opportunities to meet daily needs within the neighborhood and reduce the reliance on vehicle travel.
3. Maintain an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.
4. Create village centers that offer housing and employment choices.
5. Promote infill development and redevelopment throughout the city to utilize existing infrastructure and to protect Albany's historic and natural resources.
6. Improve community appearance and establish attractive gateways into Albany and visually appealing highway corridors.

[Ord. 6018, 6/30/23; Ord. 6060, 3/28/25]

**Staff Comments:** Some policies are being moved to be located adjacent to similar policies; these are not shown in bold and strike.

#### POLICIES

1. Encourage industry and employment centers, regional shopping centers, and urban level development to locate within the Albany city limits.
2. Support the conversion of surplus parking into other uses compatible with the area.
3. ~~Since the undeveloped portions of the urban fringe are in transition from rural to urban uses,~~ Development in the urban fringe must ~~se areas shall~~ occur in a manner consistent with the City of Albany's Comprehensive Plan and implementing ordinances.
4. Allow the development of existing lots designated for residential use on the Albany Comprehensive Plan within the unincorporated portion of the Urban Growth Boundary, subject to the following criteria:
  - a. Prior to development of a new residence on a lot that does not meet the designated minimum parcel size for that zone, an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
  - b. Prior to development of a new residence, which requires an urban level of services (such as sanitary sewer or city/service district water), an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
  - c. All applicable county development standards are met including on-site sewage disposal system approval and legal access to a public street.
  - d. An urban conversion plan is submitted for City review. The urban conversion plan shall demonstrate the potential division of the property to urban densities and the desired location of streets and points of access.
  - e. The property was not created illegally.
5. Allow expansion or modification of commercial and industrial uses within the unincorporated portion of

the Urban Growth Boundary provided that:

- a. The use is consistent with the City's Comprehensive Plan designation, or the modification complies with the more restrictive of the County or City's non-conforming use provisions.
  - b. A site plan is approved by the City of Albany and County, whereby all development requirements of the City and County are met to the maximum extent possible which include:
    - 1) Access, parking, and loading requirements.
    - 2) Setback and yard requirements.
    - 3) Landscaping, buffering, and screening.
    - 4) Adequate public facilities and services.
    - 5) All other applicable planning and building requirements.
  - c. An Annexation Agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that requires non-remonstrance to annexation and construction of city services and streets to urban standards.
6. Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.
  7. Develop land use refinement plans for undeveloped and redeveloping parts of the city to address community needs and ensure an efficient and sustainable land use pattern and transportation networks.
  8. Encourage the use of already serviced vacant, underdeveloped, and/or underutilized land through adaptive reuse and development. [Ord. 6018, 6/30/23]
  9. Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase energy, land and infrastructure efficiency.
  10. Encourage compact, mixed use, and multi-story development that supports walkability, transit, reduced auto-dependency for access to goods and services and promote the efficient use of land and public infrastructure.
  11. Designate enough land in a variety of parcel sizes and locations to meet future housing, employment and commercial needs, and designate new mixed-use Village Centers and Climate Friendly Areas near transit.
  12. The size and type of future commercial development shall be commensurate with the area to be served and located to be easily accessible by those in the service area and designed to be compatible with surrounding residential uses when applicable.
    - a. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.
    - b. Zone change applications for new neighborhood commercial and mixed-use Village Center sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.
    - c. The commercial component of Village Center zoning districts should be sized to meet the neighborhood needs. Village Centers are generally located at least one mile in travel distance from any other commercial site that serves or is available to serve similar commercial needs.

13. Discourage ~~future~~ strip commercial development and promote clustered commercial and mixed-use opportunities and the ~~infill~~ and redevelopment ~~ing~~ of existing commercial areas which ~~will~~ to foster:
  - a. Efficient and safe utilization of transportation facilities.
  - b. A variety of ~~attractive~~ accessible and ~~comfortable~~ pedestrian-friendly shopping and housing opportunities ~~that encourage shopping in a number of stores without~~ to reduce auto use.
  - c. Compatibility between land uses, particularly adjacent residential neighborhoods.
  - d. Efficient extension of public facilities and services.
14. Encourage professional uses and mixed uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.
15. Protect industrial and employment lands by restricting retail and service uses to those that cater primarily to nearby employees and disperse employment centers to areas of the city with access to transportation routes and public utilities.
16. Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase energy, land, and infrastructure efficiency.
17. Provide development opportunities for large-scale industrial and commercial development and for people to live in proximity to activity centers, particularly their place of employment.
18. Improve commercial and industrial standards to allow for additional landscaping and an increased variety of tree species.
19. Require industrial and commercial developments along major transportation corridors to meet special development standards relating to setbacks, landscaping, architecture, signs, and outside storage to present a pleasing visual image. ~~Discourage regional shopping centers outside of the Albany Urban Growth Boundary area which are primarily targeted for the Albany market area.~~

[Ord. 6018, 6/30/23 Ord. 6060, 3/28/25]

### IMPLEMENTATION METHODS

1. Maintain and update joint management agreements between the City of Albany and Linn and Benton Counties to ensure continued protection and orderly development of the urbanizing area in conformance with the Comprehensive Plan.
2. Develop a mechanism to facilitate the coordinated exchange of information between the City and other governmental units and agencies regarding actions within the Urban Growth Boundary.
3. Ensure that Linn and Benton Counties' development regulations discourage premature urban level development within the unincorporated portion of the Urban Growth Boundary and encourage development which occurs to meet the following criteria:
  - a. When land partitioning or subdivision occurs that will result in parcels of less than five acres, an urban conversion plan must be submitted for City review. The urban conversion plan must demonstrate the potential division of the property to urban densities and the desired location of streets and points of access.
  - b. When applicable, development must meet City site development standards pertaining to lot size, density, setbacks, lot coverage, and height limitations.
  - c. When parcel divisions or subdivisions occur that result in parcels of less than five acres, an annexation

agreement is recorded for the property that provides for non-remonstrance to annexation.

4. ~~Develop a phasing program associated with the~~ When updating City of Albany ~~pPublic fFacility pPlans,~~ that considers the following as part of the anticipated extension of services:
  - a. Identification of those areas that are the most logical and cost effective to provide with urban services in the short-range.
  - b. Overall cost to provide services and long-term energy and maintenance costs.
  - c. Provision of adequate facilities to accommodate projected population and economic growth and subsequent intensification of land uses.
  - d. Overall desired urban form, character, and density.
  - e. Conformance with the goals and policies of the Albany Comprehensive Plan.
6. Periodically review and update the Comprehensive Plan to ensure that there is adequate area designated in each land use classification to meet anticipated needs.
7. Adopt or update land use refinement plans for different areas of the city to ensure areas with development potential meet community needs using efficient land use patterns. Modify development standards, Comprehensive Plan, and zoning designations as necessary to implement area plans.
8. Review and amend the Albany Comprehensive Plan map designations and Development Code regulations as needed to maintain adequate industrial and commercial designated lands in locations that will achieve balanced and sustainable development patterns.
9. Periodically review and update the Albany Development Code to ensure developments are accessible and meet desired qualities and character of any area plan and underlying zoning district purposes.
10. Use land use controls and other tools to reserve Village Centers and Climate Friendly Areas for ~~intended~~ an urban level mix of uses that provide housing, jobs, services, and amenities.
11. Work with owners of key Village Center and large industrial development sites ~~properties~~ to prepare development plans that meet the objectives of applicable area refinement plans.
12. Within the developed and redeveloping areas of Albany, identify neighborhood and livability qualities that the community determine are desirable and distinctive and that should be encouraged, enhanced, or protected.
13. ~~Wherever possible, e~~ Except for infill development, do not allow for further expansion of existing strip commercial areas and discourage new strip development, including isolated offices and professional facilities. Undertake measures to improve the appearance and safe utilization and operation of existing strip commercial areas by:
  - a. Providing development opportunities for compact and multi-purpose commercial facilities which encourage shopping in a number of stores without auto use.
  - b. Providing for combined access and otherwise limiting the number of access points to major arterials to maintain safety and the smooth flow of traffic.
  - c. Improving accessible and direct pedestrian access and on-site environmental amenities such as tree canopy, native plants, storm water quality facilities, and solar panels.
  - d. Providing for shared parking opportunities.
  - e. Implementing measures to improve the appearance and overall quality of strip commercial areas by requiring front yard landscaping, safe and convenient pedestrian access, and trees throughout the development site.
14. Provide for medium- or high-density development adjacent to streets designated and designed as

arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.

15. Provide residential density bonuses for developments that propose to:
  - a. Provide well-designed and attractive cluster development.
  - b. Promote energy conservation through site design and architectural measures.
  - c. Utilize alternative energy sources.
16. Adopt maximum parking standards for commercial, office, and industrial districts, and require spaces above the maximum standard be underground or in structured parking facilities in developments.
17. Consider mechanisms for new development to contribute to shared parking in lieu of on-site parking and consider a provision for multi-level parking structures.
18. Evaluate and revise existing commercial and industrial landscaping standards as needed to achieve a positive community image and a pleasant pedestrian environment.
19. Where necessary, adopt overlay design standards that ensure that development presents a positive image along Albany's major transportation corridors.

[Ord. 6018, 6/30/23 Ord. 6060, 3/28/25]

***No changes are proposed to the rest of this Chapter, so it is not provided. The full chapter can be viewed online: [www.albanyoregon.gov/cd/compplan](http://www.albanyoregon.gov/cd/compplan).***

## CHAPTER 9: LAND USE PLANNING

### GOAL 1: CITIZEN INVOLVEMENT

***\*\*No Changes are proposed to Goal 1 Citizen Involvement content, so this section is not provided.\*\****

**Staff Comments:** Minor amendments are proposed to incorporate the Climate Friendly Area overlay district into the list of overlay districts on p. 9-7 of this document.

### GOAL 2: LAND USE PLANNING

#### UPDATING AND AMENDING THE COMPREHENSIVE PLAN BACKGROUND SUMMARY

The Comprehensive Plan is the City of Albany's most significant expression of the community's values, image, and goals for the future. Because we live in a complex and ever-changing world, the Comprehensive Plan must not become outdated and inflexible. The Plan's usefulness over time is dependent upon its ability to keep pace with changing circumstances and needs. The goals and policies within the Comprehensive Plan are based upon known community characteristics and data and on assumptions and predictions that utilize known information. For example, assumptions concerning economic activity and population growth were used to project future urban land needs. As time passes, some projections and predictions within the Plan may prove accurate, but others will certainly show need for revision.

The Comprehensive Plan also reflects current community attitudes and priorities. These change over time. Changes often occur in financial and funding situations, new laws, and political conditions. Factors outside the community also affect the character of the city. The Plan must have the ability to respond to a dynamic state and national political environment.

Cities and counties must undertake planning to provide adequate opportunities for industrial and commercial development and adopt public facilities plans that demonstrate how key public facilities will be provided to meet anticipated development and growth. Planning for housing is addressed in statewide planning Goal 10. Planning for industrial and commercial development and public facilities are addressed as part of Goal 9: Economic Development, Goal 11: Public Facilities and Services, and Goal 12: Transportation.

Any effort to change the Comprehensive Plan must be based on meeting a particular public need and compliance with statewide planning goals and administrative rules. Albany's Comprehensive Plan should not be subject to capricious or arbitrary changes. The Plan is used as the policy basis for many day-to-day decisions and as a long-range planning tool. Its success on both a current and long-range basis depends on the City's ability to achieve the goals and policies identified as being important to the community. The Comprehensive Plan must achieve the balance between maintaining flexibility with changing circumstances and observing a degree of permanence and reliability over time.

Because the Comprehensive Plan was written to cover a 20-year planning period and includes many subjects, it is obvious that all desired actions cannot take place in any one year. Thus, statements within the Plan must be prioritized according to Albany's needs and available funds. Decisions must be made as to what specific projects to accomplish and allocation of staff time. These decisions are made on a frequently basis, and do not require amendment to the Comprehensive Plan. However, at the time of Plan Periodic Review and Update, a more thorough evaluation of priorities can be made. At this time, goals, policies, and implementation methods can be reviewed and updated to reflect new conditions and priorities.

[Ord. 6060, 3/28/25]

## GOAL 2: LAND USE PLANNING

### UPDATING AND AMENDING THE PLAN GOALS, POLICIES, AND IMPLEMENTATION METHODS

#### GOAL

Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:

1. Remains current and responsive to community needs.
2. Retains long-range reliability.
3. Incorporates the most recent and reliable information.
4. Remains consistent with state laws and administrative rules.

#### POLICIES

1. Applications for Comprehensive Plan Amendments submitted by property owners shall be reviewed semi-annually by the Planning Commission. The City Council or Planning Commission may also initiate Plan amendments at any time they determine that the public interest would be best served by so doing.
2. Base approval of Comprehensive Plan amendments upon consideration of the following:
  - a. Conformance with goals and policies of the Plan.
  - b. Citizen review and comment.
  - c. Applicable Statewide Planning Goals.
  - d. Input from affected governmental units and other agencies.
  - e. Short- and long-term impacts of the proposed change.
  - f. Demonstration of public need for the change.
  - g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.
  - h. Any additional information as required by the Planning Commission or City Council.
3. Consider periodic review as the most appropriate time to receive requests to amend the Urban Growth Boundary. Amendment requests shall be based on:
  - a. Criteria required for amendment of the affected jurisdictions' comprehensive plans.
  - b. Demonstration that the amendment request will not impair the City's ability to implement the public facility plan to provide services.
  - c. The facility plan can be concurrently amended to provide services to the affected area.
4. Undertake periodic review and/or update of the Albany Comprehensive Plan at least every four to seven years.

#### IMPLEMENTATION METHODS

1. Concurrent with each Periodic Review or major revision, the City should undertake the following:
  - a. Evaluate the Comprehensive Plan and implementing ordinances to assure plan and ordinance consistency.
  - b. Evaluate past and ongoing City actions (Council decisions, improvement projects, planning approvals, completed developments etc.) to determine if they have achieved the intent of the Plan.
  - c. Utilize up-to-date data and other information to evaluate the applicability of Plan goal and policy

statements and implementing ordinances.

- d. Review the effectiveness of the City's Citizen Involvement Program in providing for citizen involvement in the planning process.
2. Provide adequate staff resources to monitor changing community conditions and to maintain the information and data base needed to update the Comprehensive Plan.
3. Prioritize implementation methods and improvement projects intended to implement Plan goals and policies and prepare a periodic schedule for updating the Comprehensive Plan background reports. Monitor and record new information that documents changing circumstances, including development activity to assure adequate land is available for commercial, industrial, and housing development activities.
4. Monitor land prices and housing costs to determine any artificial non-market price impacts or other trends that result from implementation of Plan goals and policies or other City actions.
5. Annually review the Capital Improvement Program (CIP) element of the Public Facility Plan (PFP) to determine progress in achieving the objectives of the PFP.

[Ord. 6060, 3/28/25]

### RECOMMENDATIONS

1. Encourage the State to provide funds commensurate with the costs of maintaining the Comprehensive Plan and conducting periodic review.
2. Encourage state agencies such as the Department of Environmental Quality (DEQ), Economic Development Department (EDD), Oregon Department of Transportation (ODOT), and the Oregon Housing Division to provide the City with new information and data relevant to the City's land use planning program as it becomes available.

## GOAL 2: LAND USE PLANNING

### LAND USE DESIGNATIONS BACKGROUND SUMMARY

#### COMPREHENSIVE PLAN MAP DESIGNATIONS

The land use designations on the Comprehensive Plan Map (Plate 14) indicate the type, location, and density of land development and redevelopment that will be permitted in the future. The map shows where various kinds of land use activities are appropriate for all areas within the Urban Growth Boundary. Although future development in Albany may never correspond exactly to the Plan Map, the map does show where different kinds of activities are appropriate and directs growth to these areas. The map also identifies potential development opportunities for meeting Albany's housing, commercial, and employment needs.

The Comprehensive Plan Map has five general categories of designations (residential, mixed-use, commercial, industrial, and special uses). Each general category is broken down into more specific categories as described below.

[Ord. 5543, 10/23/2002]

#### RESIDENTIAL: GENERAL REQUIREMENTS

The two residential plan designations have the following common elements: 1) they provide for the establishment of dwelling units; 2) home occupations are permitted subject to Development Code requirements; 3) Office Professional and Neighborhood Commercial zoning are permitted within all residential Plan designations without a Plan change, but will be subject to rezoning requirements and conformance to special standards; 4) development increase bonuses may be permitted subject to Development Code regulations; and 5) schools, parks, cemeteries, churches, and certain public facilities may also be compatible in the residential Plan designations.

**LOW DENSITY RESIDENTIAL (LDR):** Identifies areas predominantly suited or used for detached single dwelling units, middle housing (duplex, triplex, fourplex, townhouses, cottage clusters), and small single room occupancy development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing and Planned Unit Developments are permitted with density ranging by zone.

**MEDIUM DENSITY RESIDENTIAL (MDR):** Identifies areas suitable for multiple-family and middle housing development of three to five stories densities. Manufactured home parks are permitted with Site Plan Review. MDR lands are located on collector or arterial streets

**HIGH DENSITY RESIDENTIAL (HDR):** Identifies areas suitable for high-density urban residential development up to 7 stories. HDR lands located adjacent to land designated Village Center or for commercial or employment uses, and on collector and arterial streets. A variety of housing types and other compatible uses may be permitted.

**URBAN RESIDENTIAL RESERVE (URR):** Identifies areas between the developed urban area and the Urban Growth Boundary within which a variety of residential zones may be permitted to accommodate all needed housing types without a Plan change. All zoning decisions will be based upon criteria as specified in the Development Code. However, the three following policies which will be utilized in converting Urban Residential Reserve (URR) land to a particular residential zoning classification:

1. The average developed density within the URR designation will be up to 35 units per acre.
2. The City will at all times maintain at least a 5-year supply of land designated for low-, medium-, and high-density residential uses.
3. Land within the URR designation will be changed to low- and medium-density Plan designations if such

changes are needed to develop accurate 5-year capital improvement plans involving any such area or, in some cases, upon annexation to the City.

In addition to residential uses, it is anticipated that approximately 20 to 50 acres of the Urban Residential Reserve land will be utilized for neighborhood commercial and office professional uses to 2025. Approximately 100 acres will be needed for new school and park sites by 2025.

[Ord. 5667, 4/25/2007; Ord. 5968, 1/14/2022; Ord. 6010, 7/1/2023; Ord. 6059, 3/14/25]

### MIXED USE: GENERAL REQUIREMENTS

**VILLAGE CENTER:** Provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development. Within the Village Center Plan designation there will be at least two zones. One is a mixed-use commercial zone, the other is a medium- to high-density residential zone that provides a mix of housing choices. Sub-categories of this designation may further specify the compatible zoning districts and intended purpose and character of village centers located in particular areas of the city, such as in East Albany.

In order for additional land to be designated Village Center, applicants must demonstrate the need for the Village Center in a particular location and what residential populations it is intended to serve.

- **Village Center - East:** This designation is specific to the East Albany Plan Area. The Village East designation is considered a sub-category of the Village Center designation; its compatible zoning districts are limited to those identified for the East Albany Plan area. This designation provides for a mixture of uses to serve nearby neighborhoods, including residential uses, retail, office, community and personal services, live-work units, and similar uses. Development within the Village East designation will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods, and prevent the appearance of strip commercial development.

[Ord. 5543, 10/23/2002; Ord. 6010, 7/1/2023]

### COMMERCIAL: GENERAL REQUIREMENTS

**NEIGHBORHOOD VILLAGE:** Provides for a mix of residential and limited commercial activities that include smaller scale office professional and neighborhood commercial uses that meet the frequent needs of area residents. This designation is used to provide a buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial areas in close proximity to residential areas that fit the character of nearby neighborhoods are easily accessible and pedestrian friendly.

**GENERAL COMMERCIAL:** Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of "strip commercial" development in order to more efficiently serve the shopping needs of the community and region.

[Ord. 5543, 10/23/2002; Ord. 6010, 7/1/2023]

### INDUSTRIAL: GENERAL REQUIREMENTS

**EMPLOYMENT:** Identifies land that allows for a variety of employment opportunities, including larger employers in light industrial, office, and flex-space developments typically designed for multiple use types. Employment uses may include corporate offices, research and development, creative services, medical

campuses, manufacturing, wholesaling, and other accessory, and compatible uses that have minimal environmental effects. Retail uses are allowed but are limited in intensity so as to maintain adequate employment development opportunities.

**LIGHT INDUSTRIAL:** Identifies areas suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial Zones.

**HEAVY INDUSTRIAL:** Provides for most types of manufacturing and processing, storage and distribution, and other types of industrial uses that require large amounts of land in proportion to the number of employees and are potentially incompatible with most other uses but comply with the development and environmental standards of the Development Code.

[Ord. 5543, 10/23/2002]

### SPECIAL USE DESIGNATIONS

**OPEN SPACE:** Identifies and protects areas where development is infeasible or undesirable and where it is in the public interest to protect lands for the maintenance of natural drainageways and flood channels, to protect fish and wildlife habitats, to enhance scenic and historic areas, to protect natural resources, and to protect potential recreation trails and park sites. The principal private uses of these areas will include one single-family dwelling per property, grazing and crop production, and recreation and open space uses.

**PUBLIC AND SEMI-PUBLIC:** Identifies existing public and semi-public uses including public parks, schools, the community college, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other Plan designations subject to special regulations.

**WATER BODY:** Identifies those areas which are more or less permanently inundated by major natural or man-made water features. Development within a water body is limited to water-dependent uses. Developments which occur adjacent to these features must be sensitive to the resource and comply with all other applicable Comprehensive Plan and Development Code provisions.

**SITES OF SPECIAL INTEREST:** Identifies areas where additional, unique policies apply due to conditions or circumstances associated with the site. Because of the limited applicability of these policies, they are site specific. Each special interest site has been assigned a number and identified on a map which can be found on Plate 15, page 146. For each site with a map number, there are corresponding policies. These policies can be found on pages 147 and 148 of this chapter.

[Ord. 5543, 10/23/2002]

### OVERLAY DESIGNATIONS

The following overlay designations are used to designate areas within the City where additional regulations apply to the standards of the base zoning district. The overlay designations will be applied at the time of annexation in accordance with the Comprehensive Plan Plate maps.

**CLIMATE FRIENDLY AREAS (/CFA):** Identifies areas where the city wants to create more accessible mixed-use and walkable areas and increase opportunities for housing close to services, transit and employment. These areas are required by Oregon Administrative Rules and must have the capacity to accommodate thirty percent of Albany's total projected households in an adopted and acknowledged housing needs analysis. The city has designated one Primary CFA (/CFA1) and six Secondary CFAs (/CFA2) to provide sufficient land to meet future housing needs and provide housing in mixed use areas served by transit. Albany's CFAs are identified on Plate 15.

FLOOD PLAIN (/FP): Identifies lands located within the 100-year flood plain as determined by the Federal Emergency Management Agency on the Federal Insurance Rate Maps, as augmented by best available local knowledge.

HABITAT ASSESSMENT (/HA): Identifies lands where significant habitat for species listed as threatened, endangered, or sensitive by the state or federal governments have been documented as shown on Plate 3.

HILLSIDE DEVELOPMENT (/HD): Identifies lands that have hillsides with slopes of 12 percent or greater as shown on Plate 7.

RIPARIAN CORRIDOR (/RC): Identifies significant riparian corridors adjacent to Albany's rivers, creeks, streams and drainageways as shown on Plate 4.

WETLANDS (/SW): Identifies lands located in the City's Local Wetland Inventory that are classified as significant wetlands, and which are subject to local, state, and/or federal land use regulations. Significant and non-significant wetlands are identified on Plate 6.

WILLAMETTE RIVER GREENWAY (/GW): Identifies lands located within the Willamette River Greenway boundary which are subject to special regulations intended to "protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River."

[Ord. 5764, 12/01/11]

## ZONING DISTRICTS

Zoning is a major "tool" for implementing the Comprehensive Plan. By law, zoning must be "consistent" with the Comprehensive Plan. However, this does not mean that zoning designations simply duplicate Comprehensive Plan designations. The zoning cannot permit uses or intensities that are not allowed under the particular Plan category. It is possible to have zoning that is more restrictive than the Plan designation (e.g., if the land is not needed for such uses in the short run, or a particular area is not currently suitable for such development). In those instances, the zoning intensity would be increased when the land was needed and/or the suitability of the land for a particular use was assured.

Zone changes will occur since minor adjustments to the Comprehensive Plan undoubtedly will occur. Zone changes may also occur concurrently with annexations, although the particular zone(s) attached to each annexation depends on the Plan classification, the need for the intended uses, and the suitability of the land for a particular use.

Zoning regulations within the Urban Growth Boundary will be administered by the City of Albany for areas inside the city limits and by Linn County for land outside the city limits. Zone changes in the urbanizing area will be reviewed by the City of Albany subject to the requirements of the joint Urban Growth Management Agreements with Linn County.

The Albany Development Code describes the zoning districts that apply within the city limits. For information on zones that apply in the urbanizing area, refer to the Linn County zoning code.

[Ord. 5543, 10/23/2002]

## PLAN DESIGNATION ZONING MATRIX

The relationship of the Plan designations to the zoning districts is summarized graphically in the "Plan Designation Zoning Matrix." This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation.

It should be noted that the listing of a zoning district as compatible does not mean that the referenced zone can automatically occur anywhere in the specified Plan designation. For example, a ~~number of~~ few commercial zones (Neighborhood Commercial, Community Commercial, etc.) are compatible with the General Commercial

Plan designation, but which zone should be used in a particular area depends on the location and characteristics of the site and the need for the uses allowed in that zone.

Districts not listed in the table as compatible zoning districts for a particular Comprehensive Plan designation require both a zone change and a Comprehensive Plan change. [Ord. 5543, 10/23/2002]

### PLAN DESIGNATION ZONING MATRIX

| Plan Designation           | Compatible Zoning Districts                                                                                                                                                                                                                                                                                             |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employment*                | Employment (EMP), Industrial Park (IP), Office Professional (OP), and land zoned Light Industrial (LI)* in the East Albany Plan area prior to June 30, 2023                                                                                                                                                             |
| Light Industrial           | Industrial Park (IP), Light Industrial (LI), Transit District (TD)                                                                                                                                                                                                                                                      |
| Heavy Industrial           | Light Industrial (LI), Heavy Industrial (HI)                                                                                                                                                                                                                                                                            |
| General Commercial         | Neighborhood Commercial (NC), Office Professional (OP), Community Commercial (CC), Regional Commercial (RC)                                                                                                                                                                                                             |
| Neighborhood Village       | Neighborhood Commercial (NC), Office Professional (OP), Mixed Use Residential (MUR)                                                                                                                                                                                                                                     |
| Village Center             | Historic Downtown (HD), Downtown Mixed Use (DMU), Central Business (CB), Lyon-Ellsworth (LE), Elm Street (ES), Main Street (MS), Pacific Boulevard (PB), Waterfront (WF), Mixed-Use Commercial (MUC), Mixed-Use Residential (MUR), Residential Medium Density (RM), Office Professional (OP), Community Commercial (CC) |
|                            | Village Center - East (East Albany Plan Area only): Mixed Use Commercial (MUC), Mixed Use Residential (MUR)                                                                                                                                                                                                             |
| High Density Residential** | High Density Residential (HDR), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR); and land zoned Residential Medium Density (RM) in the East Albany Plan area prior to June 30, 2023                                                                                                              |
| Medium Density Residential | R-5 Residential (R-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)                                                                                                                                  |
| Low Density Residential    | R-10, R-6.5 and R-5 Residential (R-10, R-6.5, R-5); Hackleman Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)                                                                                                                                                           |
| Urban Residential Reserve  | R-10, R-6.5 and R-5 Residential (R-10, R-6.5, R-5); Residential Reserve (RR), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)                                                                           |
| Public & Semi-Public       | All zones                                                                                                                                                                                                                                                                                                               |
| Open Space                 | Open Space (OS)                                                                                                                                                                                                                                                                                                         |

\*Light Industrial – Properties in the East Albany Plan area that were zoned Light Industrial on June 30, 2023, may remain

zoned Light Industrial, including those designated Employment on the Comprehensive Plan map.

\*\*Residential Medium Density (RM) – Properties in the East Albany Plan area that were zoned RM on June 30, 2023, may remain zoned RM, including those designated High Density Residential on the Comprehensive Plan Map.

[Ord. 5443, 10/23/2002; Ord. 5667, 4/25/2007; Ord. 5895, 10/14/2017; Ord. 6010, 7/1/2023; Ord. 6059, 3/14/25]

## PLAN MAPS

The purpose of this section of the Plan is to graphically summarize the basic inventories which were used to develop the Plan, and to present the Comprehensive Plan Map which expresses the Plan goals and policies that will direct growth in the Albany area for the next twenty years.

Because of the reduced scale, all of these maps are generalized rather than accurate representations of actual sizes and shapes. Inventories are mapped on more detailed scales, are filed in the Planning Department, and are regularly updated when information becomes available.

Plate 1 shows the existing Urban Growth Boundary. This planning area was acknowledged by the State of Oregon in 1982 as part of the Comprehensive Plan acknowledgement process. No changes were made to the Urban Growth Boundary as a result of periodic review.

Plate 2 illustrates the neighborhood boundaries. These boundaries provide the geographical basis of the U.S. Census Bureau's Neighborhood Statistics program, public facility planning, and have been used in the past to facilitate citizen involvement programs.

Plates 3-11 are part of the City's resource inventory and consist of the following exhibits:

Plate 3 - Natural Vegetation and Wildlife Habitat

Plate 4 - Streams, Rivers, and Lakes

Plate 5 - 100-Year Floodplains (as mapped by the U.S. Army Corps of Engineers)

Plate 6 - Wetland Sites: Local Wetland Inventory and Locally Significant Wetlands

Plate 7 - Slopes

Plate 8 - Existing Agricultural Lands

Plate 9 - Historic Districts was removed. A map of Albany's historic district boundaries is located in Article 7 of the Albany Development Code.

Plate 10 - Park and School Sites

Plate 11 - Buildable Lands Inventory was removed. See the maps in the 2020 Buildable Lands Inventory Methodology and Results supporting document.

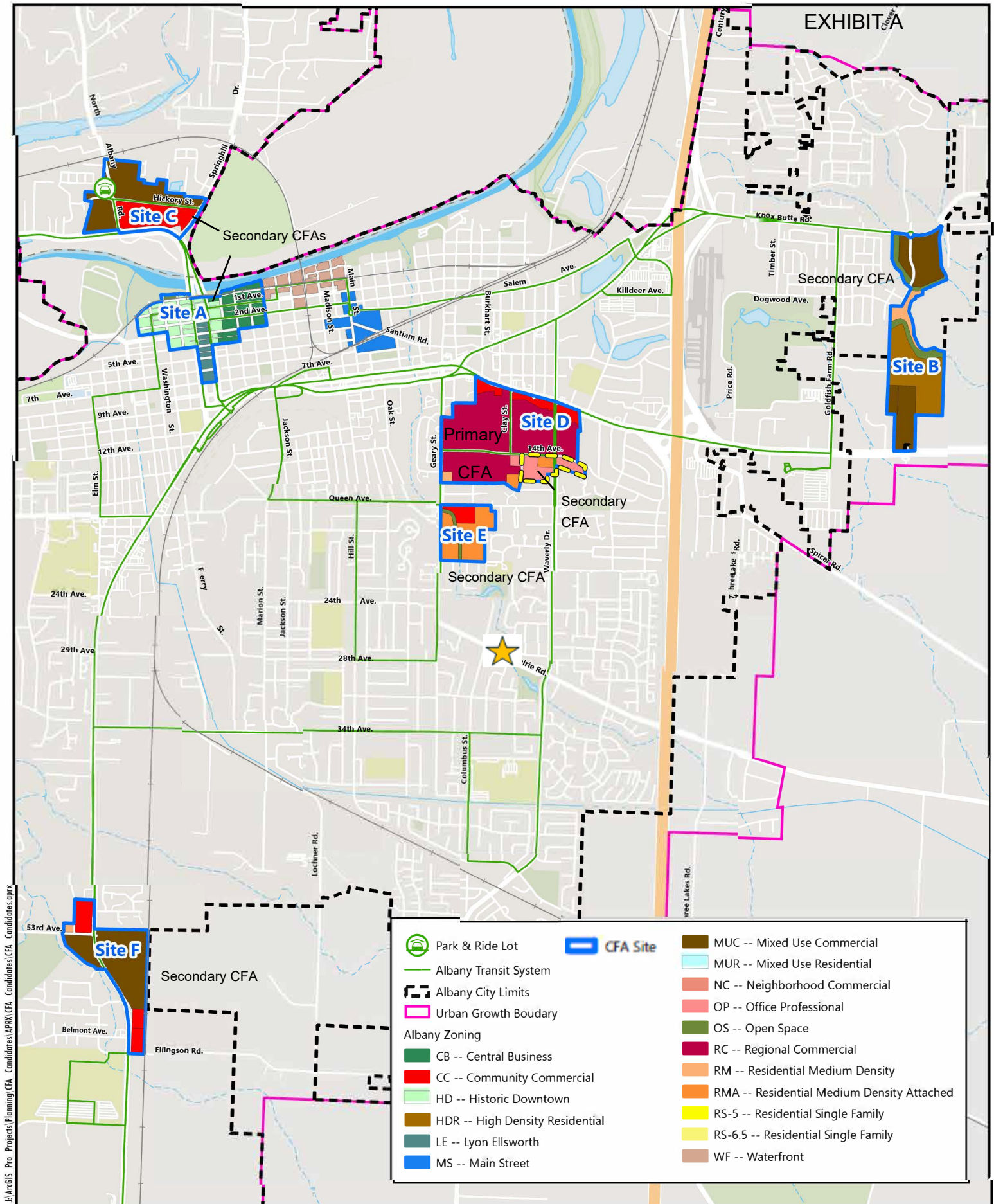
Plate 12 - the Master Street Plan was deleted and replaced with the Roadway Functional Classification Map regarding the road system can be found in the 2010 Transportation Systems Plan.

Plate 13 - Master Bikeways Plan was removed by Ordinance 5729. A new Bicycle and Pedestrian Improvements map is included in the 2010 Transportation Systems Plan.

Plate 14 is the Comprehensive Plan Map which identifies projected land uses. These uses have been allocated based on projected needs and the various elements and principles embodied in the Plan.

Plate 15 - Albany's Climate Friendly Area Overlay Districts. Development in these overlay districts is subject to additional standards in the Albany Development Code.

[Ord. 5307, 8/13/1997; Ord. 5729, 2/24/10; Ord. 6060, 3/28/25]



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Date: 2/17/2025 Map Source: OCWCOG, City of Albany

**Albany Climate Friendly Areas**

**Comprehensive Plan Plate 15**

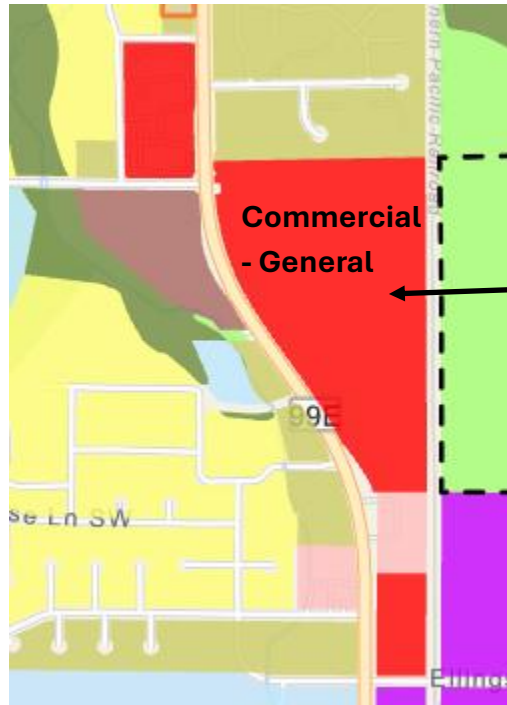
## Planning File CP-01-25

### Proposed Comprehensive Plan Map Amendments

Tax Lot: 11S03W19 00500

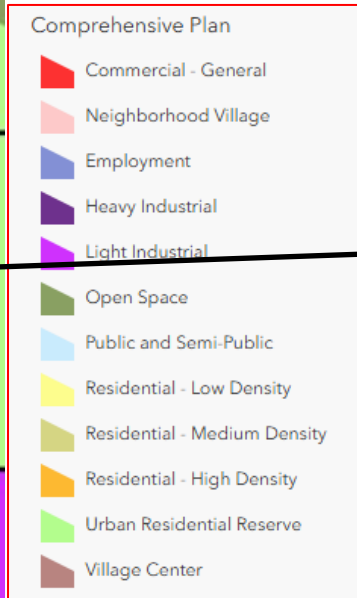
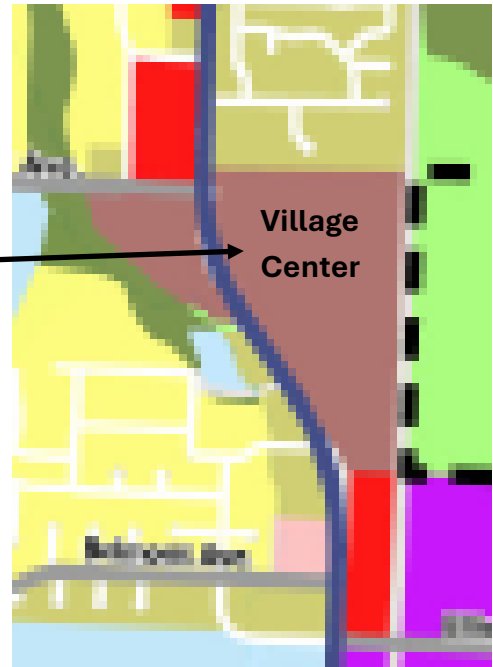
**Current Comprehensive Plan Designation:**

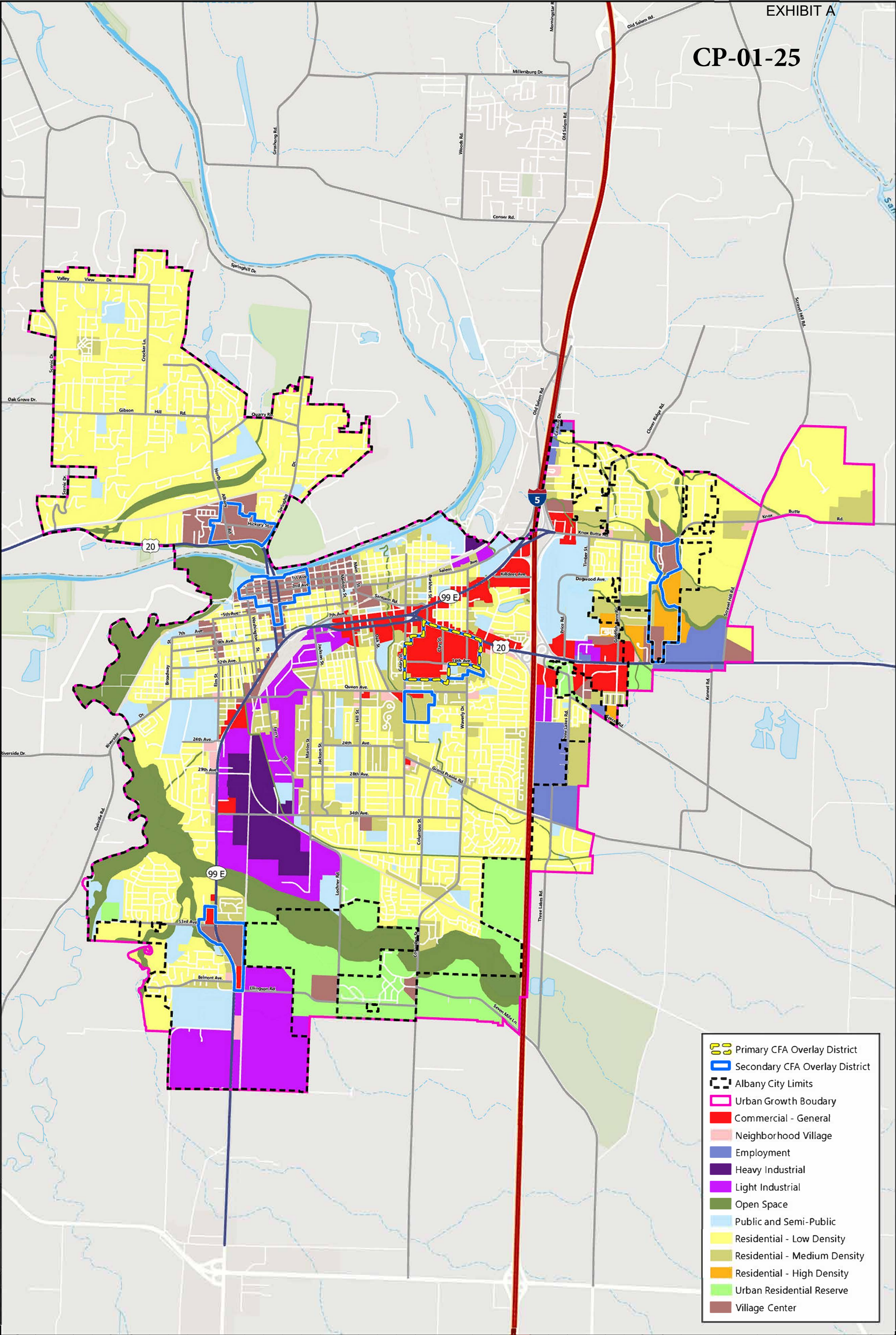
Commercial-General



**Proposed Comprehensive Plan Designation:**

Village Center





- Primary CFA Overlay District
- Secondary CFA Overlay District
- Albany City Limits
- Urban Growth Boudary
- Commercial - General
- Neighborhood Village
- Employment
- Heavy Industrial
- Light Industrial
- Open Space
- Public and Semi-Public
- Residential - Low Density
- Residential - Medium Density
- Residential - High Density
- Urban Residential Reserve
- Village Center

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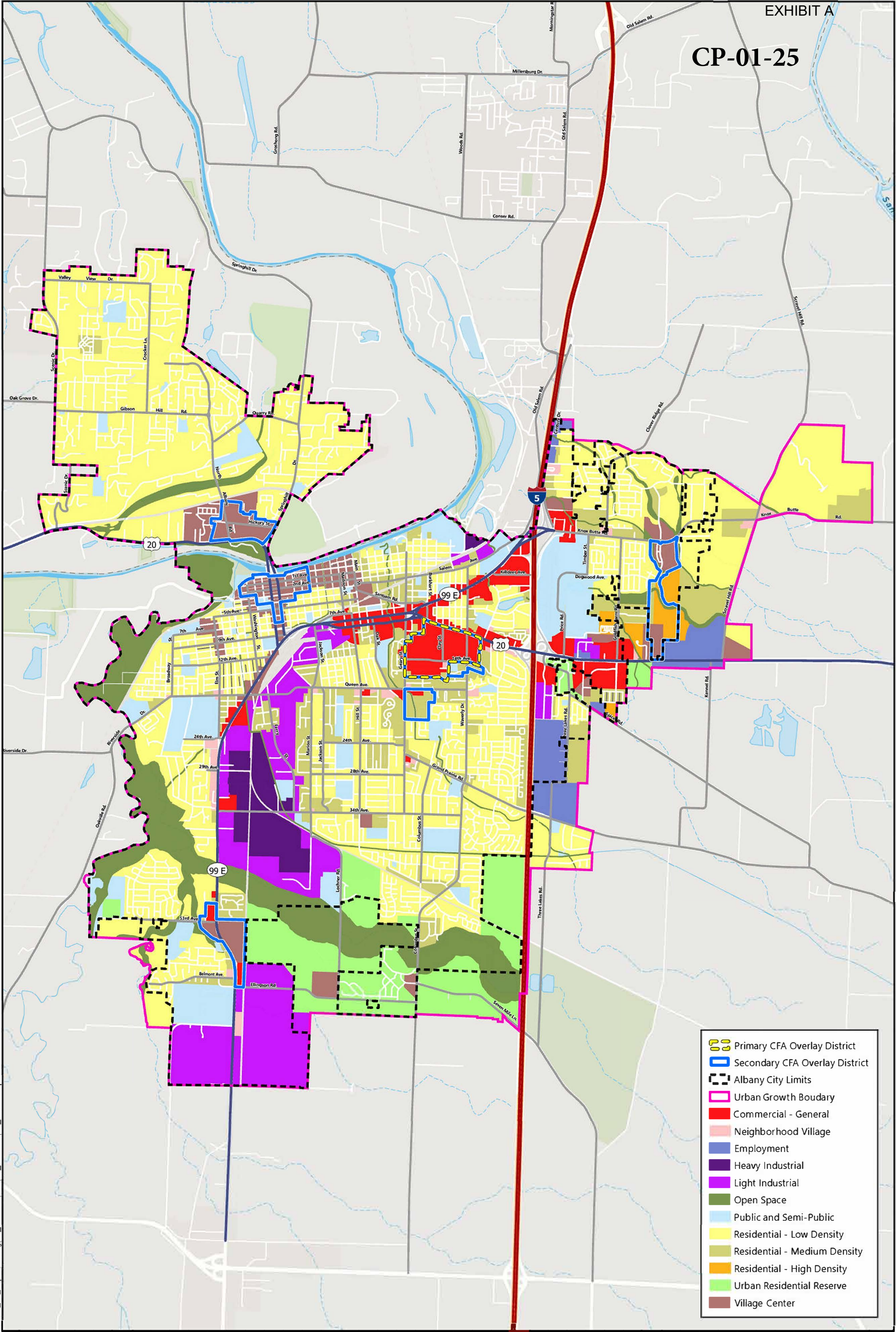


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# Comprehensive Plan Designations

Climate Friendly Areas (CFA)



- Primary CFA Overlay District
- Secondary CFA Overlay District
- Albany City Limits
- Urban Growth Boudary
- Commercial - General
- Neighborhood Village
- Employment
- Heavy Industrial
- Light Industrial
- Open Space
- Public and Semi-Public
- Residential - Low Density
- Residential - Medium Density
- Residential - High Density
- Urban Residential Reserve
- Village Center

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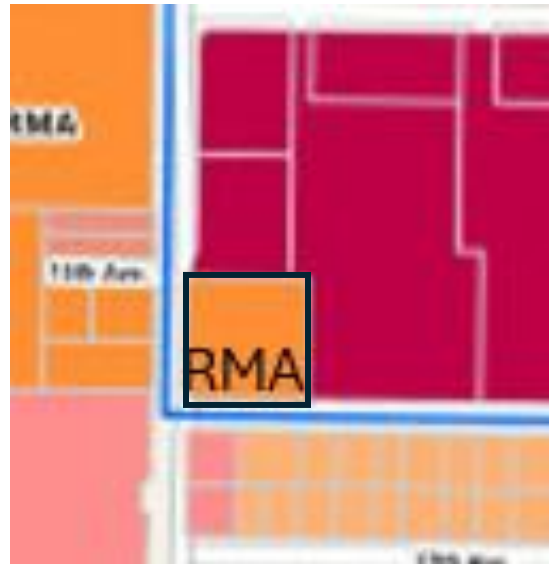
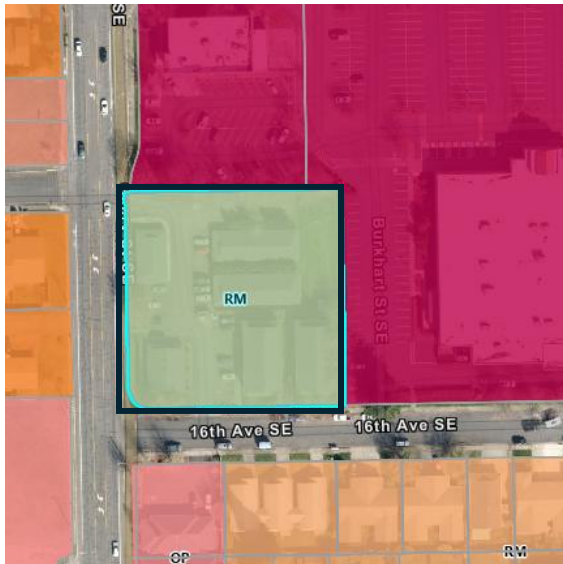
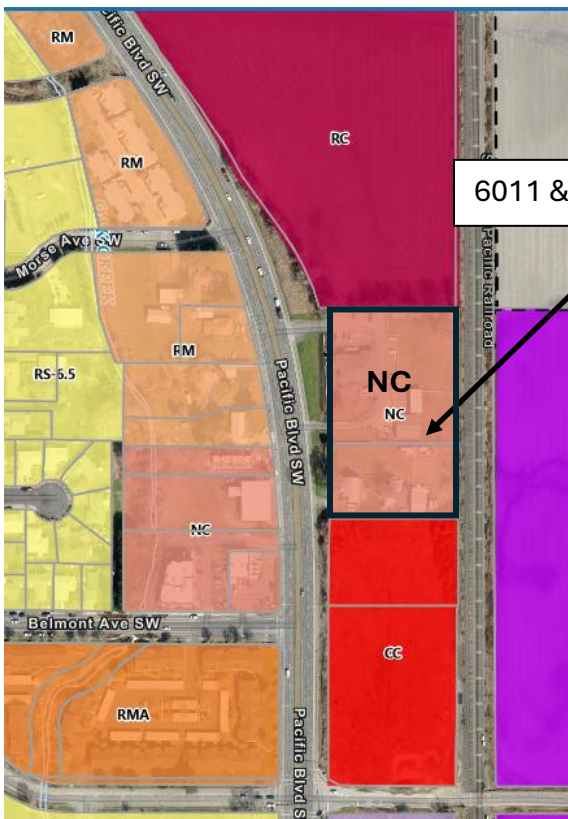
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# Comprehensive Plan Designations

Climate Friendly Areas (CFA)

ZC-01-25

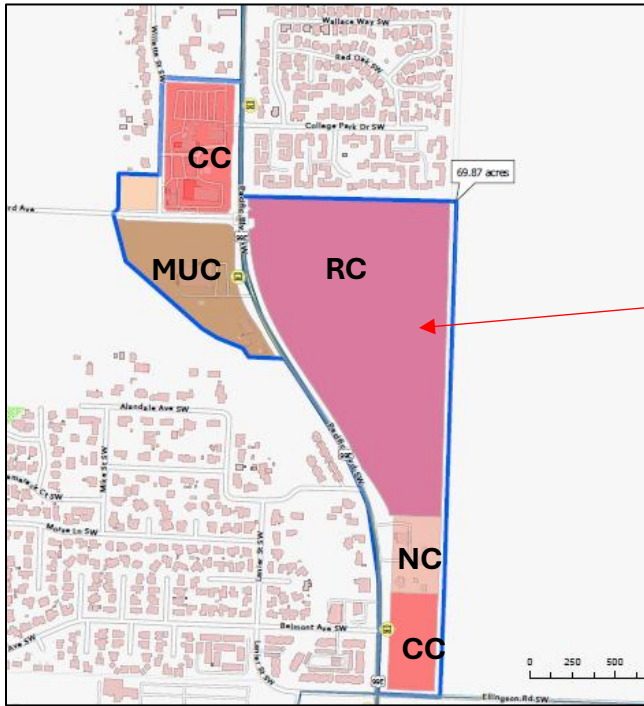
## PROPOSED Zoning Map Amendments

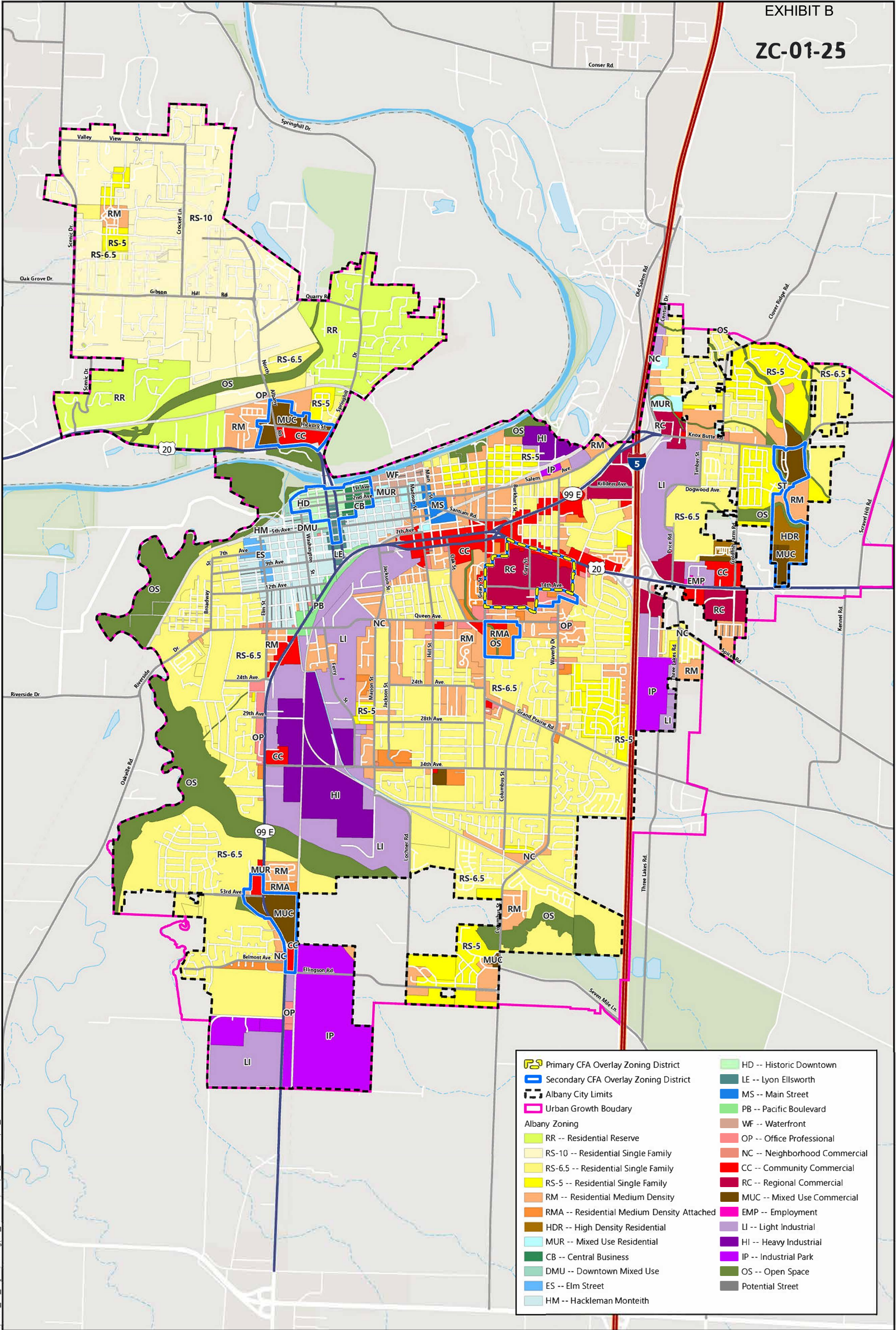
1533 Geary Street SE:**Current Zoning:** RM, Residential Medium Density**Proposed Zoning:** RMA, Residential Medium Density Attached6011 and 6123 Pacific Boulevard SW:**Current Zoning:** NC, Neighborhood Commercial**Proposed Zoning:** CC, Community Commercial

**Taxlot Number:** 11S03W19 00500

**Current Zoning:** RC, Regional Commercial

**Proposed Zoning:** MUC, Mixed Use Commercial





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Date: 3/6/2025

## Zoning Districts

Climate Friendly Areas (CFA)

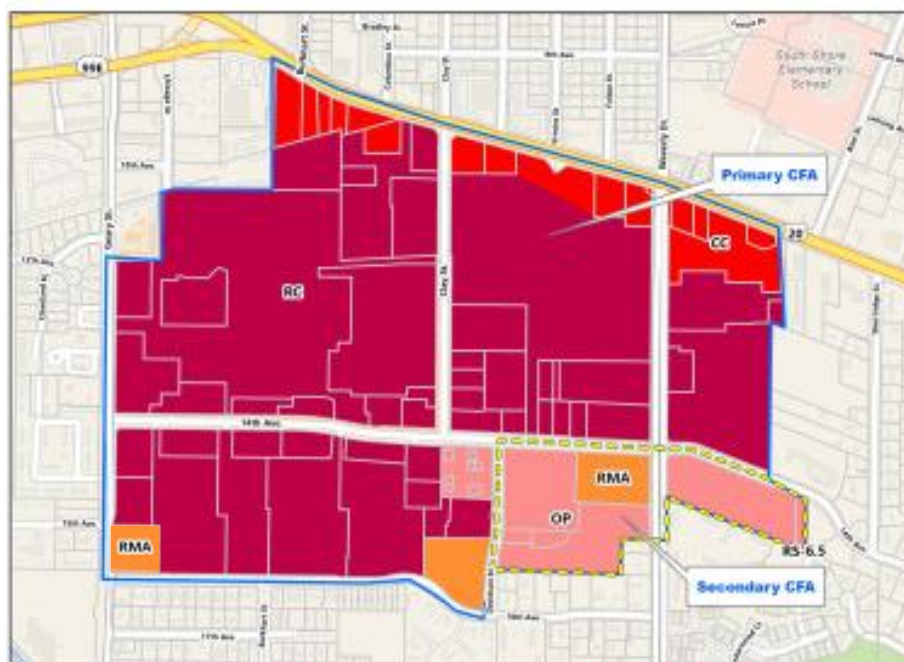
**Staff Comments:** The standards that apply to development within a Climate Friendly Area overlay zoning district are proposed to be in this new article of the Code in one place. These standards represent the minimum requirement to comply with the Oregon Administrative Rules 660-012-0310, -0315, and -0320.

## ARTICLE 14

### CLIMATE FRIENDLY AREA OVERLAY DISTRICTS

- 14.000 Overview. To reduce pollution from transportation, the state adopted rules that require Oregon cities located within a metropolitan planning organization (MPO) boundary and that have populations greater than 5,000 to create more accessible mixed-use and walkable areas to increase opportunities for housing close to services, transit and employment – called Climate Friendly Areas (CFAs). These areas must have the capacity to accommodate at least 30 percent of Albany’s total projected households, as identified in an adopted and acknowledged housing needs analysis. Cities must adopt at least one CFA, called the “Primary CFA” that is at least 25 acres in size, and may designate additional climate friendly areas, called “Secondary CFAs”, to provide sufficient lands to meet future housing needs. Albany has identified one Primary CFA and six Secondary CFAs.
- 14.010 Purpose. This article outlines the additional uses and standards that apply within the city’s designated Primary and Secondary Climate Friendly Area overlay districts in addition to the uses allowed in the base zoning districts and requirements of the base zone and other sections of the Albany Development Code and applicable Albany ordinances.
- 14.020 Applicability. These standards apply to developments within the boundaries of one of Albany’s CFA overlay districts as identified on the maps in Figures 14.020-1 through 14.020-7 below and indicated as overlay zoning layers on the Albany Zoning Map.
- (1) Primary CFA. Properties within the Primary CFA boundaries as identified in Figure 14.020-1 are subject to the standards specific to the Primary CFA. The Primary CFA includes land zoned RC, CC, and RMA.

**Figure 14.020-1. Primary Climate Friendly Area**



(2) Secondary CFAs. All other climate friendly areas are considered Secondary CFAs and are identified in Figures 14.020-2 through 14.020-7. Secondary CFAs are subject to the standards listed in this Article, excluding standards specific to the Primary CFA.

(a) Site A, Downtown includes properties in the HD, CB, and LE zones.

Figure 14.020-2



(b) Site B, East Albany includes land zoned RM, MUC, HDR, and OS along Timber Ridge Road between Knox Butte Road and Santiam Highway/U.S. Route 20.

Figure 14.020-3



- (c) Site C, North Albany includes properties with MUC and CC zoning within the blue boundary.

**Figure 14.020-4**



- (d) Site D, 14<sup>th</sup> & Waverly includes properties zoned OP and RMA.

**Figure 14.020-5**



- (e) Site F, Queen and Geary includes properties zoned CC and RMA southeast of the intersection of Queen and Geary streets.

**Figure 14.020-6**



- (f) Site F, 53<sup>rd</sup> Avenue and 99E: - Include properties zoned MUC, CC, and RM near the intersection of 53<sup>rd</sup> Avenue and Oregon 99E.

Figure 14.020-7



14.030 Permitted Uses in the Climate Friendly Area Overlay Districts. In addition to the uses allowed in the Schedule of Permitted uses by zone in ADC Sections 3.050, 4.050, and 5.060, the following uses are permitted through Site Plan review within the Primary and Secondary Climate Friendly Area (CFA) overlay zones in single-use or mixed-use buildings:

- (1) Multiple Dwelling Units that meet the standards in Section 14.050.
- (2) Multiple Dwelling Units above or attached to a business that meet the standards in 14.050.
- (3) Multiple Dwelling Units that meet the definition of Affordable Housing in ADC Section 3.080(22)(b) and that are subject to an affordable housing covenant for a period of at least 30 years.
- (4) Townhouses are subject to the development standards in ADC Section 8.140 and 8.150.
- (5) Daycare Facilities
- (6) Educational Institutions
- (7) Public amenities (parks, open space, plazas, or similar amenities) and government facilities that provide direct public services on site (city hall, offices, etc.)
- (8) Offices
- (9) Restaurants, except restaurants with drive-thru facilities, are not permitted in the RM, RMA, CB and HDR zoning districts.
- (10) Retail Sales and Services, excluding auto-oriented uses as defined in Article 22.

14.040 Development Standards.

- (1) Maximum Height, before any eligible height bonuses:
  - (a) Primary CFA: 85 feet in the OP, CC, and RMA zones

- (b) Secondary CFA: 50 feet in the OP, NC, MUR, and RM zones
- (2) Minimum Density: Residential development must achieve the following minimum net densities:
  - (a) Primary CFA: 25 units/net acre
  - (b) Secondary CFA: 15 units/net acre
  - (c) Exception: Minimum densities are not required in the following:
    - i. Mixed use buildings that meet a minimum Floor Area Ratio of 2.0;
    - ii. Redevelopment that renovates and adds residential units within existing buildings, but that does not add residential units outside the existing exterior of the building.
- (3) Maximum Density: There is no maximum density in the CFA overlay districts.
- (4) Maximum Block Length: Development within CFA overlay districts is subject to the following standards.
  - (a) For development sites less than 5.5 acres, the maximum block length is 500 feet. Where block length exceeds 350 feet, a public through-block accessway must be provided to facilitate safe and convenient pedestrian and bicycle connectivity. Accessways must meet the standards in subsection (5) below.
  - (b) For development sites equal to or greater than 5.5 acres, the maximum block length is 350 feet.
  - (c) Redevelopment of sites of 2 acres or more within an existing block that does not meet the standard must provide a public pedestrian and bicycle accessway allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along any block face.
  - (d) Block Length Exceptions: The City Engineer may grant an exception to the maximum block length standards as part of a discretionary review process when one or more of the following conditions exist on a development site and would make it impossible or impractical to implement:
    - i. Topography or natural features including but not limited to steep slopes, rivers, mature tree groves, riparian corridors, wetlands or other resource under protection by local, State or Federal law;
    - ii. Railroads, highways, or other permanent barriers;
    - iii. Lot or parcel size, orientation, or shape;
    - iv. Available access;
    - v. Existing or nonconforming development;
    - vi. To provide accessibility for people with disabilities; or
    - vii. Other similar permanent site constraints.

When approving an exception, the City Engineer may require pedestrian and/or bicycle connectivity through the development, when warranted.

- (5) Pedestrian and Bicycle Accessways. When block length exceeds 350 feet per subsection (4)(a) above, accessways must be provided and approved by the City Engineer and constructed to city construction specification standards. Accessways must meet the following minimum standards.
  - (a) Must be located no more than 350 feet from the edge of street pavement.
  - (b) Be created within public rights-of-way, tracts, or private tracts with public access and maintenance easements approved by the City Engineer.
  - (b) A minimum improved surface width of 10 feet with at least 5 feet of landscaping or approved surface on both sides of the improved surface.
  - (c) Surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways must be approved by the City Engineer.
  - (d) Surfaces must have a running slope of five percent or less and cross slopes of two percent or less.
  - (e) Accessways longer than 200 feet in an easement must provide privately-owned lighting to illuminate the accessway and agree to participate in the Oregon 811 Utility Locate program. Lighting fixtures must be located and arranged to avoid any light or glare on abutting or adjacent properties and must meet the standards in Sections 9.100(13) and 9.480.

- (f) Accessways must be constructed with removable and lockable posts, bollards or other barriers as approved by the city Fire Department. Accessways connecting to sidewalks built with a full-height curb do not need to provide additional barriers.

14.050 Multiple Dwelling Unit Siting Standards. Multiple dwelling units must meet the following standards as well as the design standards in Article 8 for multiple dwelling units and development in Climate Friendly Areas. Multiple dwelling units in the CB, HD and LE zones are also subject to standards in Section 5.120.

- (1) In the RM, RMA, and HDR zones, multiple dwelling units are permitted in stand-alone buildings and above or attached to a business per the Schedule of Permitted Uses in ADC Section 3.050.
- (2) In the MUC zone, multiple dwelling units are permitted above or attached to a business and in stand-alone buildings in all CFAs except in East Albany CFA (area B). In the East Albany CFA, multiple dwelling units are permitted above or attached to a business and in free standing buildings when on the same property as an existing building in commercial use or designed for commercial use if vacant.
- (3) In the OP, CC, RC and HD zones, multiple dwelling units are permitted above or attached to a business, or in a stand-alone building on the same property as an existing building in commercial use or designed for commercial use, if vacant.
- (4) In the CC and RC zones, ground level units on a lot with multiple street frontages. On lots with two or more street frontages, dwelling units are permitted on the first story (ground level) when the commercial use occupies the primary street frontage (the street with a higher traffic volumes) and front entrances to the dwellings face a secondary street.

## ARTICLE 1<sup>1</sup>

### ADMINISTRATION AND PROCEDURES

1.000 Overview. This Article establishes the framework for the review and processing of land use applications and legislative land use proposals, as well as ministerial actions. This Article is intended to enable the City, applicants, and the public, where applicable, to reasonably review applications and participate in the local decision-making process in a timely and effective way.

The list below is a summary of the topics covered in this chapter.

- General Administration of Title 20
- Review Procedures Generally
- Pre-Application Conferences and Neighborhood Meetings
- Application Submittal and Completeness Review
- Review Type Procedures
- Expirations, Extensions, and Modifications
- Appeals
- Conduct of Quasi-Judicial Hearings
- Conduct of Legislative Hearings
- Enforcement

These headings precede subtopics that can help the user locate information. The table of contents contains a complete listing of the material covered in this Article.

*\*\*\* No changes are proposed to Section 1.010 to 1.100, so those sections are not provided. \*\*\**

**Staff Comment:** Clarifying that parking areas for middle housing are reviewed during the building permit review process and are not subject to a separate Type I – IV application.

1.105 When a Type I - IV Application is Not Required. Activities and developments listed below do not require a Type I - IV land use application but are still subject to the provisions of the Code, including, but not limited to setbacks, lot coverage, building height, design standards, on-site development standards, and public improvement and environmental standards. Compliance with city standards will be verified as part of the building permit review process.

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

Activities and development on a site containing a nonconforming use may require a Nonconforming Use Review in accordance with Article 2.

- (1) Agricultural uses permitted outright in Articles 3, 4 and 5.
- (2) New single dwelling units, two primary units, accessory dwelling units, or middle housing dwelling units, ~~and additions to existing single dwelling units or~~ and middle housing dwelling units, and parking areas for single and middle housing dwelling units, except where specifically identified as requiring land use review approval in Articles 3, 4 and 5.
- (3) Activities and development that are not identified as requiring a land use review as specified elsewhere in the Albany Development Code.
- (4) Expedited land divisions and middle housing land divisions are not a land use action per Oregon law; however, an application is required. See application review procedures in Article 11, Sections 11.600 through 11.630.
- (5) Routine property maintenance.

<sup>1</sup> Entire article replaced with Ordinance 5947, January 1, 2021.

- (6) Restriping an existing parking lot in compliance with parking stall dimensions provided in Table 9.120-1 that does not include other site or circulation modifications that require Site Plan Review approval per Section 2.430.
  - (7) A change internal to a building or structure when the use is permitted through a land use review and does not include other site or circulation modifications that require Site Plan Review approval per Section 2.430.
  - (8) An emergency measure necessary for the 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, public health, and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
  - (10) 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.
  - (11) 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 and is not located in the special flood hazard area.
  - (12) In middle housing zoning districts, new middle housing, including middle housing created through internal conversion of, or addition to, existing dwellings, and additions to existing middle housing.
- [Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord 6004, 12/28/22; Ord. 6018, 6/30/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24]

***\*\*\* No changes are proposed to Section 1.110 to 1.790, so those sections are not provided. \*\*\****

## ARTICLE 2 REVIEW CRITERIA

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

- Adjustments
- Annexations
- Comprehensive Plan and Map Amendments
- Conditional Uses
- Development Code Amendments
- Nonconforming Situations
- Site Plan Review
- Vacations
- Variances, Major
- Variances, Minor
- Zoning Map Amendments

[Ord. 5445, 4/12/00; Ord. 5720, 8/12/09; Ord. 5947, 1/1/21]

2.020 Function of Review Criteria.

- (1) Review criteria describe the issues the applicant must address and that the City or affected parties may raise. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or with mitigation measures will be denied.
- (2) The review criteria are derived from the Comprehensive Plan. Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated. The proposal conforms to the Comprehensive Plan if it fulfills the review criteria.
- (3) When review criteria require an application to meet a specific standard, such as adequate services or no negative offsite impacts, all proposed improvements and mitigation measures must be identified before the review body will make a final decision.

[Ord. 5720, 8/12/09]

2.030 Burden of Proof. The applicant must show that the review criteria are met. The burden of proof is not on the City or other parties to show that the criteria have or have not been met.

2.040 Conditions of Approval. The City may attach conditions to the approval of a land use decision in order to ensure that the proposal will conform to the applicable review criteria.

2.050 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.

*\*\*\* No changes are proposed to Section 2.060 to 2.350, so those sections are not provided. \*\*\**

### Staff Comments:

- Remove references to sections repealed by Ordinances.
- Add clarification that parking areas for middle housing are not subject to a site plan review.

## 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. 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; Ord. 5767, 12/7/11]

~~2.410 Section removed by Ordinance 5767 adopted December 7, 2011.~~

2.415 Procedure. An application for Site Plan Review ~~shall~~ must be reviewed through either a Type I or Type I-L procedure, as indicated below.

- (1) Single dwelling unit detached, two primary detached units, and middle housing development: Type I procedure.
- (2) Multiple-dwelling unit development, units above or attached to a business, and manufactured home parks: Type I-L procedure.
- (3) Non-residential development: Type I-L procedure.

[Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

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, 4/12/00]

2.430 Applicability. In general, Type I or Type I-L Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain legal nonconforming situations will be processed in accordance with Section 2.300 through 2.350.

- (1) Any activity or development that requires Site Plan Review as indicated in Table 1.100-1, Procedure by Application Type in Article 1, and the Schedules of Permitted Uses and Special Conditions in Articles 3, 4 and 5, unless specifically exempt in Section 1.105.
- (2) Expansions to existing development, including new structures and additions whether attached or detached, totaling more than 2,000 square feet or more than 50 percent of existing building area, whichever is less.
- (3) New parking or loading areas or expansions to existing parking or loading areas or site modifications (excluding buildings) greater than 1,000 square feet or that provide more than two new parking spaces. Parking areas for middle housing development are exempt from this provision and will be reviewed for compliance with Articles 8 and 9 at time of building permit submittal.
- (4) Modifications that change site circulation or access as identified below and similar actions.
  - (a) Creation, modification, and/or removal of a driveway or pedestrian connection to the street system.
  - (b) Modification of allowable movements at a driveway connection to the street system.
  - (c) Creation, extension, closure, and/or alteration of the direction of a travel aisle or walkway.
- (5) Conversion of existing off-street parking areas to uses other than bicycle parking or transit-oriented facilities.
- (6) Temporary placement of a manufactured home or modular building for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies (See Section 10.490).
- (7) Tree Felling as specified in Sections 9.205 and 9.206

[Ord. 5445, 4/12/00; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

~~2.440 Section removed by Ordinance 5767 adopted December 7, 2011.~~

**\*\*\* No changes are proposed to Section 2.450 to 2.760, so those sections are not provided. \*\*\***

## ARTICLE 3

### RESIDENTIAL ZONING DISTRICTS

3.010 Overview. The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers, and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7.

The list below is a summary of the topics covered in this article.

- Zoning Districts
- Schedule of Permitted Use
- Development Standards

[Ord. 5673, 6/27/07]

### ZONING DISTRICTS

3.020 Establishment of Residential Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following residential zoning districts are established:

- (1) RR—RESIDENTIAL RESERVE DISTRICT. The RR District is intended to recognize areas which, because of topography, level of services, or other natural or development factors are best served by a large lot designation. This district may be applied on an interim basis until urban services become available. The minimum lot size is five acres.
- (2) R-10—RESIDENTIAL DISTRICT. The R-10 District is intended primarily for a lower density residential environment consisting of detached single-dwelling units and middle housing. The average standard lot size for single-dwelling units and duplexes is 10,000 square feet.
- (3) R-6.5—RESIDENTIAL DISTRICT. The R-6.5 District is intended primarily for low-density urban residential development that includes single dwelling units, townhouses, and middle housing (duplexes, triplexes, fourplexes, and cottage clusters). The average standard lot size for single-dwelling units and duplexes is 6,500 square feet.
- (4) R-5—RESIDENTIAL DISTRICT. The R-5 District is intended primarily for low- to moderate-density residential development. The average standard lot size for single-dwelling units and duplexes is 5,000 square feet.
- (5) RM—RESIDENTIAL MEDIUM DENSITY DISTRICT. The RM District is primarily intended for medium-density residential urban development that includes single-dwelling units, townhouses, duplexes, triplexes, fourplexes, cottage clusters, and apartments up to 45 feet tall. New RM districts should be located on a collector or arterial street or in Village Centers.
- (6) RMA—RESIDENTIAL MEDIUM DENSITY ATTACHED DISTRICT. The RMA District is intended primarily for medium- to high-density urban residential development consisting of attached housing types, including duplexes, triplexes, fourplexes, and apartments up to 60 feet tall. New RMA districts should be located on a collector or arterial street or in Village Centers.
- (7) HDR—HIGH DENSITY RESIDENTIAL DISTRICT. The HDR District is intended primarily for high-density urban residential multiple story development and other compatible uses. This district supports the highest residential density in the city and must be located on a collector or arterial street, and adjacent to mixed use, commercial, or industrial zoned land. Development in the HDR district must achieve a density of at least 25 units per gross acre.

- (8) HM—HACKLEMAN-MONTEITH DISTRICT. The HM district is intended primarily to preserve the historic character of the existing residential resources in the Hackleman and Monteith National Register Historic Districts. Low-density residential infill that is compatible with the historic character of the district is permitted.

[Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6059, 3/14/25]

- 3.030 Establishment of Special Purpose Districts. Special purpose districts are overlay districts that may be combined with a major zoning district. The regulations of a special purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special purpose district and the major zoning district apply to any site that has both designations. Where the regulations and permitted uses of a major zoning district conflict with those of a special purpose district, the more restrictive standards apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

| <u>Special Purpose District</u> | <u>Applicable Articles</u> |
|---------------------------------|----------------------------|
| Airport Approach                | Article 4                  |
| Floodplain                      | Article 6                  |
| Hillside Development            | Article 6                  |
| Significant Wetlands            | Article 6                  |
| Riparian Corridors              | Article 6                  |
| Wildlife Habitat                | Article 6                  |
| Willamette Greenway             | Article 6                  |
| Historic Overlay                | Article 7                  |

[Ord. 5764, 12/1/11]

### **SCHEDULE OF PERMITTED USES**

- 3.040 Interpretation. The following provisions are used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the City. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics. Use categories not listed in the schedule of permitted uses are not permitted in the residential zoning districts.
- (2) ~~When~~<sup>Where</sup> a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code applies. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development must be reviewed using the Conditional Use criteria if concurrent approval of all uses is requested.
- (3) A change in the use of a property is subject to review as specified by the schedule of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
  - (b) When a property that has been unoccupied for more than one year.

[Ord. 5673, 6/27/07; Ord. 5947, 1/1/21; Ord. 6059, 3/14/25]

- 3.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions.

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions follow the schedule of uses, in Section 3.060.

The abbreviations used in the schedule have the following meanings:

|      |                                                                                                                                                   |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Y    | Yes; use allowed without land use review procedures but must meet development standards in this article and may be subject to special conditions. |
| S    | Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.                                   |
| CU   | Use permitted conditionally under the provisions of Sections 2.230-2.265 through a Type III procedure.                                            |
| CUII | Uses permitted conditionally through the Type II procedure.                                                                                       |
| PD   | Use permitted only through planned development approval.                                                                                          |
| CD   | Use permitted only through cluster development approval.                                                                                          |
| N    | No; use not permitted in the zoning district indicated.                                                                                           |

Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition number to determine what review process is required based on the details of the use.

[Ord. 5673, 6/27/07; Ord. 5947, 1/1/21]

**Staff Comments:** The proposed changes to Table 3.050-1 Schedule of Permitted Uses and 3.080 Special Conditions correspond to the uses that must be allowed in the city’s designated Climate Friendly Area overlay districts per Oregon Administrative Rules related to the state Climate Friendly and Equitable Communities rules in OAR Division 12. Within Climate Friendly Areas, uses may not require a Conditional Use approval or a Zoning map amendment.

**Table 3.050-1  
SCHEDULE OF PERMITTED USES**

| Uses Allowed in Residential Zoning Districts                       |                |      |       |       |      |       |               |      |      |
|--------------------------------------------------------------------|----------------|------|-------|-------|------|-------|---------------|------|------|
| USE CATEGORIES<br>(See Article 22 for use descriptions.)           | Spec.<br>Cond. | RR   | R-10  | R-6.5 | HM   | R-5   | RM            | RMA  | HDR  |
| <b>RESIDENTIAL: Dwellings</b>                                      |                |      |       |       |      |       |               |      |      |
| Single Dwelling Unit (SDU)                                         | 1, 22, 23      | Y    | Y     | Y     | Y    | Y     | Y             | N    | N    |
| SDU with one Accessory Dwelling Unit or Single Room Occupancy Unit | 4, 22          | Y    | Y     | Y     | Y    | Y     | Y             | Y    | N    |
| Two Primary Units                                                  | 2              | N    | PD/CD | PD/CD | S    | PD/CD | Y             | Y    | N    |
| Duplex, Triplex, and Fourplex                                      | 3, 22, 23, 25  | Y    | Y     | Y     | Y    | Y     | Y             | Y    | Y    |
| Townhouse                                                          | 22, 23         | Y    | Y     | Y     | Y    | Y     | Y             | Y    | Y    |
| Cottage Cluster                                                    | 3, 22          | Y    | Y     | Y     | Y    | Y     | Y             | N    | Y    |
| Single Room Occupancy Development                                  | 20, 22, 23     | Y    | Y     | Y     | Y    | Y     | Y             | Y    | Y    |
| Multiple-Dwelling Units                                            | 3, 22, 23, 25  | N    | N     | N     | N    | N     | S             | S    | S    |
| <b>RESIDENTIAL: Care or Treatment</b>                              |                |      |       |       |      |       |               |      |      |
| Assisted Living                                                    |                | CU   | CU    | CU    | CU   | CU    | S             | S    | S    |
| Child or Adult Care Home                                           | 6              | Y    | Y     | Y     | Y    | Y     | Y             | Y    | Y    |
| Residential Care or Treatment Facility (6 or more residents)       |                | CU   | CU    | CU    | CU   | CU    | <del>CU</del> | S    | S    |
| Residential or Group Care Home (5 or fewer residents)              |                | Y    | Y     | Y     | Y    | Y     | Y             | Y    | Y    |
| <b>RESIDENTIAL: Miscellaneous Uses</b>                             |                |      |       |       |      |       |               |      |      |
| Manufactured Home Parks                                            | 10, 22         | N    | N     | S     | N    | S     | S             | S    | S    |
| Accessory Buildings                                                | 9              | Y/S  | Y/S   | Y/S   | Y/S  | Y/S   | Y/S           | Y/S  | Y/S  |
| Bed & Breakfast                                                    | 7              | CUII | CUII  | CUII  | CUII | CUII  | CUII          | S    | S    |
| Home Businesses                                                    | 21             | Y/CU | Y/CU  | Y/CU  | Y/CU | Y/CU  | Y/CU          | Y/CU | Y/CU |
| Rooming or Boarding Houses                                         |                | N    | N     | N     | CU   | N     | S             | S    | Y    |

| Uses Allowed in Residential Zoning Districts                                 |                |              |              |              |              |              |                        |                        |                      |
|------------------------------------------------------------------------------|----------------|--------------|--------------|--------------|--------------|--------------|------------------------|------------------------|----------------------|
| USE CATEGORIES<br>(See Article 22 for use descriptions.)                     | Spec.<br>Cond. | RR           | R-10         | R-6.5        | HM           | R-5          | RM                     | RMA                    | HDR                  |
| Subdivision Sales Office                                                     | 1              | N            | Y            | Y            | N            | Y            | Y                      | Y                      | Y                    |
| Unit(s) Above or Attached to a Business                                      | 17, 22, 23     | N            | N            | N            | N            | N            | N/ <del>S-19</del>     | N/ <del>S-19</del>     | <del>Y</del> S       |
| Temporary Residence                                                          | 8              | S            | S            | S            | S            | S            | S                      | S                      | S                    |
| <b>INSTITUTIONAL</b>                                                         |                |              |              |              |              |              |                        |                        |                      |
| Basic Utilities                                                              |                | CU           | CU           | CU           | CU           | CU           | CU                     | CU                     | CU                   |
| Community Services                                                           | 24             | CU           | CU           | CU           | CU           | CU           | <del>S-24/</del> CU    | <del>S-24/</del> CU    | <del>S-24/</del> CU  |
| Daycare Facility                                                             |                | CU           | CU           | CU           | CU           | CU           | <del>CU</del> S        | S                      | S                    |
| Educational Institutions                                                     | 13             | CU           | CU           | CU           | CU           | CU           | CU / <del>S-13</del>   | CU / <del>S-13</del>   | CU / <del>S-13</del> |
| Hospitals                                                                    |                | N            | N            | N            | N            | N            | CU                     | CU                     | CU                   |
| Jails & Detention Facilities                                                 |                | N            | N            | N            | N            | N            | N                      | N                      | N                    |
| Parks, Open Areas, and Cemeteries                                            | 14             | S/CU         | S/CU         | S/CU         | CU           | S/CU         | S/CU                   | S/CU                   | S/CU                 |
| Religious Institutions                                                       | 13             | CU           | CU           | CU           | CU           | CU           | CU                     | CU                     | CU                   |
| <b>COMMERCIAL: Limited Use Types</b>                                         |                |              |              |              |              |              |                        |                        |                      |
| Entertainment and Recreation:                                                |                |              |              |              |              |              |                        |                        |                      |
| Indoor                                                                       | 18, 23         | CU           | CU           | CU           | CU           | CU           | CU                     | CU                     | CU                   |
| Outdoor                                                                      |                | CU           | CU           | CU           | N            | CU           | CU                     | CU                     | CU                   |
| Offices                                                                      | 17, 19, 23     | PD/CD        | PD/CD        | PD/CD        | PD/CD        | PD/CD        | <del>S-19/</del> PD/CD | <del>S-19/</del> PD/CD | <del>S-19</del>      |
| Recreational Vehicle Parks (See Article 10)                                  | 5, 10          | N            | N            | N            | N            | N            | CU                     | CU                     | CU                   |
| Restaurants, no drive-thru                                                   | 17, 19, 23     | PD/CD        | PD/CD        | PD/CD        | PD/CD        | PD/CD        | <del>S-19</del> PD/CD  | <del>S-19</del> PD/CD  | <del>S-19</del>      |
| Retail Sales and Service                                                     | 17, 19, 23     | PD/CD        | PD/CD        | PD/CD        | PD/CD        | PD/CD        | <del>S-19</del> PD/CD  | <del>S-19</del> PD/CD  | <del>S-19</del>      |
| Self-Serve Storage                                                           | 15, 23         | N            | N            | N            | N            | N            | S                      | N                      | N                    |
| <u>Taverns, Bars, Brewpubs, Nightclubs</u>                                   |                | <del>N</del> | <del>N</del> | <del>N</del> | <del>N</del> | <del>N</del> | <del>S-19</del>        | <del>S-19</del>        | <del>S-19</del>      |
| <b>OTHER CATEGORIES</b>                                                      |                |              |              |              |              |              |                        |                        |                      |
| Agriculture:                                                                 |                |              |              |              |              |              |                        |                        |                      |
| Crop Production                                                              |                | Y            | Y            | Y            | N            | Y            | Y                      | Y                      | Y                    |
| On-site Sales of Site-Produced Seasonal Goods                                |                | Y            | S            | CU           | N            | CU           | CU                     | CU                     | CU                   |
| Plant Nurseries and Greenhouses                                              |                | S            | S            | S            | N            | S            | S                      | S                      | S                    |
| Antennas, owned and operated by FCC licensed member of Amateur Radio Service |                | Y            | Y            | Y            | Y            | Y            | Y                      | Y                      | Y                    |
| Communication Facilities                                                     | 16             | N            | N            | N            | N            | N            | N                      | N                      | N                    |
| Kennels                                                                      | 11             | S            | CU           | CU           | N            | CU           | CU                     | N                      | N                    |
| Satellite Dish and Other Antennas                                            | 12             | Y            | Y            | Y            | Y            | Y            | Y                      | Y                      | Y                    |

Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CD = Cluster Development, see Art. 11

PD = Planned Unit Development, see Art. 11

CU = Conditional Use approval required, Type III procedure

S = Site Plan Review required

CUII = Conditional Use approval required, Type II procedure

[Ord. 5281, 3/26/97; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6008, 1/27/23; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

3.060 – 3.070, *Open Space district moved to Article 6*; Ord. 5764, 12/1/11.

## SPECIAL CONDITIONS

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

- (1) One subdivision sales office is allowed in a subdivision for two years from the date it opens if the following requirements are met:
  - (a) The purpose of the office must be to sell lots or houses in the subdivision.

- (b) The sales office must be placed on one or more of the lots in the subdivision.
  - (c) The sales office must be established within one year of the date the final subdivision plat is signed.
  - (d) At the time an application for the sales office is submitted, the owner of the subdivision must own all of the lots within 100 feet of the lot where the sales office will be located. The “owner of the subdivision” is the owner of more than 50 percent of the lots in the subdivision.
  - (e) The building must be placed in accordance with Section 3.190, Table 3.190-1 Development Standards.
  - (f) A manufactured building, a modular building, or a building constructed on the site is allowed for an office use. If a manufactured building is used, it must be placed in accordance with the standards for “Placement on Individual Lots” listed in Article 10. If a modular building is used, it must be removed from the property within two years of the date a building permit is issued for the sales office. If a manufactured or site-built building is used, the building does not have to be removed from the lot.
  - (g) Building permits must be obtained for the building. Manufactured and modular buildings must have the appropriate State of Oregon insignia that shows the appropriate construction standards are met.
  - (h) The sales office permit may be renewed once up to a year.
- (2) When more than one single-dwelling unit is located on a property of record in a residential zoning district and the buildings were legally constructed, the property may be divided in conformance with Article 11, even if the resulting lots do not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met.
- (3) Duplexes, triplexes, fourplexes, cottage clusters, and multi-dwelling unit development may be divided so that each unit can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 3.190-1, however, the amount of land on which each unit is located does not need to be split equally between the individual units - one may be larger and one smaller.
- (4) Single Dwelling Unit with One Accessory Dwelling Unit or Single Room Occupancy Unit. Where single-dwelling units are permitted outright, one Accessory Dwelling Unit (ADU) or one Single Room Occupancy (SRO) unit may be allowed on each lot that has one legally established single-dwelling unit, called the “primary dwelling unit”.
- (a) Accessory Dwelling Units. Accessory Dwelling Units must meet the following standards:
- i. The size of an ADU may not exceed 900 square feet. (Note: ADUs greater than 900 square feet that were legally constructed before July 1, 2007, may remain.) If the primary Dwelling Unit is less than or equal to 900 square feet, the ADU must be at least 25 square feet less than the primary Dwelling Unit.
  - ii. All required building permits have been obtained. If the primary dwelling unit is on the Local Historic Inventory, historic review may be required, per Article 7.
  - iii. The lot was legally established
  - iv. Detached ADUs must also meet the following development standards:
    - Front Setback: Greater than or equal to the location of the front wall of the primary residence;
    - Side and Rear Setbacks: 5 feet for one-story; 8 feet for two-story; and
    - Maximum Height: 24 feet to the ridge of the roof.
  - v. Conversion of an Existing Building. An existing accessory structure that was legally established prior to March 14, 2025, may be converted into an ADU, provided the conversion does not increase the nonconformity of the structure and complies with applicable building codes.
- (b) Single Room Occupancy (SRO) Unit. The SRO Unit must meet the following standards:
- i. The SRO Unit must be located interior to the primary Dwelling Unit.
  - ii. The SRO Unit must share a Kitchen with the primary Dwelling Unit and must not contain

- food preparation facilities.
  - iii. The SRO Unit must have an interior door connecting the primary Dwelling Unit and may have an exterior door located in the rear yard.
  - iv. The SRO Unit must not operate independently of the primary Dwelling Unit unless converted to an Accessory Dwelling Unit after all required building permits have been obtained.
- (5) In the RM, RMA, and HDR Districts, the following criteria must be met in addition to the Conditional Use criteria for permitting RV overnight parks:
    - (a) The entire site must be located within 750 feet of the Interstate 5 right-of-way.
    - (b) The RV park access is limited to the Interstate 5 frontage road or streets servicing primarily industrial or commercial development.
  - (6) “Child Care Homes” that include the day or nighttime care of no more than sixteen children, including the children of the provider or the care and treatment of adults for less than 24-hours are considered a residential use of the property and are allowed outright in zones that allow residential dwellings per the Oregon Revised Statutes (ORS). See ADC Section 22.200.
  - (7) Bed and Breakfast facilities must:
    - (a) Be owner occupied.
    - (b) Be limited to a maximum of four guest bedrooms.
    - (c) Except for driveway spaces, not contain guest parking facilities in the front setback area or within 10 feet of any side or rear residential lot line.
  - (8) Temporary residences in conjunction with construction, emergency repair, or a night watchman are permitted with a Special Use Permit subject to the standards in Sections 10.440 through 10.510.
  - (9) The definitions of “Accessory Building” and “Accessory Use” in Article 22 apply. The Director has the authority to initially interpret application of these terms to any proposed activity or structure. See also Table 3.230-1 for Accessory Structure Standards.

Accessory buildings in residential districts more than 750 square feet and/or have walls taller than 12 feet that meet the following standards will be processed as Type I staff decision. Residential accessory buildings not meeting the standards in this section require Site Plan Review.

Applicants must submit a completed Residential Accessory Structure Checklist with information that shows the standards below will be met when the applicant applies for building permits. 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 any adjacent property. For this section, building height is measured at its highest point, usually the ridge of the roof, but excluding chimneys and other protrusions from the roof.
- (b) The proposed building’s footprint is not more than the building footprint of the largest building on adjacent property.
- (c) The maximum lot coverage by zone provided in Table 3.190-1 is not exceeded.
- (d) The proposed building meets or exceeds the applicable setback requirements for the primary residence as listed in Table 3.230-1.
- (e) The materials used on the proposed building must 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 and may require a land use review application.

An accessory building may not be located on a vacant developable residentially zoned property unless the following conditions are met. 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:

- (g) The structure will not preclude the use of the property for housing or other uses allowed in the zone;
  - (h) The structure is not used for a commercial purpose; and
  - (i) Exception in the RR zone: Buildings used for farm or agricultural production, or equipment storage are permitted.
- (10) Manufactured home and RV park standards are located in Article 10. Manufactured home parks, RV parks and manufactured homes on individual lots are not allowed within the National Register Historic Districts or on land within 100 feet of a historic district, or on land adjacent to a property on the Local Historic Inventory.
- (11) Kennels in residential districts are restricted to properties containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels.
- (12) Antennas and satellite dishes are subject to the following standards:
- (a) Antenna or antenna supports may not be located within any front setback area or within any required landscape buffer yard.
  - (b) Antennas must not extend higher than fifteen feet above the peak of the roof.
  - (c) Dish antennas exceeding 12 feet in diameter are not permitted.
  - (d) Dish antennas exceeding 36 inches in diameter may not be roof mounted.
  - (e) Dish antennas must not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
  - (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street must be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
  - (g) Antenna used to display sign messages must conform to all district sign regulations in addition to the above.
  - (h) Antenna not in conformance with the above may be considered by Conditional Use review, Type II process.
- (13) Educational and Religious Institutions within the Climate Friendly Area (CFA) overlay districts are allowed through Site Plan Review. New educational or religious institutions outside of CFA overlay districts require a ~~Original Conditional Use approval, for education and religious institutions and also~~ includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school or full-time childcare activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 7:00 a.m.
- Expansion of an education or religious institution includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the Conditional Use Type II process (CUII).
- (14) Public park development in CFA overlay districts is permitted through Site Plan Review. Public Park development activity outside of CFA overlay district boundaries is subject to Conditional Use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional Use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.
- (15) Self-Serve Storage is subject to the following standards:
- (a) Freestanding facilities are limited to sites of one to three acres in size and maximum building coverage is limited to 50 percent of the parcel.

- (b) Building setbacks are as follows: front- 25 feet, side and rear- 20 feet. No fencing is permitted in front setbacks, and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones per the Buffering and Screening standards in Article 9. No barbed wire fencing is permitted in residential districts.
  - (c) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
  - (d) The maximum storage unit size is 500 square feet.
  - (e) All outdoor lighting must be shielded to prevent reflection on adjacent properties.
  - (f) Repair of autos, boats, motors and furniture, and the storage of flammable materials is prohibited on the premises and rental contracts must so specify.
  - (g) Outside storage of vehicles and materials is prohibited within this use category and no other business activity other than the rental of storage units may be conducted on the premises.
- (16) Public and Commercial Communication Facilities are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a facility is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Conditional Use, Type III land use decision.) Article 8 for telecommunication facility design standards also apply.
- Such a tower will also be subject to the following conditions:
- (a) The base of the antenna and any structures associated with the antenna must be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.
  - (b) The land on which the facility is sited must be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250.
- (17) Planned Developments allow for limited commercial uses to serve the residents within the development; see Section 11.270. Cluster Developments greater than 50 acres may develop up to 2 acres with neighborhood commercial and office uses through a Conditional Use review (See Section 11.510(2)).
- (18) In all residential zones, indoor entertainment and recreation uses are limited to athletic, exercise or health clubs, gyms or spas, and similar uses. ~~Examples of Permitted~~ outdoor entertainment and recreational uses include sports fields, clubhouses, tennis and golf facilities, swimming pools, and similar uses.
- (19) Office, restaurant, and retail sales/service uses and residential units above or attached to a business.
- (a) In the HDR zone outside of a Climate Friendly Area (CFA) overlay districts, office, restaurant, and retail sales/service uses with no drive-thru facilities are permitted subject to Site Plan Review provided they are limited to the ground floor of mixed-use buildings, with residential uses on the upper floors, and limited to 5,000 square foot maximum floor area. Within a CFA overlay district, permitted non-residential uses are not required to be in mixed-use buildings. All other office, restaurant, and retail sales/service uses must be considered through Planned Development and Cluster Development review, pursuant to Section 3.080(17).
  - (b) In the RM and RMA zones within a CFA overlay district, offices, restaurants, and retail sales and service uses with no drive-thru facilities are permitted subject to Site Plan review and compliance with standards in Article 14.
  - (c) Retail sales and service uses in the RM, RMA, and HDR zones exclude auto-oriented uses as defined in Article 22
  - (d) Taverns, bars, brewpubs and nightclubs in the RM, RMA, and HDR zones are permitted in CFA districts when the hours of operation (when the business is open) do not extend past 10 p.m. unless sound attenuation is provided in the walls and ceilings shared with residential units, then hours of operation may extend to 11 p.m.
- (20) One SRO development with no less than four and no more than six SRO units is permitted per property zoned to allow single dwelling units. SRO development is also permitted as multiple dwelling

- unit development, but each SRO unit is considered 0.5 dwelling units when calculating multiple dwelling unit density. Accessory Dwelling Units are not permitted with SRO developments.
- (21) See 3.090-3.160 to determine if CU review is required.
- (22) Affordable housing as defined below will be permitted through Site Plan Review when the following standards are met.
- (a) The development is on property zoned for residential or commercial uses, religious assembly, ~~or~~ is public land, OR is owned by one of the following:
    - i. A local, state, or special government body, as defined in ORS Chapter 174; or
    - ii. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
    - iii. A housing authority as defined in ORS 456.005; or
    - iv. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
  - (b) As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either i, ii, or iii below.
    - i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
    - ii. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
    - iii. A manufactured dwelling park that serves only households with incomes of 120 percent or less of the AMI.
  - (c) Does not apply on lands where:
    - i. The development cannot be adequately served by water, sewer, storm water drainage or streets; or
    - ii. The property contains a slope of 25 percent or greater; or
    - iii. The property is within a 100-year floodplain; or
    - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.
  - (d) Height and Area Bonuses. An affordable housing development proposal that meets the definition of affordable housing in (b) in this special condition and is located outside of a National Register historic district, will be granted additional height and area bonuses as applicable in Section 3.220(6).
- (23) The conversion of a building or a portion of a building from commercial to residential use may be permitted through Site Plan Review.
- (24) Government facilities that serve customers on-site are permitted through Site Plan Review. Facilities located in one of Albany’s Climate Friendly Area overlay districts are subject to standards in Article 14. Government offices are in the Office use category. Applications for emergency shelters sited under ORS 197.782 and ORS 197.783 are not a land use decision.
- (25) For the purposes of this code, “Non-Property Line Separated” Townhouses constructed under the Oregon Residential Specialty Code have the same meaning.
- [Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; 5757, 12/4/11; Ord. 5673, 6/27/07; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5966 11/12/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

**\*\*\* No changes are proposed to Section 3.085 to 3.160, so those sections are not provided. \*\*\***

**Staff Comments:** The following changes to Table 3.190-1 Schedule of Permitted Uses and the table footnotes correspond to the development standards that apply in the city’s designated Climate Friendly Area overlay districts

per Oregon Administrative Rules related to the state Climate Friendly and Equitable Communities rules in OAR Division 12.

## DEVELOPMENT STANDARDS

- 3.190 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 3.190-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling unit, middle housing, and multiple-dwelling developments.

**TABLE 3.190-1**

| RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS                                          |                     |                         |                         |                         |                         |                         |                      |                     |
|-------------------------------------------------------------------------------------|---------------------|-------------------------|-------------------------|-------------------------|-------------------------|-------------------------|----------------------|---------------------|
| STANDARD                                                                            | RR                  | R-10                    | R-6.5                   | HM                      | R-5                     | RM                      | RMA                  | HDR                 |
| <b>Minimum Property Size or Land Requirements by Unit Type (1)(18)</b>              |                     |                         |                         |                         |                         |                         |                      |                     |
| Single dwelling unit (SDU) <del>over 1,250 SF</del> (1)                             | 5 acres (15)        | 10,000 sf               | 6,500 sf                | 5,000 sf                | 5,000 sf                | 3,500 sf                | N/A                  | N/A                 |
| Small SDU or Duplex 800 – 1,250 SF (21)(24)                                         | 5 acres (15)        | 6,500 sf                | 4,000 sf                | 3,000 sf                | 3,000 sf                | 2,000 sf                | N/A                  | N/A                 |
| Small SDU or Duplex Less than 800 SF (21)(24)                                       | 5 acres (15)        | 5,000 sf                | 3,000 sf                | 2,500 sf                | 2,500 sf                | 1,500 sf                | N/A                  | N/A                 |
| Townhouse (1)(16)(19)(20)                                                           | 1,500 sf            | 1,500 sf                | 1,500 sf                | 1,500 sf                | 1,500 sf                | 1,500 sf                | 1,500 sf             | None (20)           |
| Two primary units on one property (1)                                               | N/A                 | N/A                     | N/A                     | 7,000 sf                | N/A                     | 3,500 sf                | 3,500 sf             | N/A                 |
| Duplex <del>over 1,250 SF</del> (1)(23)                                             | 5 acres (15)        | 10,000 sf               | 6,500 sf                | 5,000 sf                | 5,000 sf                | 3,500 sf                | 3,500 sf             | None                |
| STANDARD                                                                            | RR                  | R-10                    | R-6.5                   | HM                      | R-5                     | RM                      | RMA                  | HDR                 |
| Triplex (1)(16)(20)(23)                                                             | 5 acres             | 10,000 sf               | 6,500 sf                | 5,000 sf                | 5,000 sf                | 5,000 sf                | 5,000 sf             | None                |
| Fourplex (1)(16)(20)(23)                                                            | 5 acres             | 10,000 sf               | 7,000 sf                | 7,000 sf                | 7,000 sf                | 7,000 sf                | 7,000 sf             | None                |
| Cottage Cluster (1)(16)(17)(20)                                                     | 5 acres             | 10,000 sf               | 7,000 sf                | 7,000 sf                | 7,000 sf                | 7,000 sf                | 7,000 sf             | None                |
| Multiple-dwelling units (23)                                                        | N/A                 | N/A                     | N/A                     | N/A                     | N/A                     | None                    | None                 | None                |
| Single Room Occupancy Development                                                   | 5 acres (15)        | 10,000 sf               | 6,500 sf                | 5,000 sf                | 5,000 sf                | 500 sf/unit             | 500 sf/unit          | 500 sf/unit         |
| Minimum Lot Widths:<br>Townhouse<br>All other uses (18)<br>Small SDU or Duplex Lots | 20 ft<br>N/A<br>N/A | 20 ft<br>65 ft<br>50 ft | 20 ft<br>50 ft<br>40 ft | 20 ft<br>35 ft<br>30 ft | 20 ft<br>35 ft<br>30 ft | 20 ft<br>30 ft<br>20 ft | None<br>None<br>None | None<br>None<br>N/A |
| <b>Residential Density (20):</b>                                                    |                     |                         |                         |                         |                         |                         |                      |                     |
| Minimum Density (units per net acres) (20)                                          | None                | None                    | None                    | None                    | None                    | 12 (20)                 | 20 (20)              | 25                  |
| Maximum Density (20)                                                                | (20)                | (20)                    | (20)                    | (20)                    | (20)                    | None                    | None                 | None                |
| <b>Setbacks (4)(18):</b>                                                            |                     |                         |                         |                         |                         |                         |                      |                     |
| Minimum Front Setback (4)(18)                                                       | 15 ft               | 12 ft                   | 10 ft                   | 10 ft                   | 10 ft                   | 10 ft                   | 10 ft                | 10 ft               |

| RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS                                                                           |              |              |              |              |              |                              |                           |                           |
|----------------------------------------------------------------------------------------------------------------------|--------------|--------------|--------------|--------------|--------------|------------------------------|---------------------------|---------------------------|
| Maximum Front Setback (18)                                                                                           | None         | None         | None         | None         | None         | <u>20</u> (14)               | <u>20</u> (14)            | <u>15</u> (14)            |
| Minimum Side Setback:<br><ul style="list-style-type: none"> <li>single-story</li> <li>two or more stories</li> </ul> | 5 ft<br>8 ft | 5 ft<br>8 ft | 5 ft<br>8 ft | 5 ft<br>6 ft | 5 ft<br>6 ft | 10 ft (5)<br>10 ft<br>(5)(6) | 10 ft (5)<br>10 ft (5)(6) | 10 ft (5)<br>10 ft (5)(6) |
| Minimum Rear Setback (4)(18)(22)                                                                                     | 15 ft        | 15 ft        | 12 ft        | 10 ft        | 10 ft        | 8 ft (6)                     | 8 ft (6)                  | 5 ft (6)                  |
| Minimum Building Separation                                                                                          | (12)         | (12)         | (12)         | (12)         | (12)         | (12)                         | (12)                      | (12)                      |
| Min. Garage or Carport Vehicle Entrance Front Setback (10)                                                           | 20 ft        | 20 ft        | 20 ft (7)    | 20 ft (7)    | 20 ft (7)    | 20 ft (7)                    | 20 ft (7)                 | 20 ft (7)                 |
| Maximum Height (8)                                                                                                   | 30 ft        | 30 ft        | 30 ft        | 30 ft        | 30 ft        | 45 ft                        | 60 ft                     | 75 ft                     |
| Maximum Lot Coverage (9)(18)                                                                                         | 20% (11)     | 50%          | 60%          | 60%          | 60%          | 70%                          | 75%                       | 80%                       |
| Minimum Open Space                                                                                                   | (13)         | (13)         | (13)         | (13)         | (13)         | (13)                         | (13)                      | (13)                      |
| Min. Landscaped Area (18)                                                                                            | None         | (2)          | (2)          | (2)          | (2)          | (3)                          | (3)                       | (3)                       |

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area requirements of units.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) The minimum side yard setbacks for small SDUs and Duplexes on reduced size lots is 3 feet for one-story dwellings and 5 feet for two or more story dwellings. For flag lots, all property lines are subject to side yard setbacks. Vision clearance standards provided in Section 12.180 must be met. Additional setbacks may be required or reduced setbacks may be permitted, see Sections 3.230-3.330 and the buffer matrix ~~at~~ in Section 9.210. Townhouse setbacks are provided in Section 3.270. Setbacks for cottage clusters are in Section 3.192.
- (5) Except for single-dwelling units, SRO developments with up to 6 units, or middle housing, which have a minimum side yard setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings. See Section 3.270 for Townhouse setbacks.
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 stories. Multiple-dwelling unit (MDU) developments must also meet the setbacks in Section 3.350, except that MDUs that are detached and that are less than 25 feet tall must have a minimum side and rear setback of 3 feet for one-story dwellings and 5 feet for dwellings of two or more stories.
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and R-10 zoning districts where the setback must be 20 feet.
- (8) See exceptions to height restrictions, Section 3.340; Maximum height for cottage clusters is in Section 3.192; and additional height allowances for development located in one of Albany's Climate Friendly Area overlay districts in Article 14.
- (9) Lot coverage for single-dwelling units and middle housing development may only include the area of the lot covered by buildings or structures. Lot coverage for townhouses is calculated based on the overall townhouse project, rather than each townhouse lot. Cottage clusters are exempt from maximum lot coverage standards. Alley- and rear-loaded development may increase the maximum lot coverage by 10%.
- (10) See Table 3.230-1 for garages with alley or rear access.
- (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
- (12) The minimum separation between multi-dwelling unit buildings on a single parcel must be 10 feet for single-story buildings and 20 feet for two-story or taller buildings. Minimum building separation for cottage clusters is provided in Section 3.192.
- (13) ~~Open Space Requirements~~ Open Space is required in multiple dwelling unit developments of 10 or more units (see Section 8.220) and residential land divisions of 20 or more lots (see Section 11.095).

- (14) See Section 8.240 and 8.420 for standards and exceptions to the maximum setback.
- (15) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.
- (16) Triplexes, fourplexes, townhouses, and cottage clusters are not permitted on lots that are nonconforming with respect to the minimum lot size applicable to that housing type within the zoning district (see ADC 2.320) unless bonus provisions provided in Section 3.220 are applicable.
- (17) See Section 5.092 for Cottage Cluster projects with six or fewer cottages. When the floor area of each cottage is less than 800 square feet, the minimum lot size must be 1,000 square feet per cottage.
- (18) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot apply to the middle housing parent lot, not to the middle housing child lots.
- (19) The minimum property size for townhouses specified in Table 3.190-1 is the minimum allowable size for an individual townhouse lot; the number of units permitted on a given site (i.e., the maximum density) is established in accordance with subsection 3.191(1).
- (20) Minimum density in the primary Climate Friendly Area (CFA) overlay zone is 25 units per net acre; minimum density in secondary CFA overlay zones is 15 units a net acre. Maximum density is determined ~~controlled~~ by minimum lot size requirements for housing types, maximum building height, and lot coverage by zone. See Section 3.191 for maximum townhouse density.
- (21) Garage size is not included of the square footage of the Dwelling Unit. The duplex size is the total for both units, excluding garage area.
- (22) Cottage Cluster rear setbacks are in Section 3.192. For all other development, when a garage or on-site parking is accessed from a rear alley or rear shared access easement, the rear yard setback applies to the habitable space in the dwelling unit(s). When attached garages or carports are accessed from the alley, the garage or carport must be setback at least 5 feet. Detached garage and carport setbacks are provided in Table 3.230-1, Accessory Structure Standards.
- (23) For the purpose of this Code, Non-Property Line Separated Townhouses constructed under the Oregon Residential Specialty Code have the same meaning.
- (24) Legal lots created before March 14, 2025 in all residential zones except RMA and HDR may be developed with a single dwelling unit or a duplex of any size, subject to development standards.

[Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5768, 12/7/11; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6008, 1/27/23; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

**\*\*\* No changes are proposed to Section 3.191 to 3.220, so those sections are not provided. \*\*\***

## SETBACKS

- 3.230 Setback Measurements. All setbacks must meet the minimum standards as set forth in Tables 3.190-1 and 3.230-1, as appropriate. Setback distances must be measured perpendicular to all portions of a property line. In addition to the setbacks in this article, all developments must comply with Section 12.180, Clear Vision Area. See also Table 3.230-1, Accessory Structure Standards.

**Staff Comments:** Replacing 'interior' with 'side and rear' and adding how building height is measured in transition setbacks, which were inadvertently missed in the previous update.

**TABLE 3.230-1**

| ACCESSORY STRUCTURE STANDARDS |                                                              |
|-------------------------------|--------------------------------------------------------------|
| STRUCTURE                     | STANDARD                                                     |
| All Accessory Structures      | Front setback, see Table 3.190-1, by zone if not noted below |

| ACCESSORY STRUCTURE STANDARDS                                                  |                                                                                                                                                        |
|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|
| STRUCTURE                                                                      | STANDARD                                                                                                                                               |
| Detached Structure walls less than or equal to 8 feet tall (2)                 | Side and rear setback = 3 feet (1)(3)                                                                                                                  |
| Attached Structure                                                             | Side and rear setback = 5 feet (1)                                                                                                                     |
| Detached Structure walls greater than 8 feet tall (2)                          | Side and rear setback = 5 feet                                                                                                                         |
| Garage or carport with vehicular access from an alley                          | Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet.<br>Other setbacks=see Table 3.190-1                            |
| Structures, including fences, intended for housing animals                     | See AMC 6.10.020                                                                                                                                       |
| Fences greater than 8 feet tall<br><i>All fences, see 9.360 through 9.380.</i> | Fences over 8 feet tall must meet setbacks in Table 3.190-1, by zone, except when permitted along property lines in Sections 9.370(4)(d) and 9.380(3). |
| Outdoor swimming pools with depths greater than or equal to 24 inches          | Side and rear setback = 10 feet                                                                                                                        |
| Decks less than or equal to 30 inches from grade, with no rails or covers      | No setback from property lines                                                                                                                         |
| Decks greater than 30 inches from grade                                        | Side and rear setback = 3 feet                                                                                                                         |

- (1) Zero-lot line provisions are in Sections 3.265 and 3.270.
- (2) The slab or foundation of accessory structures is not included in the wall height unless it is greater than 24-inches from the ground.
- (3) Accessory Structures up to 200 square feet or less that are exempt from building permit requirements under the Oregon Residential Specialty Code and no habitable may have a reduced ~~interior~~ side and rear setback of 2 feet with a roof overhang no more than 12 inches.

[Ord. 5673, 6/27/07; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 6004, 12/28/22; Ord. 6024, 12/29/23; Ord. 6059, 3/14/25]

**\*\*\* No changes are proposed to Section 3.240 to 3.260, so those sections are not provided. \*\*\***

3.263 Exceptions to Setbacks for Accessibility Retrofits. An encroachment into the ~~interior~~ side and rear setbacks for the purpose of retrofitting an existing residential bathroom to accommodate mobility impairments is permitted if the following criteria are met:

- (1) The existing bathroom does not have sufficient space for a retrofit to accommodate persons with mobility impairments; and
- (2) A written medical report from a licensed physician that documents a person residing in the dwelling has a mobility impairment; and
- (3) The adjustment is to expand the bathroom no more than 3 feet into side and rear setbacks; and
- (4) A minimum of a 3-foot side and rear setback is retained adjacent to the expansion.

[Ord. 5832, 4/9/14; Ord. 6059, 3/14/25]

**\*\*\* No changes are proposed to Section 3.265 to 3.330, so those sections are not provided. \*\*\***

## BUILDING HEIGHT

3.340 Height Exceptions. Height limitations are shown in Table 3.190-1, Development Standards. See also subsection 3.080(9). [Ord. 5968, 1/14/22]

- (1) Roof Structures and Architectural Features. Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this Article provided that no roof structure, feature, or any other device above the prescribed height limit may be allowed or used for the purpose of providing additional floor space.
- (2) Religious Institutions and Public and Semi-Public Buildings. In districts where religious institutions and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings provided that a request for such has been noted in the public hearing notice. [Ord. 5673, 6/27/07; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

~~[Section 3.350 repealed by Ordinance 6024, 12/29/23]~~

### 3.350 Transition Heights Abutting Lower Density Uses.

- (1) Purpose. The standards of this section are intended to create transitions between multiple-dwelling unit developments and nearby, lower-density residential development, to reduce the impacts of the multiple-dwelling unit development on lower-density development. These impacts may include incompatible building mass and scale, reduced privacy, and loss of solar access for lower-density development.
- (2) Applicability. These standards apply to multiple-dwelling unit housing in the RM, RMA, and HDR zoning districts. These standards do not apply when the abutting property is developed with a non-residential use, multi-dwelling unit or mixed-use development.
- (3) Standards. When the abutting lot is zoned R-10, R-6.5, R-5, HM, or MUR, the height of multiple-dwelling unit structures in the RM district is limited to 35 feet within 20 feet from the shared property line; and in the RMA and HDR districts, height is limited to 35 feet within 30 feet from the shared property line. The height of the building is measured from the average grade to the top of the wall facing the property line or the top of the highest window or door, whichever is higher.

[Ord. 6059, 3/14/25]

**\*\*\* No changes are proposed to Section 3.360 to 3.290, so those sections are not provided. \*\*\***

## ARTICLE 4

### COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

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

The following list is a summary of the topics covered in this article:

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards
- Airport Approach Overlay District

[Ord. 5555, 2/7/03; Ord. 6042, 7/12/24]

### ZONING DISTRICTS

4.020 Establishment of Commercial and Industrial Zoning Districts. ~~In order to~~ To regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are ~~created~~ established:

- (1) OP – OFFICE PROFESSIONAL DISTRICT. The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.
- (2) NC – NEIGHBORHOOD COMMERCIAL DISTRICT. The NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.
- (3) CC – COMMUNITY COMMERCIAL DISTRICT. The CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.
- (4) RC – REGIONAL COMMERCIAL DISTRICT. The RC district is intended primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses and is typically appropriate for developments that require large sites near Interstate 5. Design guidelines, building location and front-yard landscaping will provide an enhanced community image along major transportation corridors. These uses often have significant impacts on the transportation system. Sound and visual buffers may be required to protect nearby residential areas. RC districts may not be appropriate in all locations.

- (5) TD – TRANSIT DISTRICT. The TD district is intended primarily for regional transit facilities and related uses. This district is suitable as a major office employment center because of easy access to mass transit. Mixed-use development including a multi-modal transportation facility, a park-and-ride facility, and office space should be developed within this district.
- (6) EMP – EMPLOYMENT DISTRICT. The EMP district is intended primarily for a range of office uses, limited manufacturing, and high-tech/research activities and uses. Uses in this district complement or support more intensive industrial activities and uses while ~~also~~ providing a transition between industrial areas and general commercial or residential areas. The limited industrial and manufacturing activity allowed in the EMP district is intended to minimize hazardous impacts from heavier industrial uses while ~~also~~ providing a buffer between other industrial areas and nearby residential or commercial uses.
- (7) IP – INDUSTRIAL PARK DISTRICT. The IP district is intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.
- (8) LI – LIGHT INDUSTRIAL DISTRICT. The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.
- (9) HI – HEAVY INDUSTRIAL DISTRICT. The HI district is intended primarily for industrial uses and support activities that are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution. This district is located away from residential areas and has easy access to highways and perhaps to rail.

[Ord. 5555, 2/7/03; [Ord. 6010, 7/1/23]

- 4.030 Special Purpose Districts. Special purpose districts are overlay districts that may be combined with a major zoning district. The regulations of a special purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special purpose district and the major zoning district ~~shall~~ both apply to any site that has both designations. Where the regulations and permitted uses of a major zoning district conflict with those of a special purpose district, the more restrictive standards ~~shall~~ apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

| <u>Special Purpose District</u> | <u>Applicable Articles</u> |
|---------------------------------|----------------------------|
| Floodplain                      | Article 6                  |
| Wetlands                        | Article 6                  |
| Willamette Greenway             | Article 6                  |
| Airport Approach                | Article 4                  |
| Hillside Development            | Article 6                  |
| Historic Overlay                | Article 7                  |

[Ord. 5555, 2/7/03; Ord. 6024, 12/29/23]

- 4.035 Relationship to State, Federal and Other Local Regulations. In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations include those in Articles 4, 6, and 7 Special Purpose Districts, and those of the Building Division and Fire Department.

[Ord. 5555, 2/7/03; Ord. 6024, 12/29/23]

## SCHEDULE OF PERMITTED USES

4.040 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions must be used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are ~~also~~ situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan review, the entire development must be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105,
  - OR
  - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

[Ord. 5555, 2/7/03; Ord. 5947, 1/1/21, Ord. 6059, 3/14/25]

4.050 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 4.050-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

|      |                                                                                                                                                                               |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Y    | Yes; use allowed without review procedures but may be subject to special conditions.                                                                                          |
| S    | Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.                                                               |
| CU   | Use considered conditionally through the Type III procedure under the provisions of Sections 2.230-2.260.                                                                     |
| CUII | Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260.                                                                     |
| PD   | Use permitted only through Planned Development approval.                                                                                                                      |
| N    | No; use not allowed in the zoning district indicated.                                                                                                                         |
| X/X  | Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use. |

A number opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions are found following the schedule, in Section 4.060.

**Staff Comments:** The following changes to Table 4.050-1 Schedule of Permitted Uses and 4.060 Special Conditions correspond to the uses that must be allowed in the city's designated Climate Friendly Area overlay districts per Oregon Administrative Rules related to the state Climate Friendly and Equitable Communities rules in OAR Division 12. Within Climate Friendly Areas, uses may not require a Conditional Use approval or a Zoning map amendment.

Sections removed or repealed by Ordinance are being removed from ADC text.

**TABLE 4.050-1  
SCHEDULE OF PERMITTED USES**

| <b>Commercial, Office and Industrial Zoning Districts</b>             |                    |                      |                    |                    |                   |           |             |             |                          |            |
|-----------------------------------------------------------------------|--------------------|----------------------|--------------------|--------------------|-------------------|-----------|-------------|-------------|--------------------------|------------|
| <b>Use Categories</b> (See Article 22 for use category descriptions.) | <b>Spec. Cond.</b> | <b>OP</b>            | <b>NC</b>          | <b>CC</b>          | <b>RC</b>         | <b>TD</b> | <b>EMP</b>  | <b>IP</b>   | <b>LI</b>                | <b>HI</b>  |
| <b>INDUSTRIAL USE CATEGORIES</b>                                      |                    |                      |                    |                    |                   |           |             |             |                          |            |
| Contractors and Industrial Services                                   |                    | N                    | N                  | S-1                | N                 | S-1       | S-1         | S-1         | S-1                      | S          |
| Manufacturing and Production                                          | 2                  | S/CU                 | N                  | S/CU-3             | N                 | S/CU      | S/CU-26     | S/CU        | S/CU                     | S          |
| Small-scale Manufacturing                                             | 2                  | S/CU                 | N                  | S/CU               | S/CU              | S/CU      | S/CU-26     | S/CU        | S/CU                     | S/CU       |
| Railroad Yard                                                         |                    | N                    | N                  | N                  | N                 | S         | N           | N           | S                        | S          |
| Warehousing and Distribution                                          |                    | N                    | N                  | N                  | N                 | N         | CU          | CU          | S                        | S          |
| Waste and Recycling Related                                           | 4                  | N                    | N                  | CU                 | N                 | N         | N           | N           | S/CU                     | S/CU       |
| Wholesale Sales                                                       |                    | N                    | N                  | N                  | N                 | N         | S-5         | S-5         | S                        | N          |
| <b>COMMERCIAL USE CATEGORIES</b>                                      |                    |                      |                    |                    |                   |           |             |             |                          |            |
| Adult Entertainment                                                   |                    | N                    | N                  | S-6                | N                 | N         | N           | N           | CU-6                     | N          |
| Entertainment and Recreation:<br>Indoor<br>Outdoor                    | 7                  | N<br>N               | N<br>N             | S-7<br>S           | S-7<br>S          | S<br>N    | S/CU-7<br>N | S/CU-7<br>N | CU-7/<br>CU-7, 11<br>N-7 | CU-7<br>CU |
| Offices:<br>Traditional<br>Industrial                                 |                    | S<br>S               | S<br>N             | S<br>S             | S<br>N            | S<br>N    | S<br>S      | CU-8<br>S-8 | N<br>S-9                 | N<br>S     |
| Parking                                                               |                    | N                    | N                  | S                  | S                 | S         | S           | S           | S                        | S          |
| Recreational Vehicle Park                                             |                    | N                    | N                  | CU                 | N                 | S         | N           | N           | S                        | N          |
| Restaurants, no drive-thru<br>with drive-thru or mostly delivery      | 25                 | <del>CU-9</del><br>N | S<br>CU-10         | S<br>S             | S<br>S            | S<br>N    | S<br>CU     | S<br>CU     | N<br>N                   | N<br>N     |
| Retail Sales and Service                                              |                    | S-11                 | S-11               | S                  | S                 | S         | S-11        | S-11        | S/CU/N<br>-11            | N          |
| Self-Serve Storage                                                    | 12                 | N                    | N                  | S                  | S                 | N         | N           | CU          | S                        | S-13       |
| Taverns, Bars, Brewpubs,<br>Nightclubs                                | 25                 | CU-11                | CU-11              | S                  | S                 | S         | CU          | CU-11       | CU-11                    | CU-11      |
| Vehicle Repair                                                        |                    | N                    | N                  | S                  | S                 | N         | N           | N           | S                        | N          |
| Vehicle Service, Quick<br>gas/oil/wash                                |                    | N                    | N                  | S                  | S                 | N         | N           | CU          | N-14                     | N          |
| <b>INSTITUTIONAL USE CATEGORIES</b>                                   |                    |                      |                    |                    |                   |           |             |             |                          |            |
| Basic Utilities                                                       |                    | CU                   | CU                 | CU                 | CU                | CU        | CU          | S           | S                        | S          |
| Community Services                                                    | 15                 | S/CU-15              | S/CU-15            | S                  | S                 | S         | S/CU-15     | S/CU-15     | S                        | N          |
| Daycare Facility                                                      |                    | <del>CU/S-30</del>   | <del>CU/S-30</del> | S                  | <del>N/S-30</del> | N         | S           | S           | CU                       | N          |
| Educational Institutions                                              | 16                 | <del>N/S-30</del>    | <del>N/S-30</del>  | <del>CU/S-30</del> | <del>N/S-30</del> | CU        | S/CU        | S/CU        | S/CU                     | N          |
| Hospitals                                                             |                    | CU                   | N                  | N                  | N                 | N         | CU          | CU          | CU                       | N          |
| Jails and Detention Facilities                                        |                    | N                    | N                  | N                  | N                 | N         | N           | N           | CU                       | N          |
| Parks, Open Areas and Cemeteries                                      | 17                 | <del>CU/S-30</del>   | <del>CU/S-30</del> | <del>CU/S-30</del> | <del>N/S-30</del> | CU        | CU          | CU          | CU                       | N          |
| Religious Institutions                                                | 16                 | CU                   | CU                 | S                  | N                 | N         | CU          | CU          | CU                       | N          |
| <b>RESIDENTIAL USE CATEGORIES</b>                                     |                    |                      |                    |                    |                   |           |             |             |                          |            |
| Assisted Living Facility                                              |                    | CU                   | CU                 | CU                 | N                 | N         | N           | N           | N                        | N          |
| Home Businesses (See 3.090-3.180 to determine if CU.)                 |                    | Y/CU                 | Y/CU               | Y/CU               | Y/CU              | Y/CU      | Y/CU        | Y/CU        | Y/CU                     | Y/CU       |

| Commercial, Office and Industrial Zoning Districts                 |             |               |              |              |                         |     |          |          |          |    |
|--------------------------------------------------------------------|-------------|---------------|--------------|--------------|-------------------------|-----|----------|----------|----------|----|
| Use Categories (See Article 22 for use category descriptions.)     | Spec. Cond. | OP            | NC           | CC           | RC                      | TD  | EMP      | IP       | LI       | HI |
| Residential Care or Treatment Facility                             |             | S             | S            | S            | N                       | N   | N        | N        | N        | N  |
| Single Dwelling Unit (SDU)                                         | 20, 27, 29  | Y-19          | S-19         | N            | N                       | N   | N        | N        | N        | N  |
| Middle Housing                                                     | 20, 28, 30  | CU-19         | S-19/N       | N            | N                       | N   | N        | N        | N        | N  |
| Multiple-Dwelling Unit                                             | 27, 28, 30  | CU / S-28, 29 | N / S-28, 29 | N / S-28, 29 | N / S-28, 29, <u>30</u> | N   | N / S-28 | N / S-28 | N / S-28 | N  |
| Units Above or Attached to a Business                              | 27, 28      | S - 29        | S - 29       | S - 29       | CU / S - 29, <u>30</u>  | S   | S        | S        | S        | N  |
| Residential Accessory Buildings                                    | 21          | Y/S           | Y/S          | N            | N                       | N   | N        | N        | N        | N  |
| OTHER USE CATEGORIES                                               |             |               |              |              |                         |     |          |          |          |    |
| Agriculture (on Vacant Land)                                       | 22          | N             | N            | N            | Y                       | N   | Y        | Y        | Y        | Y  |
| Satellite Dish, Other Antennas, & Communication Facilities <50 ft. | 23          | Y             | Y            | Y            | Y                       | Y   | Y        | Y        | Y        | Y  |
| Communication Facilities >= 50 ft.                                 | 23          | N             | N            | CU           | S                       | CU  | CU       | CU       | S        | Y  |
| Kennels                                                            | 24          | N             | N            | N            | CU                      | N   | N        | N        | S        | N  |
| Non-Residential Accessory Buildings                                | 18          | Y/S           | Y/S          | Y/S          | Y/S                     | Y/S | Y/S      | Y/S      | Y/S      | Y  |
| Passenger Terminals                                                |             | N             | N            | S            | CU                      | S   | CU       | CU       | CU       | N  |
| Rail And Utility Corridors                                         |             | CU            | CU           | CU           | CU                      | S   | CU       | CU       | S        | S  |

Y = Yes, allowed, no Site Plan ~~R~~review required

N = No, not allowed

CU = Conditional Use review, Type III procedure

S = Site Plan ~~R~~review required

CUII = Conditional Use review, Type II procedure

[Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

## SPECIAL CONDITIONS

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

- (1) Contractors and Industrial Services in the CC, TD, IP, EMP, and LI zones.
  - (a) Limited Uses. Salvage or wrecking operations are prohibited in the CC, TD, IP, EMP, and LI zones. See Section 4.290 for outside storage standards.
  - (b) Prohibited Uses in EMP. The following Contractors and Industrial Services uses are prohibited in the EMP zone: salvage or wrecking of heavy machinery, metal, and building materials; towing and vehicle storage; overnight or long-term equipment storage; heavy truck servicing and repair; tire retreading or recapping; and solid fuel yards.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may limit the placement of certain uses in some districts. If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval.
- (3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.
- (4) Waste and Recycling Related Uses in the CC, LI, and HI zones.
  - (a) Limited uses in CC. Only processing and sorting operations conducted within enclosed structures less than 5,000 sq. ft. in total area are considered with a Conditional Use review.
  - (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 ~~R~~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 ~~R~~review. Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a Conditional Use review.
- (5) Wholesale Sales in the IP and EMP zone. This use is allowed in IP and EMP only if all operations and storage are conducted entirely within enclosed buildings.
- (6) Adult Entertainment. Where allowed, Adult Entertainment uses must meet the following standards:
  - (a) An adult entertainment use may not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use may not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use may not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Major Variance procedures.
- (7) Indoor Entertainment and Recreation in the CC, RC, IP, EMP, LI and HI zones.
  - (a) Limited uses in CC. Indoor firing ranges or gun clubs, coliseums, and stadiums are not permitted.
  - (b) Limited uses in RC. Indoor firing ranges or gun clubs are not permitted.
  - (c) Limited uses in IP and EMP. Exercise and health clubs or gyms are permitted through Site Plan ~~R~~review. Convention centers, coliseums and stadiums are considered through a Conditional Use Type III review. All other indoor entertainment uses are not permitted.
  - (d) Limited uses in LI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, cheerleading, tumbling, gymnastics, fairgrounds, coliseums and stadiums are considered through a Conditional Use Type II review. Exercise and health clubs or gyms are considered through a Conditional Use Type III review and must meet the additional criteria in Special Condition (11)(b). All other indoor entertainment uses are not permitted.
  - (e) Limited uses in HI. Indoor firing ranges or gun clubs, pool halls, paint gun facilities, motor racetrack, coliseums and stadiums are considered through a Conditional Use review. All other indoor entertainment uses are not permitted.
- (8) Offices in the IP zone. Traditional Offices intended to serve customers on site are considered through the Conditional Use Type II review. Industrial Offices are permitted through Site Plan ~~R~~review. See Article 22 for Office examples.
- (9) Offices in the LI zone. Traditional Offices intended to serve customers on site are not allowed. Industrial Offices are permitted through Site Plan ~~R~~review. See Article 22 for Office examples.
- (10) Restaurants in the NC zone. Drive-through restaurants are allowed in NC provided there are no more than two drive-through windows, and there is no speaker service (for ordering).
- (11) Retail Sales and Services in the OP, NC, EMP, IP and LI zones.
  - (a) Limited uses in OP, NC, EMP, and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum business footprint, except for businesses located within buildings in the OP and NC zones constructed prior to February 7, 2003, there is no business footprint limit. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited.

- (b) Retail Sales and Service Uses in Existing Buildings in the LI zone. To encourage the reuse of buildings constructed prior to April 9, 2014, in the LI zone, Repair-Oriented Retail Sales and Service uses as described in Section 22.140 will be permitted through Site Plan ~~R~~review. Personal Service-Oriented uses and Sales and Service-Oriented Retail Sales uses as described in Section 22.140 may be permitted through a Conditional Use review. Retail Sales and Service uses permitted in accordance with this subsection are subject to the following additional review criteria:
- i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan; and
  - ii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use; and
  - iii. The new commercial user must acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.
- (12) Self-Serve Storage. These facilities are subject to the following standards:
- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
  - (b) The maximum storage unit size is 1,000 square feet.
  - (c) All outdoor lighting must be shielded to prevent glare and reflection on adjacent properties.
  - (d) Repair of autos, boats, motors, and furniture and the storage of flammable materials are prohibited on the premises, and rental contracts must so specify.
- (13) Self-Serve Storage in the HI zone. Self-Serve storage units are allowed in HI only on sites less than 3 acres.
- (14) Truck Stops/Fuel Sales in the LI zone. This use is classified as Contractors and Industrial Services, rather than Vehicle Service, Quick.
- (15) Community Service Uses. Community Service uses that may have significant off-site impacts, such as public swimming pools, public safety facilities, and homeless shelters, may be considered through the Conditional Use process. Applications for emergency shelters sited under ORS 197.782 and ORS 197.783 are not a land use decision.
- (16) Educational and Religious Institutions.
- (a) Vocational or trade schools in EMP, IP, LI and HI are allowed through Site Plan ~~R~~review. All other educational and religious institutions are reviewed as a Conditional Use.
  - (b) The Conditional Use approval for educational and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fund raising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.
- Any expansion to an existing educational or religious institution must be reviewed through the Conditional Use Type II process. Expansion of a school or church includes addition of building area, increase in parking lot coverage, or expansion of athletic facilities.
- Note: There are special setbacks for educational institutions in 4.210 and loading standards in 4.260(2).
- (17) Park Development. Park activity subject to Conditional Use review includes major development; expansions of activities and development in parks that currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities in existing improved parks.
- (18) Non-Residential Accessory Buildings over 750 square feet in the OP zone and over 2,000 square feet in all other zones except HI require Site Plan ~~R~~review.
- (19) Single-Dwelling Units and Middle Housing.

- (a) In the OP zone, single-dwelling units are allowed outright. Middle housing requires a Conditional Use review. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling unit, called the “primary dwelling unit”. The ADU must comply with the standards for ADUs in ADC 5.070 (15).
- (b) In the NC zone, single-dwelling units, individual SRO dwellings, duplexes, and townhouses require Site Plan ~~R~~review. All other middle housing is prohibited. One accessory dwelling unit (ADU) may be allowed per legally established single-dwelling unit, called the “primary dwelling unit”. The ADU must comply with the standards for ADUs in ADC 5.070(15).
- (20) Single-Dwelling Units and Middle Housing.
  - ~~(a)~~ Townhouses are not permitted unless allowed in the zoning district, as a nonconforming use per Section 4.075, or on property located within a Climate Friendly Area overlay district subject to minimum density requirements and standards in Article 14.
  - ~~(a)(b)~~ New single-dwelling units ~~and townhouses~~ are not permitted unless allowed in the zoning district or per ~~See~~ Section 4.075.
  - ~~(b)(c)~~ Cottage Cluster projects must comply with the standards in sections 5.092 and 8.175.
- (21) Residential Accessory Buildings, excluding Accessory Dwelling Units, 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 equal to or less than 12 feet tall.
  - (b) All other residential accessory buildings require a Site Plan ~~R~~review.
- (22) Agriculture. All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. The raising of livestock as a new use is not permitted. Regulations governing the keeping of animals/livestock are found in the Albany Municipal Code Title 6.
- (23) Communication Facility Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8.500.  
 Placement of antennas, satellite dish antennas, and monopoles less than 50 feet tall when measured from the ground; or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards:
  - (a) Antennas or antenna supports. Satellite dishes and monopoles must not be located within any front yard setback area or within any required landscape buffer yard.
  - (b) Dish antennas larger than three feet in diameter and located within ten feet of a residential lot line or visible from a public street must be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - (c) Antennas used to display sign messages must conform to all district sign regulations in addition to the above.
  - (d) Antennas, satellite dishes, monopoles and other communication structures less than 50 feet in height when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above may be considered by Conditional Use review, Type II process.
  - (e) See Section 8.500 for additional design standards for all telecommunications facilities.
- (24) Kennels adjacent to residential districts are restricted to sites containing a minimum of two acres. This restriction does not apply to care and boarding provided indoors by veterinary hospitals.
- (25) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.
- (26) Manufacturing Production and Small-Scale Manufacturing in the EMP zone.
  - (a) Uses that require state or federal air quality discharge permits are prohibited.
- (27) One SRO development with no less than four and no more than six SRO units is permitted outright per property zoned to allow ~~for~~ single dwelling units. Additionally, SRO development is ~~also~~

permitted through Site Plan ~~R~~review as a multiple dwelling unit development, but each individual SRO unit is considered 0.5 dwelling units when calculating density. Accessory Dwelling Units are not permitted with SRO developments.

- (28) Housing. Affordable housing and conversion of buildings or portion of buildings in commercial use to housing will be permitted through Site Plan ~~R~~review when the following standards are met.
- (a) Affordable housing as defined in (b) is permitted on property zoned for commercial uses, religious assembly, or public lands OR is owned by one of the following:
    - i. A local, state, or special government body, as defined in ORS Chapter 174; or
    - ii. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
    - iii. A housing authority as defined in ORS 456.005; or
    - iv. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
  - (b) As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either i, ii, or iii below.
    - i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
    - ii. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
    - iii. A manufactured dwelling park that serves only households with incomes of 120 percent or less of the AMI.
  - (c) A building or portion of a building in commercial use may be converted to a residential use in the OP, NC, CC and RC zones.
  - (d) Affordable housing as defined and used in this Section is permitted on property zoned EMP, IP or LI only if the property is:
    - i. Publicly owned; and
    - ii. Adjacent to lands zoned for residential uses or schools.
  - (e) The above provisions do not apply on lands zoned HI or where:
    - i. The development cannot be adequately served by water, sewer, storm water drainage or streets; or
    - ii. The property contains a slope of 25 percent or greater; or
    - iii. The property is within a 100-year floodplain; or
    - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.
  - (f) Height Bonus. An affordable housing development proposal that meets the standards in this special condition and is located outside of a National Register historic district, will be granted the following height bonuses as applicable.

| Maximum Zone Heights:     | Height Increase Allowance |
|---------------------------|---------------------------|
| Less than 50 feet         | Up to 12 feet             |
| 50 feet to 75 feet        | Up to 24 feet             |
| More than 75 feet or None | Up to 36 feet             |

- (29) Commercial Land for Affordable Housing. Per ORS 197A.460, affordable housing development subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 is permitted through Site Plan ~~R~~review in the OP, NC, CC and RC zones when the following standards are met.
- (a) Each unit is affordable to a household with income less than or equal to 60 percent of the area median income (AMI) as defined in ORS 456.270; or
  - (b) ~~In M~~In Mixed use structures with ground floor commercial units, all residential units are made affordable to moderate income households with incomes between 80 and 120 percent of the AMI, as defined in ORS 456.270.

- (c) Affordable housing per this section is only permitted on land that has been in the city's Urban Growth Boundary for at least 15 years and does not apply on vacant land or on lands where the city determines:
- i. The development cannot be adequately served by water, sewer, storm water drainage or streets;
  - ii. The property contains a slope of 25 percent or greater;
  - iii. The property is within a 100-year floodplain; or
  - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: Natural disasters and hazards; or Natural resources, including air, water, land or natural areas, but not including open spaces.

(30) Uses Permitted in Climate Friendly Area Overlay Districts. These uses are permitted through Site Plan review on property located within one of Albany's Climate Friendly Area overlay districts in conformance with Article 14.

[Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5923, 2/8/19; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6018, 6/30/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

### **SPECIAL STATUS FOR SINGLE DWELLING RESIDENCES**

- 4.075 Existing Uses Granted Special Status (Allowed) in the Commercial and Industrial Districts. Notwithstanding the restrictions of any other section of the Albany Development Code (ADC), all legally established single dwelling unit, and townhouse dwellings built before January 1, 2002, on commercial or industrially zoned properties ~~shall~~ **must** be deemed conforming to the base zoning district. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, it may be rebuilt to the same size (in square feet) as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-dwelling unit or townhouse residence is converted to a permitted use in the base zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Article 4.

[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

**Staff Comments:** The following changes to the standards in Table 4.090-1 propose reducing the front setback in the NC and OP zones, slightly increasing the maximum lot size for the NC zone, clarifying maximum building footprints, and height allowances in the CFA districts.

### **DEVELOPMENT STANDARDS**

- 4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, and improve the general living environment and economic life of a development. Table 4.090-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling, middle housing, and multiple-dwelling developments.

**TABLE 4.090-1  
COMMERCIAL AND INDUSTRIAL DISTRICT DEVELOPMENT STANDARDS**

| STANDARD                                            | OP       | NC             | CC              | RC         | TD         | EMP     | IP         | LI      | HI   |
|-----------------------------------------------------|----------|----------------|-----------------|------------|------------|---------|------------|---------|------|
| <b>MINIMUMS</b>                                     |          |                |                 |            |            |         |            |         |      |
| Lot size (sq. ft.)(1)                               | None     | None(2)        | None            | None       | None       | None    | 3 acres(4) | None    | None |
| Lot width                                           | None     | None           | None            | None       | None       | None    | None       | None    | None |
| Lot depth                                           | None     | None           | None            | None       | None       | None    | None       | None    | None |
| Front setback                                       | 40'5'    | 40'5'          | 10'             | 10'        | 10'        | 15'(11) | 15'(11)    | 15'(11) | 15'  |
| Side and rear setbacks -abutting non-res'l          | 5'       | None           | None            | None       | None       | 15'(6)  | 15'(6)     | None    | None |
| Side and rear setbacks - abutting residential zones | 10'(5)   | 10'(5)         | 10'(5)          | 10' (5)(6) | 10' (5)(6) | 30'(11) | 30'(11)    | 40'(11) | 50'  |
| <b>MAXIMUMS</b>                                     |          |                |                 |            |            |         |            |         |      |
| Building Footprint Size                             | None(10) | None(10)       | 100,000<br>(13) | None       | None       | None    | None(10)   | None    | None |
| Lot size (sq. ft.)                                  | None     | 305,000<br>(2) | None            | None       | None       | None    | None       | None    | None |
| Height (8)                                          | 30'(8)   | 30'            | 50'(8)          | None       | None       | 50'(12) | 50'(12)    | None    | None |
| Lot Coverage (7)                                    | 70%      | 80%            | 90%             | 90%        | None       | 80%     | 80%        | None    | None |
| Landscaped Area (3)                                 | 100%     | 100%           | 100%            | 100%       | 100%       | 100%    | 100%       | 100%    | 100% |
| Open Space                                          | (9)      | (9)            | (9)             | N/A        | N/A        | N/A     | N/A        | N/A     | N/A  |

N/A means not applicable.

- (1) The minimum lot size for residential units is 1,600 sq. ft. per unit. No minimum lot size is required for non-residential development.
- (2) New NC zones may be no more than 350,000 sq. ft. of contiguous land.
- (3) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas.
- (4) The minimum lot size for supporting commercial uses may be smaller than 3 acres.
- (5) Structures on property abutting the R-5, R-6.5, R-10, RR, HM, and MUR districts require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet and a maximum setback of 25 feet. Garages or vehicle parking accessed from the rear by an alley or shared access easement only need to be setback 5 feet from the rear property line.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Lot coverage for single dwelling units and middle housing development only includes the area of the lot covered by buildings or structures. Lot coverage may be increased by up to 10 percent for residential or mixed-use development in the OP and NC zones that have no garages or driveways, or all garages or parking areas are accessed from the rear by an alley or shared access easement.
- (8) ~~Unless in~~ Heights may be reduced in the Airport Approach Overlay District. See Sections 4.400 to 4.440. Heights may be exceeded for developments located in a Climate Friendly Area overlay district. See Article 14.
- (9) Ten or more multiple-dwelling units require common open space. See Section 8.220.
- (10) The maximum business footprint for supporting commercial uses allowed in IP is 5,000 square feet. The maximum business footprint for convenience-oriented and personal service-oriented retail uses in NC and OP is 5,000 square feet. Convenience-oriented and personal service-oriented retail uses in buildings constructed prior to February 7, 2003, in the NC and OP districts are exempt from the maximum business footprint.
- (11) When adjacent to or across the street from residentially zoned land, the setback must be 1 foot for each foot of building height over 30 ft. Buildings may increase in height ("step" up) as the setback increases. For example, at the minimum setback in LI, a building may be 30 feet tall but may increase in height up to 50 feet when set back 50 feet from the property line.
- (12) Higher structures permitted by Conditional Use approval.
- (13) ~~The maximum building size may be exceeded for non-commercial and non-office uses when the building is multi-story.~~

[Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5742, 7/14/10; Ord. 5768, 12/7/11; Ord. 5842, 1/1/15; Ord. 5923, 2/8/19; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6059,

## SETBACKS

- 4.100 Minimum Standards. All setbacks must meet the minimum standards in Table 4.090-1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area. For residential accessory structures, see ~~also~~ Article 3, Table 3.230-1, Accessory Structure Standards. [Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]
- 4.110 Measurements. Setback distances must be measured perpendicular to all portions of a property line. [Ord. 5555, 2/7/03]
- 4.130 Setback Alternative in Developed Areas. When an addition or new development is proposed in an area containing the same types of uses that were developed to a previous setback standard, the Director or review body may approve setbacks that are the same as those for the existing buildings on the site for additions, or the same as those for buildings on abutting parcels for new development. In such instances, the Type I procedure will be used to process requests, and approval will be based upon the following criteria:
- (1) The area between buildings is sufficient for adequate property maintenance and rear yard access.
  - (2) If there are primary structures on both abutting lots with front setbacks less than the required setback, the proposed front setback for a structure is not less than the average of the abutting structures.
  - (3) If only one abutting property contains a primary structure, the proposed front setback is no less than the setback of the abutting structure on that property.
  - (4) A driveway extending at least 20 feet from the street right-of-way must precede on-site parking spaces or parking structures.
  - (5) For detached dwellings, no wall of a dwelling unit may be closer than 10 feet to a window of another dwelling unit.
  - (6) All other provisions of this Code must be met.
- [Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]
- 4.140 General Exceptions to Setback Requirements. The following may project into required setbacks, provided that they conform to the conditions and limitations indicated:
- (1) Depressed Areas. In any zoning district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls may be ~~located~~ in required setbacks, provided that the devices are not more than 3-1/2 feet tall.
  - (2) Projecting Building Features. The following may project into the required front setback up to 5 feet and into the required side and rear setbacks up to 2 feet:
    - (a) Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways).
    - (b) Chimneys and fireplaces provided they do not exceed 8 feet in width.
    - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures 30 inches or less are not subject to setback provisions).
    - (d) Projecting signs must conform to applicable ordinance requirements. See Article 13, Sign Code.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 6059, 3/14/25]
- 4.150 Zero Lot Line. Any residential dwelling or residential accessory building may be located on the side or rear property line when:
- (1) There are no openings or windows in the wall abutting the property line. Additionally, a setback and maintenance easement must be recorded on the abutting property deed or plat. The width of the easement must be six feet or the width of the required setback of the abutting property, whichever is less. If the abutting property is not subject to a side or rear setback, then no maintenance agreement is required. This easement must be written so it is not revocable without City approval.

## OR

- (2) Two or more dwelling units are attached at the property line and are approved for such in accordance with other provisions of this Code.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 6059, 3/14/25]

4.160 Side and Rear Setbacks for Attached Dwellings Townhouses. The side and rear setback requirement for townhouses is zero where the units adjoin; however, all other setbacks must conform to the requirements of this Code. The setback requirements for residential uses do not apply to a dwelling legally located above a commercial use. [Ord. 5445, 4/12/00; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

4.170 Setbacks and Fencing for Swimming Pools. Swimming pools must conform to the setback regulations for main buildings, except that outdoor swimming pools must be set back at least 10 feet from all side and rear property lines. ~~Also, all~~ swimming pools must be fenced or equipped with electric alarm systems that prevent entry or alarm upon entry. Required pool fencing must be at least four feet tall and have a self-locking gate that closes automatically. [Ord. 6059, 3/14/25]

4.180 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and future street plans include widening or connecting existing streets, or establishing new streets, the placement of all buildings and the establishment of all required setbacks must be in relation to the proposed street right-of-way boundaries. ~~Also, a~~ No building may be erected on a lot that abuts a proposed street right-of-way unless the lot will have the width and depth needed to complete the street width plus the width and depth of the setbacks required on the lot. [Ord. 5742, 7/14/10]

4.200 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways must maintain the setbacks listed from the designated right-of-way in addition to the required setbacks for the zoning district:

| <u>Street/Highway</u>                   | <u>Additional Setback</u> |
|-----------------------------------------|---------------------------|
| Interstate 5                            | 50 feet                   |
| Pacific Boulevard (Hwy. 99E)            | 25 feet                   |
| Santiam Highway (Hwy. 20)               | 25 feet                   |
| Waverly Drive (S. of Santiam Hwy.)      | 10 feet                   |
| Geary Street (Pacific to Grand Prairie) | 10 feet                   |
| Queen Avenue                            | 10 feet                   |

In reviewing development proposals, the review body may require additional noise-mitigating features such as berms, landscaping, fences, or walls within the above-described setback areas.

4.210 Special Setbacks for Religious Institutions, Public and Semi-Public Buildings. Any new construction of a Religious Institution or Public or Semi-Public building, as defined in Article 22, must be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. Stockpiling or storing materials or equipment is not permitted in the required front, side, or rear setbacks. All other setbacks of the district where the property is located apply.

[Ord. 5555, 2/7/03; Ord. 6024, 12/29/23; Ord. 6059, 3/14/25]

4.220 Parking Restrictions in Setback Areas. Parking and loading spaces must not be ~~located~~ in a required setbacks, except:

- (1) Paved driveways provided for single-dwelling unit, duplex, triplex, fourplex, cottage cluster, and townhouse residences.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23; Ord. 6059, 3/14/25]

**HEIGHT**

4.230 Height Standards. See Table 4.090-1 for height restrictions. [Ord. 5555, 2/7/03; Ord. 5947, 1/1/21]

4.240 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height

## EXHIBIT C

limits prescribed in this article, provided that no roof structure, feature, or any other device above the prescribed height limit may be allowed or used for the purpose of providing additional floor space.

- (2) Religious Institutions and Public and Semi-Public Buildings. In zoning districts where churches and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings, provided that a request for such has been noted in the public hearing notice. [Ord. 5555, 2/7/03]

~~[4.250 and 4.260 OFF STREET PARKING AND LOADING REQUIREMENTS moved to Article 9 per Ord 5832, 4/9/14 and Ord. 6018, 6/30/23]~~

***\*\*\* No changes are proposed to Sections 4.270 to 4.440, so those sections are not provided. \*\*\****

## ARTICLE 5

### MIXED USE ZONING DISTRICTS

5.000 Purpose. This article is intended to define the character of Albany's mixed-use zoning districts. The mixed-use zones implement the concepts identified in the Balanced Development Patterns Project (2001) and the Town Center Plan (Central Albany Land Use and Transportation Study, CALUTS, 1996), and Albany's Climate Friendly Areas (2025). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation.

[Ord. 5555, 2/7/03; Ord. 6010, 7/1/23]

5.020 Overview. The mixed-use zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center or mixed-use area. The mixed-use zones differ in permitted uses, development standards, and design based on the unique objectives of each area. Design standards may be adopted to define the unique architectural and streetscape features of each area.

Development may ~~also~~ be subject to the provisions in Article 8, Design Standards; Article 9, On-Site Development and Environmental Standards; and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions of Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts.

The list below is a summary of the topics covered in this article.

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

[Ord. 5673, 6/27/07; Ord. 5894, 10/14/17]

### ZONING DISTRICTS

5.030 Establishment of Mixed-Use Zoning Districts. ~~In order to~~ To implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created:

- (1) HD – HISTORIC DOWNTOWN DISTRICT. The HD district is intended for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, nightlife and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses.
- (2) DMU – DOWNTOWN MIXED-USE DISTRICT. The DMU district is intended for a mix of retail, services, institutions, offices, and housing that supports businesses in and around the Historic Downtown District. Mixed uses are encouraged both horizontally and vertically. High-density residential infill and office employment are both encouraged.
- (3) CB – DOWNTOWN CENTRAL BUSINESS DISTRICT. The CB district is intended for a broad mix of residential and non-residential uses. Mixed uses are encouraged both horizontally and vertically. High-density residential infill is encouraged to support nearby businesses.
- (4) MUR – MIXED-USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents.

- (5) WF – WATERFRONT DISTRICT. The WF district is intended to transition Albany's Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Infill and redevelopment are encouraged, as well as adaptive reuse of existing buildings until the area is redeveloped. Development and design standards will result in great neighborhoods, a pedestrian-friendly environment, and an enhanced community image.
- (6) LE – LYON-ELLSWORTH DISTRICT. The LE district is intended primarily as a location for development that serves the Historic Downtown district and Downtown Central Business district. This district is the most desirable location in the Central Albany area for parking structures with ground-floor commercial uses.
- (7) MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Infill and redevelopment are encouraged provided there is no adverse impact to surrounding residences.
- (8) ES – ELM STREET DISTRICT. The ES district is intended primarily to provide enough land for Albany General Hospital and associated medical uses while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents. Removal of existing residences and landscapes is discouraged. New parking facilities should be underground or completely screened. Only the amount of parking that is necessary should be provided for uses in this district, to minimize the amount of land consumed by parking.
- (9) PB – PACIFIC BOULEVARD DISTRICT. The PB district is intended as an auto-oriented commercial area along Pacific Boulevard in the Central Albany area. Design guidelines and front-yard landscaping will provide a coordinated look and enhance the community image along this major corridor as it develops or redevelops. Commercial infill and redevelopment are encouraged. Sound and visual buffers should be used to protect nearby residential areas.
- (10) MUC – MIXED-USE COMMERCIAL DISTRICT. The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store and may include a mix of smaller retailers, offices, live-work units, and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.
- [Ord. 5556, 2/21/03; Ord. 5577, 7/28/04; Ord. 5555, 2/7/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5832, 4/9/14; Ord. 5894, 10/14/17; Ord. 6018, 6/30/23]

5.040 Establishment of Special-Purpose Districts. Special-purpose districts are overlay districts that may be combined with a major zoning district. The regulations of a special-purpose district are supplementary to the regulations of the underlying major zoning district. The regulations of a special-purpose district and the major zoning district ~~shall~~ both apply to any site that has both designations. Where the regulations and permitted uses of a major zoning district conflict with those of a special purpose district, the more restrictive standards ~~shall~~ apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

| <u>Special Purpose District</u> | <u>Applicable Articles</u> |
|---------------------------------|----------------------------|
| Airport Approach                | Article 4                  |
| Floodplain                      | Article 6                  |
| Wetlands                        | Article 6                  |
| Willamette Greenway             | Article 6                  |
| Hillside Development            | Article 6                  |
| Historic Overlay                | Article 7                  |

[Ord. 5555, 2/7/03; Ord. 6059, 3/14/25]

- 5.045 Relationship to State, Federal and Other Local Regulations. In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations including those in Article 6 – Natural Resource Districts and Article 7 – Historic Overlay District, and those of the Building Division and Fire Department.  
[Ord. 5555, 2/7/03; Ord. 5894, 10/14/17]

### SCHEDULE OF PERMITTED USES

- 5.050 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions ~~shall~~ must be used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are ~~also~~ situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code ~~shall~~ apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan ~~R~~ review, the entire development ~~shall~~ must be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
  - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
  - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

- 5.060 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 5.060-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

- |      |                                                                                                                                                                               |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Y    | Yes; use allowed without review procedures but may be subject to special conditions.                                                                                          |
| S    | Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.                                                               |
| CU   | Use considered conditionally under the provisions of Sections 2.230-2.260 through the Type III procedure.                                                                     |
| CUII | Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260.                                                                     |
| PD   | Use permitted only through Planned Development approval.                                                                                                                      |
| N    | No; use not allowed in the zoning district indicated.                                                                                                                         |
| X/X  | Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use. |

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). These conditions are found following the schedule in Section 5.070.

**Staff Comments:** The following changes to Table 5.060-1 Schedule of Permitted Uses and 5.070 Special Conditions correspond to the uses that must be allowed in the city's designated Climate Friendly Area overlay districts per Oregon Administrative Rules related to the state Climate Friendly and Equitable Communities rules in OAR Division 12. Within Climate Friendly Areas, uses may not require a Conditional Use approval or a Zoning map amendment.

**TABLE 5.060-1  
SCHEDULE OF PERMITTED USES**

| Use Categories (See Article 22 for use category descriptions.)                      | Spec. Cond. | MUC                           | WF                | HD            | DMU        | CB            | LE            | PB         | MS         | ES        | MUR        |
|-------------------------------------------------------------------------------------|-------------|-------------------------------|-------------------|---------------|------------|---------------|---------------|------------|------------|-----------|------------|
| <b>INDUSTRIAL USE CATEGORIES</b>                                                    |             |                               |                   |               |            |               |               |            |            |           |            |
| Contractors and Industrial Services                                                 | 1           | N                             | N/<br>CU-24       | N             | N          | CU            | S             | S          | N          | N         | N          |
| Manufacturing and Production                                                        | 2           | N                             | N/<br>CU-24       | CU-3          | N          | CU-3          | S/CU          | N          | N          | N         | N          |
| Small-scale Manufacturing<br>- less than 5,000 sq. ft.<br>- 5,000 to 10,000 sq. ft. | 2           | S/CU<br>CU                    | S/CU<br>CU        | S/CU<br>CU    | S/CU<br>CU | S/CU<br>CU    | S/CU<br>CU    | S/CU<br>CU | S/CU<br>CU | N<br>N    | N<br>N     |
| Warehousing and Distribution                                                        |             | N                             | N/<br>CU-24       | N             | N          | N             | N             | N          | N          | N         | N          |
| Waste and Recycling                                                                 |             | N                             | N                 | N             | N          | N             | N             | N          | N          | N         | N          |
| Wholesale Sales                                                                     |             | N                             | N/<br>CU-24       | N             | N          | CU            | N             | N          | N          | N         | N          |
| <b>COMMERCIAL USE CATEGORIES</b>                                                    |             |                               |                   |               |            |               |               |            |            |           |            |
| Adult Entertainment                                                                 | 4           | N                             | N                 | S             | S          | S             | N             | N          | N          | N         | N          |
| Entertainment and Recreation<br>Indoor<br>Outdoor                                   |             | S-5<br>CU                     | S-5/CU-24<br>CU-6 | S<br>N        | S<br>N     | S<br>CU-6     | S<br>N        | S-5<br>S   | S-5<br>N   | S-5<br>N  | CU-26<br>N |
| Offices: Traditional<br>Industrial                                                  |             | S<br>CU                       | S<br>S            | S<br>S        | S<br>S     | S<br>S        | S<br>S        | S<br>S     | S<br>S     | S<br>N    | S-26<br>N  |
| Parking                                                                             |             | S                             | CU                | CU            | CU         | CU            | S             | S          | S          | CU-7      | CU         |
| Recreational Vehicle Park                                                           |             | N                             | N                 | N             | N          | N             | N             | N          | N          | N         | N          |
| Restaurants, no drive-thru<br><u>Restaurants</u> with drive-thru or mostly delivery | 23          | S<br>CU                       | S<br>N            | S<br>N        | S<br>N     | S<br>N        | S<br>S        | S<br>S     | S<br>N     | CUII<br>N | S-26<br>N  |
| Retail Sales and Service                                                            |             | S-8                           | S-8/<br>CU-24     | S-8           | S-8        | S             | S             | S          | S-8        | S-8       | S-8/26     |
| Self-Serve Storage                                                                  | 9           | N                             | N                 | N             | N          | N             | N             | N          | N          | N         | N          |
| Taverns, Bars, Brewpubs, Nightclubs                                                 | 23          | CUII                          | CUII              | S             | S/CUII-25  | S/CUII-25     | S             | S          | CUII       | CU        | CUII-26    |
| Vehicle Repair                                                                      |             | N                             | N/ CU-24          | N             | N          | CU            | N             | S          | N          | N         | N          |
| Vehicle Service, Quick (gas/oil/wash)                                               |             | S                             | N                 | N             | N          | N             | N             | S          | S          | S         | N          |
| <b>INSTITUTIONAL USE CATEGORIES</b>                                                 |             |                               |                   |               |            |               |               |            |            |           |            |
| Basic Utilities                                                                     | 10          | CU                            | CU                | CU            | CU         | CU            | CU            | CU         | CU         | CU        | CU         |
| Daycare Facility                                                                    |             | S                             | S                 | S             | S          | S             | N             | CU         | S          | S         | S          |
| Community Services                                                                  | 11          | <del>CU/S-</del><br><u>11</u> | CU                | S-11          | S-11       | S-11          | S-11          | S-11       | S-11       | S-11      | CU         |
| Educational Institutions                                                            | 12          | <del>CU/S-</del><br><u>12</u> | CU                | <del>CU</del> | CU         | <del>CU</del> | <del>CU</del> | N          | CU         | CU        | CU         |
| Hospitals                                                                           |             | N                             | CU                | CU            | CU         | S             | S             | CU         | N          | CU        | CU         |
| Jails & Detention Facilities                                                        |             | N                             | N                 | N             | N          | N             | N             | N          | N          | N         | N          |
| Parks, Open Areas, and Cemeteries                                                   | 13          | CU/ <u>S</u>                  | CU                | <del>CU</del> | CU         | <del>CU</del> | <del>CU</del> | CU         | CU         | CU        | CU         |

# EXHIBIT C

| Use Categories (See Article 22 for use category descriptions.)   | Spec. Cond.    | MUC  | WF   | HD                       | DMU    | CB     | LE                    | PB   | MS     | ES     | MUR  |
|------------------------------------------------------------------|----------------|------|------|--------------------------|--------|--------|-----------------------|------|--------|--------|------|
| Religious Institutions                                           | 12             | CU   | CU   | CU                       | CU     | S      | S                     | CU   | CU     | CU     | CU   |
| <b>RESIDENTIAL USES</b>                                          |                |      |      |                          |        |        |                       |      |        |        |      |
| Residential Care or Treatment Facility                           | 14             | S    | CU   | S                        | S      | S      | S                     | N    | S      | S      | S    |
| Assisted Living Facility                                         |                | S    | CU   | CU                       | CU     | CU     | CU                    | CU   | CU     | CU     | S    |
| Single-Dwelling Unit (SDU)                                       | 15, 27         | Y-17 | N    | N/Y-16                   | N/Y-16 | N/Y-16 | N/Y-16                | N    | N      | N/Y-16 | Y    |
| Duplex                                                           | 15, 28, 29, 30 | Y-17 | S-16 | N                        | S-16   | S-16   | Y                     | N    | N      | CU     | Y    |
| Townhouse                                                        | 15, 28, 29     | Y-17 | S-16 | <del>N</del> <u>S-17</u> | S-16   | S-16   | <del>N</del> <u>S</u> | N    | N      | CU     | Y    |
| Triplex or Fourplex                                              | 15, 28, 29, 30 | Y-17 | S-17 | N                        | S-17   | S-17   | S                     | N    | CU     | CU     | Y    |
| Cottage Cluster                                                  |                | Y-17 | N    | N                        | S      | N      | N                     | N    | N      | N      | Y    |
| Multiple-Dwelling Units                                          | 27, 28, 29, 30 | S-17 | S-17 | <del>N</del> <u>S-17</u> | S-17   | S-17   | S                     | N    | CU     | CU     | S    |
| Units Above or Attached to a Business                            | 27, 28, 29     | S-17 | S    | S-17                     | S      | S      | S                     | S    | S      | S      | S    |
| Home Business (See 3.090-3.180 to determine if CU.)              |                | Y/CU | Y/CU | Y/CU                     | Y/CU   | Y/CU   | Y/CU                  | Y/CU | Y/CU   | Y/CU   | Y/CU |
| Residential Accessory Buildings                                  | 18             | Y/S  | Y/S  | Y/S                      | Y/S    | Y/S    | CUII                  | N    | Y/CUII | Y/CUII | Y/S  |
| <b>OTHER USE CATEGORIES</b>                                      |                |      |      |                          |        |        |                       |      |        |        |      |
| Agriculture (on Vacant Land)                                     | 19             | N    | N    | N                        | N      | N      | N                     | N    | N      | N      | N    |
| Satellite Dish, Other Antennas, & Communication Facility <50 ft. | 20             | Y    | Y    | Y                        | Y      | Y      | Y                     | Y    | Y      | Y      | Y    |
| Communication Facility >= 50 ft.                                 | 21             | CU   | N    | N                        | N      | CU     | CU                    | CU   | N      | CU     | N    |
| Kennels                                                          | 22             | N    | N    | N                        | N      | N      | N                     | N    | N      | N      | N    |
| Non-Res'l Accessory Buildings, larger than 750 sq. ft.           |                | S    | S    | S                        | S      | S      | S                     | S    | S      | S      | S    |
| Passenger Terminals                                              |                | CU   | N    | CU                       | CU     | CU     | CU                    | S    | CU     | N      | N    |
| Rail And Utility Corridors                                       |                | CU   | CU   | N                        | N      | CU     | CU                    | CU   | CU     | CU     | N    |

Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CU = Conditional Use review required, Type III procedure

S = Site Plan Review required

CUII = Conditional Use review required, Type II procedure

[Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07;

Ord. 5728, 1/27/10; Ord. 5742, 7/14/10; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 2010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

## SPECIAL CONDITIONS

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

- (1) Contractors and Industrial Service Uses in CB, LE and PB zones.
  - (a) Limited Uses in CB, LE and PB zones. Salvage or wrecking operations are prohibited. See Section 5.360 for outside storage standards by zone.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may further limit the placement of certain uses in some districts. Developments on sites located within 300 feet of residentially zoned land may require a Conditional Use approval.
- (3) Manufacturing and Production in the CB and HD zones.
  - (a) Limited uses in the CB zone. The following manufacturing and production uses are prohibited in the CB zone: slaughterhouses, meat packing, and concrete and asphalt production.
  - (b) Limited uses in the HD zone. Expansion of existing Small-Scale Manufacturing uses into more than 10,000 square feet of floor area is allowed with a Conditional Use approval, subject to the following limitations. All other manufacturing and production uses are prohibited.
    - i. Retail must be included as an accessory use.
    - ii. The Small-Scale Manufacturing Use must have occupied the space for at least 12 months prior to applying to expand.
    - iii. The use must occupy no more than 30,000 square feet of floor area on the first story.
- (4) Adult Entertainment.
  - (a) An adult entertainment use or store may not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
  - (b) An adult entertainment use may not be established or expanded within 300 feet of any other adult entertainment use.
  - (c) An adult entertainment use may not be established or expanded within 300 feet of the property line of a church, school, or public park.
  - (d) Exceptions to the above may be considered by the Major Variance procedures.
- (5) Indoor Entertainment and Recreation in the WF, PB, MS, ES and MUC zones.
  - (a) Limited Uses in PB and MUC. The following indoor entertainment and recreation uses are prohibited in PB and MUC: movie theaters, indoor firing ranges, paint gun, coliseums, stadiums, and similar facilities.
  - (b) Limited Uses in MS and ES. Only the following indoor entertainment and recreation uses are allowed in MS and ES: athletic or exercise facilities, bowling alleys, skating rinks, pool halls, games, amusements, arcades and uses with similar impacts. All other indoor entertainment and recreation uses are prohibited.
  - (c) Limited Uses in WF. The following indoor entertainment and recreation uses are prohibited in WF, except as specified for Special Status sites pursuant to ADC Section 5.085: indoor firing ranges, coliseums, stadiums and similar facilities.
- (6) Outdoor Entertainment and Recreation in the CB zone.
  - (a) Conditional Uses in CB and WF. The following Outdoor Entertainment and Recreation uses are allowed with a Conditional Use approval: tennis courts, miniature golf, skateboard parks and similar uses. All other uses in the Outdoor Entertainment and Recreation use category are prohibited.
- (7) Parking Facility in the ES zone.
  - (a) Limited Uses. Parking that is provided for a primary use on the same or adjacent property is allowed. Fee parking for people not connected to the primary use is limited to parking structures.
- (8) Retail Sales and Service in the MS, ES, HD, WF, DMU, MUC and MUR zones.
  - (a) Limited Uses in MS, ES, and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and

personal service-oriented commercial uses.

- (b) Limited Uses in MUC. The following retail uses are prohibited: sale, leasing, and rental of vehicles and trucks; hotels and motels.
  - (c) Limited Uses in HD, WF, and DMU zones. The following retail uses are prohibited, except as specified for Special Status sites pursuant to ADC Section 5.085: sale, leasing, and rental of vehicles and trucks.
- (9) Self-Serve Storage. These facilities are subject to the following standards:
- (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
  - (b) The maximum storage unit size is 1,000 square feet.
  - (c) All outdoor lighting must be shielded to prevent glare and reflection on adjacent properties.
  - (d) Repair of autos, boats, motors and furniture and storage of flammable materials are prohibited on the premises, and rental contracts must so specify.
- (10) Basic Utilities. In all mixed-use village center zones, new regional/community utilities including treatment plants, major power generation and storage facilities, major overhead power lines requiring tower support structures, and utilities with potential visual or off-site impacts are prohibited. All other Basic Utilities are considered through the Conditional Use review.
- (11) Community Services. Government facilities that provide direct public services on site (examples: libraries, city hall) are permitted through Site Plan review in Albany's Climate Friendly Area overlay districts where indicated by base zone. Community Service uses that may have significant off-site impacts like noise or traffic, such as public swimming pools, public safety facilities, and homeless shelters may be considered through the Conditional Use process. Applications for emergency shelters sited under ORS 197.782 and ORS 197.783 are not a land use decision.
- (12) Educational Institutions are permitted through Site Plan review on property located in one of Albany's Climate Friendly Area (CFA) overlay districts. New educational or religious institutions outside of CFA overlay districts require a Conditional Use (CU) Approval unless permitted through Site Plan review. Land Use approval for Religious and Educational Institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.
- Expansion of an educational or religious institution must be reviewed through either the Site Plan review process or when these uses require CU approval, through the Conditional Use Type II procedure. An expansion includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities.
- An educational institution having a capacity greater than 25 students must have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (13) Public park development in Climate Friendly Area (CFA) overlay districts is permitted through Site Plan review. Public park development activity outside of CFA overlay districts that is subject to Conditional Use review includes major development; expansions of activities and development within parks which currently generate or will generate substantial traffic; or construction of major structures and facilities such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.
- (14) Residential Care or Treatment Facility. A residential care facility (six or more residents) requires a Site Plan ~~R~~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-dwelling unit residences.

(15) Single-Dwelling Units, Townhouses, Triplexes, Fourplexes, and Duplexes.

- (a) Single-dwelling, townhouse, triplex, fourplex, and duplex units that were legally constructed before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5.080.
  - (b) In CB, ES, HD, DMU, and LE: Buildings originally built as a single-dwelling unit, house, or church may be converted to a single dwelling unit residential use without requiring a land use application. In HD all other single dwelling units and middle housing, except townhouses that comply with the standards in Article 14, are prohibited.
  - (c) ~~In CB, WF, and DMU: Townhouses, triplexes, fourplexes, and duplexes with driveways that meet the standards in ADC 8.150(1) are permitted subject to Site Plan Review. An Adjustment may be requested for units with driveways that do not meet the standards in ADC 8.150 (1).~~
- (16) Single Dwelling Unit with One Accessory Dwelling Unit or Single Room Occupancy Unit. Where single-dwelling units are permitted outright, one accessory dwelling unit (ADU) or one Single Room Occupancy (SRO) Unit may be allowed on each lot that has one legally established single-dwelling unit, called the “primary residence”.

(a) Accessory Dwelling Units. Accessory dwelling units must meet the following standards:

- i. The size of an ADU may not exceed 900 square feet. (Note: ADU's greater than 900 square feet that were legally constructed before July 1, 2007, may remain.) If the primary Dwelling Unit is less than or equal to 900 square feet, the ADU must be at least 25 square feet less than the primary dwelling unit.
- ii. The lot was legally established.
- iii. The front door of an ADU may not be located on the same façade as the front door of the primary dwelling unless the door already exists or the wall that contains the ADU front door is set back at least five feet from the front facade of the primary dwelling unit.
- iv. Exterior additions must substantially match the existing materials, colors, and finish of the primary dwelling unit.
- v. All required building permits must be obtained. If the primary dwelling unit is on the Local Historic Inventory, historic review may be required per Article 7.
- vi. The front setback must be greater than or equal to the location of the front wall of the primary dwelling unit. All other setbacks must meet the requirements of the zone.
- vii. Conversion of an Existing Building to an ADU. An existing accessory structure that was legally established prior to March 14, 2025, may be converted into an ADU, provided; the conversion does not increase the nonconformity of the structure and complies with applicable building codes.

(b) Single Room Occupancy (SRO) Unit. The SRO Unit must meet the following standards:

- i. The SRO Unit must be located interior to the primary dwelling-unit.
- ii. The SRO Unit must share a kitchen with the primary dwelling unit and must not contain food preparation facilities.
- iii. The SRO Unit must have an interior door connecting to the primary dwelling unit and may have an exterior door located in the rear yard.
- iv. The SRO Unit must not operate independently of the primary dwelling unit unless converted to an accessory dwelling unit after all required building permits have been obtained.

(17) Residential Development in CB, WF, DMU, HD, and MUC.

- (a) In MUC, residential development must develop at a minimum gross net density of 10 units an acre; however, development in a Climate Friendly Area (CFA) overlay district must meet the minimum density standards specified in Article 14. Residences above a business or office are exempt from meeting the minimum density. In MUC districts located east of interstate 5, new development of Residential Use Categories is only permitted in conjunction with a primary use from the Commercial or Institutional Use Categories unless located in a CFA overlay district. The new residential use must be in the same building or on the same property

as the primary non-residential use.

- (b) In HD, townhouses are permitted when vehicular access to garages or parking, if provided, is from the rear of the dwelling unit. Multiple dwelling units are permitted above or attached to a business subject to the standards in Section 14.050. ~~are limited as follows.~~ For the purposes of this section, the non-residential portion of a live/work dwelling unit is regulated as part of the dwelling unit and subject to all of the standards below.

- i. Units above a business: Dwelling units on the second story or above are permitted.
- ii. Units behind a business: Dwelling units on the first story that are separated from the front lot line by a non-residential use are permitted. The non-residential use may be located within the same building or in another building.
- iii. Units attached to a business on a multiple frontage lot: On a lot with three or more street frontages, dwelling units are permitted on the first story facing a street line that is considered an interior lot line pursuant to the definition of front lot line in Article 22; however, in no case shall first-story dwelling units face onto First or Second Avenue. Street-facing first-story dwelling units shall meet all applicable setbacks and design standards in Articles 5 and 8 as if the street line that the units are facing were a front lot line.

~~All other units above or attached to a business are prohibited.~~

- (c) In CB, triplexes, fourplexes, townhouses, and multiple dwelling units are permitted when vehicular access to garages and parking, if provided, is from the rear of the dwelling unit. Development is subject to minimum density and siting standards in Article 14.

- ~~(e)(d) In CB, WF, and DMU, triplexes, fourplexes, and multiple dwelling family units with individual driveways that meet the standards of 8.150(1) are permitted subject to Site Plan Review. An Adjustment may be requested for units with driveways that do not meet the standards in ADC 8.150 (1).~~

- (18) Residential Accessory Buildings. Accessory buildings are permitted outright in MUC, MUR, WF, HD, DMU, CB, ES, LE, and MS 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 12 feet tall.
- (b) All other residential accessory buildings require a Site Plan Review in MUC, MUR, HD, DMU, CB, and WF, and are considered through a Conditional Use Type II review in ES, LE, and MS. [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.]
- (c) Accessory buildings over 100 square feet proposed on property in a National Register of Historic District or on the National Register of Historic Places require historic review. See Article 7 for the review process and criteria.

Accessory dwelling units: See Special Condition 16.

- (19) Agriculture. All agricultural uses in existence before December 11, 2002, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. Regulations governing the keeping of animals/livestock area found in the Albany Municipal Code Title 6. [Ord. 5742, 7/14/10]

- (20) Communication Facility Placement Standards. The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet of a rooftop is permitted outright in all districts subject to the following standards and those found in Section 8.500:

- (a) No antennas, antenna supports, satellite dishes or monopoles must be located within any front yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter and located within 10 feet of a residential lot line or visible from a public street, must be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
- (c) Antennas used to display sign messages must conform to all district sign regulations in addition to the above.
- (d) Antennas, satellite dishes, monopoles, and other communication structures less than 50 feet in

- height, when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above, may be considered through a Conditional Use review, Type II process.
- (21) Communication towers and poles at least 50 feet in height when measured from the ground or over 15 feet above a rooftop, may be considered through a Conditional Use review, Type II process. No communication structure is allowed in any front setback. Article 8 for telecommunication facility design standards ~~also~~ apply.
  - (22) Kennels. Kennels do not include indoor veterinary hospital kennels.
  - (23) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.
  - (24) Additional uses for Special Status List sites in the WF zone. Limited additional uses may be considered through the Conditional Use process for Special Status List sites, pursuant to ADC Section 5.085.
  - (25) Developments on sites located within 300 feet of residentially zoned land require a Type II Conditional Use approval.
  - (26) Non-residential uses in MUR. In MUR districts located east of Interstate 5, new development of uses in nonresidential Use Categories is only permitted in conjunction with a primary use from the Residential Use Categories. The new non-residential use must be in the same building or on the same property as the primary Residential Use.
  - (27) One Single Room Occupancy (SRO) Development with no less than four and no more than six individual SRO units is permitted outright per property zoned to allow ~~for~~ single dwelling units. SRO development is also permitted through Site Plan ~~R~~review as a multiple dwelling unit development, but each individual SRO unit is considered 0.5 dwelling units when calculating density.
  - (28) Housing. Affordable housing and conversion of buildings or portion of buildings in commercial use to housing will be permitted through Site Plan ~~R~~review when the following standards are met.
    - (a) Affordable housing as defined in (b) is permitted on property zoned for commercial uses, religious assembly, or public lands OR is owned by one of the following:
      - i. A local, state, or special government or public body, as defined in ORS Chapter 174; or
      - ii. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
      - iii. A housing authority as defined in ORS 456.005; or
      - iv. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
    - (b) As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either i, ii, or iii below.
      - i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
      - ii. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
      - iii. A manufactured dwelling park that serves only households with incomes of 120 percent or less of the AMI.
    - (c) A building or portion of a building in commercial use may be converted to ~~a~~ residential use.
    - (d) The residential uses described in (a) through (c) above are permitted on property zoned EMP, IP or LI only if the property is:
      - i. Publicly owned; and
      - ii. Adjacent to lands zoned for residential uses or schools.
    - (e) Does not apply on lands zoned HI or where:
      - i. The development cannot be adequately served by water, sewer, storm water drainage or streets; or

- ii. The property contains a slope of 25 percent or greater; or
  - iii. The property is within a 100-year floodplain; or
  - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.
- (f) Height Bonus. An affordable housing development proposal that meets the standards in this special condition and is located outside of a National Register historic district, will be granted the following height bonuses as applicable.

| Maximum Zone Heights:     | Height Increase Allowance |
|---------------------------|---------------------------|
| Less than 50 feet         | Up to 12 feet             |
| 50 feet to 75 feet        | Up to 24 feet             |
| More than 75 feet or None | Up to 36 feet             |

- (29) Commercial Land for Affordable Housing. Per ORS 197A.460, affordable housing development subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 is permitted through Site Plan Review when the following standards are met.
- (a) Each unit is affordable to a household with income less than or equal to 60 percent of the area median income (AMI) as defined in ORS 456.270; or
  - (b) Mixed use structures with ground floor commercial units. All residential units are made affordable to moderate income households with incomes between 80 and 120 percent of the AMI, as defined in ORS 456.270.
  - (c) Affordable housing per this section is only permitted on land that has been in the city's Urban Growth Boundary for at least 15 years and does not apply on vacant land or on lands where the city determines:
    - i. The development cannot be adequately served by water, sewer, storm water drainage or streets;
    - ii. The property contains a slope of 25 percent or greater;
    - iii. The property is within a 100-year floodplain; or
    - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: Natural disasters and hazards; or Natural resources, including air, water, land or natural areas, but not including open spaces.
- (30) For the purposes of this code, Non-Property Line Separated Townhouses constructed under the Oregon Residential Specialty Code have the same meaning.

[Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5728, 1/27/10; Ord. 5767, 12/7/11; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6018, 6/30/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

## SPECIAL STATUS

### 5.080 Existing Single-Dwelling Unit, Townhouse, and Duplex Uses Granted Special Status.

Single-Dwelling Unit Detached, Townhouse, and Duplex Dwellings. Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), all single-dwelling unit detached, townhouse, and duplex dwellings legally established before January 1, 2002, ~~shall~~ must be deemed to be conforming to the base zoning district. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, it may be rebuilt to the same density, size (square feet) and setbacks as existed on the property at the time it was destroyed but will be subject to the regulations of any applicable overlay zone. If any single-dwelling unit detached, townhouse, or duplex dwelling is converted to non-residential use, the special status granted here is rescinded, and the use of the property ~~shall~~ must thereafter conform to the requirements of Article 5. The special status granted herein ~~shall~~ must be lost if is determined that the residence was not legally established prior to January 1, 2002.

[Ord. 5789, 10/10/12; Ord. 5555, 2/7/03, Ord. 5635, 1/11/06; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

5.085 Special Status List properties in the WF Zone. The regulations below apply to properties on the Special Status List in the Waterfront (WF) zoning district. The Special Status List is maintained by the Community Development Director.

- (1) Purpose. The purpose of the Special Status List is to recognize existing buildings in the WF zone that pre-date the current zoning (applied in 2006) that were typically designed for industrial uses and may not readily convert to non-industrial uses permitted in the WF zone. Special standards are imposed to ensure that the additional industrial and commercial uses permitted on these sites because of their special status listing do not detract from the desirability of existing or future residential uses in the Waterfront zone and to encourage conversion of Special Status List sites to permitted uses.
- (2) Additional uses. The Industrial and Commercial uses listed in (a) through (f), below, will be considered through the Conditional Use process for Special Status List sites. Any lawfully established use not listed below and not otherwise permitted in the WF zone ~~shall~~ must be regulated as a non-conforming use, pursuant to ADC Sections 2.300-2.370.
  - (a) Contractors and Industrial Services: Salvage or wrecking operations and dry-cleaning plants are prohibited. All other Industrial Services may be considered through a Conditional Use review.
  - (b) Manufacturing and Production: Slaughterhouses, meat packing, and concrete and asphalt production are prohibited. All other manufacturing and production uses may be considered through a Conditional Use review.
  - (c) Warehousing and Distribution: Only storage and warehousing uses may be considered through a Conditional Use review. All other warehousing and distribution uses are prohibited.
  - (d) Wholesale sales: All wholesale sale uses may be considered through a Conditional Use review.
  - (e) Indoor Entertainment and Recreation: indoor firing ranges may be considered through a Conditional Use review. For all other Indoor Entertainment and Recreation uses, see Table 5.060-1.
  - (f) Retail Sales and Service: sales and leasing of consumer vehicles may be considered through a Conditional Use review. All other retail sales and service uses are permitted through Site Plan ~~R~~review approval.
  - (g) Vehicle Repair: All vehicle repair uses may be considered through a Conditional Use review.
- (3) Special Standards. The uses listed in (2), above, are subject to the following special standards:
  - (a) All activities associated with the use must be fully enclosed within a building, except for parking and loading, employee break areas, and outside storage or display in conformance with ADC Section 5.360. Storage and warehousing as a primary use must be enclosed within a building.
  - (b) Uses are limited to the square footage of the existing building(s) on site, plus up to a 50 percent expansion, in total, from the size as of the effective date of the WF zone (1/11/06).
  - (c) Existing buildings may be expanded, remodeled and rebuilt, up to the limits in (b), above. All expansions, remodels, and redevelopment are subject to current development standards.
- (4) Review Procedures. Changes of use and modifications to Special Status list sites ~~shall~~ must be reviewed as follows:
  - (a) An existing use lawfully established prior to the effective date of the WF zone (1/11/06) does not require a Conditional Use review to continue operations within an existing building and ~~shall~~ must not be considered a non-conforming use.
  - (b) A site modification or expansion of less than 15 percent of the square footage of the existing building(s) that does not include a change of use ~~shall~~ must be reviewed as a Type II Conditional Use, subject to the standards in (3), above, except as excluded under ADC Section 1.105.
  - (c) A change of use to a different use listed in (2), above, or an expansion of 15 percent or more of the square footage of the existing building(s), up to the limits in (3)(b), above, ~~shall~~ must be reviewed as a Type III Conditional Use, subject to the standards in (3), above.

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

[Special Status List moved out of ADC; Ord. 5894, 10/10/12]

## HOME BUSINESS STANDARDS

- 5.087 Home Businesses. See Article 3, Residential Zoning Districts, Sections 3.090 to 3.160, for home business standards.  
[Ord. 5555, 2/7/03; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

## DEVELOPMENT STANDARDS

- 5.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; site intensity, building mass and open space. The standards also promote energy conservation, needed privacy, and safe and efficient parking areas for new development; and improve the general living environment and economic life of a development. Table 5.090-1 summarizes the basic development standards. It should be used with the sections immediately following the table, which addresses special circumstances and exceptions. Additional design standards are located in Article 8.

**TABLE 5.090-1  
MIXED-USE VILLAGE CENTER DEVELOPMENT STANDARDS**

| STANDARD                                                                 | MUC               | WF               | HD              | DMU               | CB                | LE                  | PB                | MS                | ES              | MUR             |
|--------------------------------------------------------------------------|-------------------|------------------|-----------------|-------------------|-------------------|---------------------|-------------------|-------------------|-----------------|-----------------|
| <b>Minimum Lot Size or Area Requirement (sq.ft.) (3) (21) (24)</b>       |                   |                  |                 |                   |                   |                     |                   |                   |                 |                 |
| Single-Dwelling Unit detached (20)(21)                                   | None              | None             | None            | None              | None              | N/A                 | N/A               | N/A               | 5,000           | None            |
| Townhouse, Per lot (21)                                                  | None              | 1,600            | N/A             | None              | None              | N/A                 | N/A               | None              | None            | None            |
| Duplex (21)                                                              | None              | 3,600            | N/A             | None              | None              | None                | N/A               | N/A               | 7,000           | None            |
| Triplex and Fourplex                                                     | None              | N/A              | N/A             | None              | N/A               | None                | N/A               | None              | None            | (22)            |
| Cottage Cluster (21)                                                     | None              | N/A              | N/A             | 7,000             | N/A               | N/A                 | N/A               | N/A               | N/A             | 7,000           |
| Multiple-Dwelling Unit (21)                                              | None              | 1,600/u          | N/A             | None              | None              | None                | 1,600/u           | 1,600/u           | 3,300/u         | 1,600/u         |
| All other uses                                                           | 6,000             | 5,000            | 1,000           | 1,000             | 1,000             | 2,000               | 15,000            | 6,000             | 5,000           | 10,000          |
| <b>Maximum Building Size (sq. ft.) (16)</b>                              |                   |                  |                 |                   |                   |                     |                   |                   |                 |                 |
| <del>Non-grocery (16)</del>                                              | <del>20,000</del> | <del>None</del>  | <del>None</del> | <del>None</del>   | <del>None</del>   | <del>None</del>     | <del>None</del>   | <del>None</del>   | <del>None</del> | <del>None</del> |
| Grocery-anchored                                                         | 80,000<br>(13)    | None             | None            | None              | None              | None                | None              | None              | None            | None            |
| <b>Maximum <del>Business</del>-Building Footprint (sq. ft.) (16)(17)</b> |                   |                  |                 |                   |                   |                     |                   |                   |                 |                 |
| Non-grocery (16)                                                         | <del>20,000</del> | None             | None            | None              | None              | None                | <del>25,000</del> | <del>40,000</del> | 10,000          | 10,000          |
| Grocery-anchored (13)                                                    | 80,000<br>(13)    | None             | None            | None              | None              | None                | 60,000            | 60,000            | 60,000          | 60,000          |
| <b>Lot Width, minimum</b>                                                | None              | None             | 20'             | None              | None              | 20'                 | None              | None              | None            | None            |
| <b>Lot Depth, minimum</b>                                                | None              | None             | 50'             | None              | None              | 50'                 | None              | None              | None            | None            |
| <b>Landscaped Area (24)</b>                                              | 100% (2)          | None             | None            | None              | None              | 100% (2)            | 100% (2)          | 100% (2)          | 100% (2)        | 100% (2)        |
| <b>Minimum Open Space</b>                                                | (12)              | (12)             | (12)            | (12)              | (12)              | (12)                | (12)              | (12)              | (12)            | (12)            |
| <b>Maximum Front Setbacks: (10)(24)</b>                                  | 10' (15)          | 5'/15' (18)      | 0'              | 5'/15' (18)       | 5'/15' (18)       | <del>20'</del> None | 20'               | 10'               | 10'             | 20'             |
| <b>Minimum Setbacks: (24)(17)</b>                                        |                   |                  |                 |                   |                   |                     |                   |                   |                 |                 |
| Front (5) (14) (17)                                                      | 5'                | 0'               | 0'              | 0'                | 0'                | 0'                  | 5'                | 5'                | 5'              | 15'             |
| <del>Interior</del> Side and rear (5) (14) (17)                          | (11)(4)           | 0' (1)(4)        | 0'(4)           | 0' (1) (4)        | 0' (1) (4)        | (4)                 | (4)               | (1)(4)            | 5'              | 10'(11)         |
| Garage Entrance (9)                                                      | 20' (8)           | 5' or 20' (8)(7) | None            | 5' or 20' (8) (7) | 5' or 20' (8) (7) | 20'                 | 20'               | 20'(8)            | 20'             | 20'             |
| <b>Height, maximum (23)</b>                                              | 85'               | 55'              | 85' (19)        | 85' (19)          | 65'               | 60'                 | 50'               | 50'               | 50'             | 45'             |
| <b>Lot Coverage, maximum (6)(24)(17)</b>                                 | 80%               | 100%             | 100%            | 100%              | 100%              | 100%                | 80%               | 90%               | 80%             | 70%             |

“N/A” means not applicable. “None” means there is no requirement under Article 5 (other standards may apply). “0” means

that the minimum or maximum is zero.

- (1) Single-dwelling unit detached homes, townhouses, and duplexes, where permitted, must have a 3-foot ~~interior~~ side and rear setback for single-story buildings, and a five-foot ~~interior~~ side and rear setback for two-or more story buildings. See Sections 5.150 and 5.160 for zero lot line options and townhouses.
- (2) All yards adjacent to streets. Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas.
- (3) Lots with alley access may be up to 10 percent smaller than the minimum lot size for the zone.
- (4) See ADC Section 5.115 for special ~~interior~~ setback standards abutting residential zones and uses.
- (5) Minimum front, ~~and interior~~ side, and rear setbacks are not required for buildings abutting railroad rights-of-way; Setbacks for cottage clusters are in Section 5.092.
- (6) Achievement of maximum lot coverage is subject to meeting all other standards of the ADC, including, but not limited to, landscaping, buffering and setback requirements. Lot coverage for single-dwelling unit detached and middle housing development ~~shall~~ must only include the area of the lot covered by buildings or structures. Lot coverage for townhouses is calculated based on the overall townhouse project, which includes the townhouse structure(s) together with the development site, including any commonly owned property; Cottage clusters are exempt from maximum lot coverage standards.
- (7) To prevent parked vehicles from intruding in the right-of-way, garage entrances ~~shall~~ must be set back five feet or at least 20 feet. A setback of more than 5 feet and less than 20 feet is not permitted. Garage entrances may not be located closer to the front lot line than the front façade of the building.
- (8) Garage setback for non-vehicle entrance must conform to the requirements for ~~interior~~ side and rear setbacks.
- (9) For garages with alley access, see Table 5.100-1.
- (10) The maximum setback may be increased with the condition that 100 percent of the increased setback is used for pedestrian amenities associated with the building use, such as patio dining for a restaurant, sidewalk café, plaza, or courtyard; or to accommodate changes in elevation due to road and site grading or natural slopes. See ADC Section 5.120 for additional exceptions and calculation methodology for the HD, CB, DMU, and WF zoning districts.
- (11) In MUC and MUR, single-dwelling unit detached homes and middle housing must have a 3-foot ~~interior~~ side and rear setback for single-story buildings, and a five-foot ~~interior~~ side and rear setback for two-story buildings. See Section 5.150 and 5.160 for zero lot line options and attached dwellings units.
- (12) Ten or more residential multiple-dwelling units require common open space. See Section 8.220.
- (13) The building ~~and business~~ footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50 percent) of the total square footage. This footprint may include one or more businesses or attached buildings. For purposes of this section, a grocery store is defined as a business that sells primarily food and household supplies. Ancillary grocery uses include uses such as pharmacy, bakery, and florist.
- (14) Properties adjacent to the Willamette River see ~~also~~ the Willamette Greenway standards in Sections 5.200 - 5.207 and Sections 6.500-6.560.
- (15) Except for residential development, which has a maximum setback of 25 feet. See Sections 8.200 – 8.305 for multiple dwelling residential design standards.
- (16) The maximum building ~~size~~ footprint ~~and business footprint size~~ may be exceeded for educational institutions, mixed-use developments when the building is multi-story. “Footprint” refers to the amount of area covered by the first floor. Development is permitted and encouraged on upper floors.
- (17) ~~In shopping centers with multiple tenants, “business” refers to each individually leasable space. “Footprint” refers to the amount of area covered by the first floor. Businesses may build on additional floors.~~
- (18) The maximum setback for non-residential and mixed-use development is five feet. The maximum setback for residential development is 15 feet. See ADC Section 5.120 for exceptions and calculation methodology.
- (19) ~~In order to~~ To maintain compatibility with existing historic structures and the character of designated historic districts, maximum building heights in the HD and DMU zones are limited within designated historic districts. Within the Downtown Commercial National Register Historic District (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 65 feet. Within the Hackleman and Monteith National Register Historic Districts (see Article 7, Figure 7.010-1), the maximum building height in the HD and DMU zones is 45 feet.
- (20) Where new single-dwelling unit detached housing is not permitted in a given Mixed Use zone, minimum lot size for single-dwelling unit refers to legally established existing single-dwelling unit uses with special status.
- (21) Section 3.220 bonus provisions may reduce minimum area requirements for residential developments.
- (22) In MUR, in no case ~~shall~~ may the minimum lot size required for a triplex exceed 5,000 square feet, or for a fourplex exceed 7,000 square feet.

- (23) Maximum height for cottage clusters is in Section 5.092.
- (24) In MUC and MUR, if a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot ~~shall~~ apply to the middle housing parent lot, not to the middle housing child lots.
- (25) For the purposes of this code, Non-Property Line Separated Townhouses constructed from the Oregon Residential Specialty Code have the same meaning.

[Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/2003; Ord. 5627, 7/27/05; Ord. 5673, 6/27/07; Ord. 5768, 12/7/2011; Ord. 5842, 1/1/15; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6059, 3/14/25]

5.091 Standards for Townhouses. Where permitted, townhouses must meet the standards below. Townhouses must also meet the applicable design standards in ADC Sections 8.110 through 8.1670.

(1) Number of Attached Dwelling Units.

- (a) Minimum. A townhouse project must contain at least two attached units.
- (b) Maximum. The maximum number of townhouse units that may be attached together to form a group is specified below.
- MUC and MUR districts: maximum of 10 attached units per group
  - Other mixed-use districts: no limit

[Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

5.092 Standards for Cottage Clusters. Where permitted, cottage clusters must meet the standards in subsections (1) through (5) below. Cottage clusters must also meet all of the design standards in ADC Section 8.175.

- (1) Definition. A cottage cluster is a grouping of detached dwelling units (cottages) that includes a common courtyard. All cottages within a single cottage cluster must share a common courtyard. A cottage cluster project may include more than one cluster and more than one common courtyard.
- (2) Minimum Density. The minimum density for a cottage cluster project is 4 units per gross acre, unless a higher minimum density is required in the zoning district.
- (3) Setbacks.
- (a) Front Setback. In zoning districts where the minimum front setback exceeds 10 feet, the minimum front setback to cottages and all other structures is 10 feet.
- (b) Building Separation. Cottages must be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, ~~shall~~ must be in accordance with building code requirements.
- (c) All other setbacks, including to garage or carport entrances, are provided in Tables 5.190-1 and 5.100-1.
- (4) Building Height. The maximum building height for all structures is 25 feet.
- (5) Maximum Footprint. The maximum footprint of each cottage must be less than 900 square feet. Attached garages or carports up to 200 square feet are exempted from the maximum building footprint for each cottage. Detached garages, carports, or accessory structures are not included in the maximum footprint of each cottage.

[Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

## SETBACKS

5.100 Minimum Standards. Primary structures must meet the minimum setback standards in Table 5.090-1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area.

The Accessory Structure Standards (Table 5.100-1) apply to residential accessory structures in the MUR, WF, MS, ES, and MUC districts.

[Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5947, 1/1/21]

### TABLE 5.100-1

## ACCESSORY STRUCTURE STANDARDS

| STRUCTURE                                                                  | SETBACK STANDARD                                                                                                                         |
|----------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| All Accessory Structures                                                   | See Table 5.090-1 for minimum front setbacks.                                                                                            |
| Detached, walls less than or equal to 8 ft. tall                           | Side and rear setback = 3 feet (1)                                                                                                       |
| Detached, walls greater than 8 ft. tall                                    | Side and rear setback = 5 feet                                                                                                           |
| Attached structure                                                         | Side and rear setback = 5 feet                                                                                                           |
| Garage with vehicular access from an alley                                 | Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet<br>Other setbacks, see Table 5.090-1              |
| Structures, including fences, intended for housing animals                 | See AMC 6.10.020                                                                                                                         |
| Fences more than 8 feet tall<br><i>All fences, see 9.360 through 9.380</i> | Fences over 8 feet tall must meet setbacks in Table 5.090-1 by zone, except when permitted along property lines in Sections 9.370(4)(d). |
| Outdoor swimming pools with depths greater than or equal to 24 inches      | Side and rear setback = 10 feet                                                                                                          |
| Decks less than 30 in. off grade, no rails, covers                         | No setback from property line                                                                                                            |
| Decks greater than or equal to 30 in. off grade                            | Side and rear setback = 3 feet                                                                                                           |

- (1) Residential Accessory Structures that are exempt from building permit requirements in the Oregon building codes and not habitable may have a reduced ~~interior~~ side and rear setback of 2 feet with a roof overhang no more than 12 inches.

[Ord. 5445, 4/12/00; Ord. 5673, 6/27/07; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

5.110 Measurements. Setback distances must be measured perpendicular to all portions of a lot line.

5.115 Special side and rear setbacks. ~~In order to~~ To provide compatible transitions to residential zones and uses and to historic buildings, additional side and rear setbacks are required as follows.

- (1) Special setbacks in all Mixed -se Zones except HD, DMU, CB, and WF. Commercial or office buildings abutting residential districts and/or uses require one foot of setback for each foot of wall height with a minimum setback of 10 feet. For developments abutting commercial or industrial districts or uses, no side or rear setback is required.
- (2) Special side and rear setbacks in the HD, DMU, CB and WF zoning districts. New buildings and expansions to existing buildings must provide side and rear setbacks as follows.
  - (a) Setbacks abutting Residential Districts.
    - i. Purpose: To provide for compatible transitions to adjacent neighborhoods.
    - ii. Applicability: Properties in the HD, DMU, CB, and WF zoning districts abutting residential districts listed in Article 3.
    - iii. Standard: The minimum side and rear setback ~~shall~~ must be 10 feet from the lot line abutting the residential zone.
  - (b) Setbacks abutting Historic Residential Buildings.
    - i. Purpose: To respect and respond to the character and scale of recognized historic residential buildings and ensure adequate light and air to such buildings, while allowing reasonable use of abutting properties consistent with the vision for Central Albany.
    - ii. Applicability: Properties in the DMU, CB, and WF zoning districts abutting a historic Landmark, as defined in ADC 7.020 that was originally built for residential use.
    - iii. Standard: For new buildings and expansions that exceed 35 feet in height, the minimum side and rear setback ~~shall~~ must be 5 feet.

[Ord. 5894, 10/14/17; Ord. 6059, 3/14/25]

5.120 Maximum Front Setbacks in HD, CB, DMU and WF. Maximum front setbacks are intended to maintain a

pedestrian-oriented development pattern with buildings close to the street. The following setback standards apply to new buildings and expansions and modifications of existing buildings in the HD, CB, DMU, and WF zoning districts. Setbacks for multiple dwelling unit developments in all other zones are subject to the setbacks in ADC 8.240. Commercial and institutional development within the Village Center Comprehensive Plan designation or in a Climate Friendly Area overlay district are subject to the maximum setback standards in Section 8.420. [Ord. 5894, 10/14/17]

(1) Non-residential and mixed-use development in the HD, CB, DMU and WF zoning districts:

- (a) Regulated façade: any façade between grade and the top of the first story of the building that faces toward or within 45 degrees of a front lot line, with the exceptions below. See definition of front lot line in Article 22 for application on lots with multiple frontages; however, a lot line abutting

First or Second Avenue must always be considered a front lot line for purposes of these standards. A Willamette River setback line established pursuant to ADC 5.200 through 5.207 may be considered a front lot line for purposes of these standards.

- i. Maximum setback standards do not apply to any portion of a building that is separated from the front lot line by another building, based on a line perpendicular to the front lot line (see Figure 5.120-1).
  - ii. Accessory buildings less than 750 square feet are exempt from maximum setback standards.
- (b) Standard in the HD zoning district: 100 percent of regulated façades must meet the maximum setback required in the zone, with the exceptions listed below.
- i. The maximum setback may be increased for pedestrian amenities pursuant to ADC Section 5.090(10).
  - ii. Windows may be recessed up to 18 inches from the building façade.
  - iii. Entrances (including up to four feet on either side of entrance doors) may be recessed up to six feet from the building façade.
  - iv. The maximum front setback may be increased by 10 feet for properties that are separated from the street by a rail line.
  - v. On a site with an existing building(s), the maximum setback may be increased to a point which is no further from the front lot line than the portion of the existing regulated façade that is closest to the front lot line.

- (c) Standard in the CB, DMU and WF zoning districts: At least 80 percent of regulated façades must meet the maximum setback required in the zone, with the exceptions listed below.

- i. The maximum setback may be increased for pedestrian amenities pursuant to ADC Section 5.090(10).
- ii. Windows may be recessed up to 18 inches from the building façade.
- iii. Entrances (including up to 4 feet on either side of entrance doors) may be recessed up to 6 feet from the building façade.
- iv. The maximum front setback may be increased by 10 feet for properties that are separated from the street by a rail line.
- v. On a site with an existing building(s), the maximum setback may be increased to a point which is no further from the front lot line than the portion of the existing regulated façade that is closest to the front lot line.

(2) Residential development in the HD, DMU, CB and WF zoning districts:

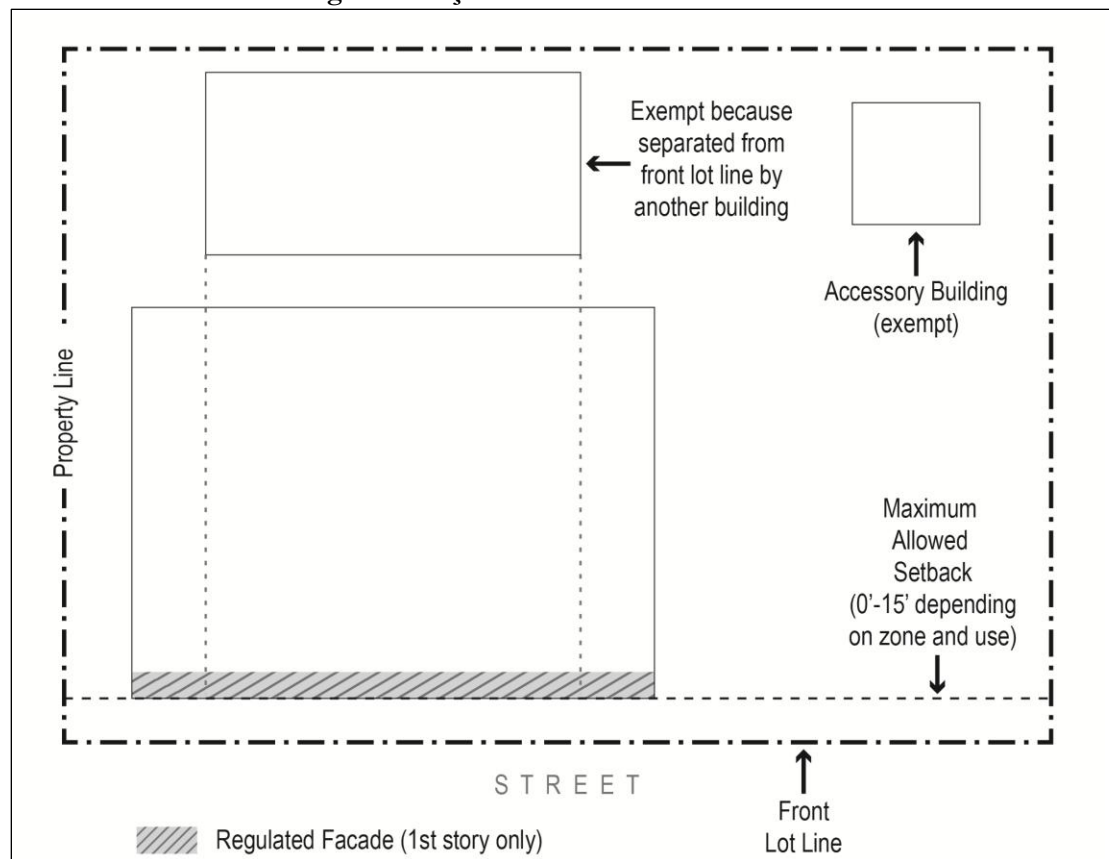
- (a) Regulated façades: any façade between grade and the top of the first story of the building that faces toward or within 45 degrees of a front lot line, with the exceptions listed below. See definition of front lot line in Article 22 for application on lots with multiple frontages; however, a lot line abutting First or Second Avenue must always be considered a front lot line for purposes of these standards. A Willamette River setback line established pursuant to ADC 5.200 through 5.207 may be considered a front lot line for purposes of these standards.

- i. Maximum setback standards do not apply to any portion of a building that is separated from

the front lot line by another building, based on a line perpendicular to the front lot line (see Figure 5.120-1).

- ii. Accessory buildings less than 750 square feet are exempt from maximum setback standards.
  - iii. Where permitted, a garage entrance that faces the front lot line and any building façade that encloses the garage is exempt from the maximum setback standard.
- (b) Standard: At least 80 percent of regulated façades must meet the maximum setback required in the zone, with the exceptions listed below.
- i. Buildings that provide a landscaped courtyard separating a portion of the regulated façade from the front lot line must meet the maximum setback standard on at least 40 percent of the regulated façade.
  - ii. ~~In WF, where units with individual garages facing the front lot line are constructed are permitted,~~ such units may be set back up to 20 feet to match the garage entrance.
  - iii. On a site with an existing building(s), the maximum setback may be increased to a point which is no further from the front lot line than the portion of the existing regulated façade that is closest to the front lot line.

**FIGURE 5.120-1. Regulated façades for maximum setback.**



[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6059, 3/14/25]

5.130 Alternative Setbacks in Developed Areas. When an addition or new development is proposed in an area containing the same type of uses that have been developed to a previous setback standard, the Director or review body may approve setbacks that are the same as those for the existing buildings on the site for additions, or the same as those for buildings on abutting parcels for new development. The Director or review body may approve an alternative setback request if the applicant demonstrates that the following criteria are met:

- (1) The front setback of the structure is not less than the average of the setbacks for the same uses on the abutting properties on either side facing the same street. If the same use is only on one abutting property, the proposed front setback may be no less than the setback of the abutting structures facing

the same street.

- (2) Addition of a garage or carport. The front setback for a garage or carport meets the current front setback standard, and the driveway to it is paved.
- (3) Additions to the side or rear of a dwelling. The proposed structure does not encroach any further into the setback than the existing structure.
- (4) No wall of one dwelling unit is closer than 10 feet to a window of another dwelling unit.
- (5) All other provisions of this Code must be met.

[Ord. 5446, 5/10/00; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6059, 3/24/24]

5.140 General Exceptions to Setback Requirements. The following may project into required setbacks, provided that they conform to the conditions and limitations indicated:

- (1) Depressed Areas. In any district, open-work fences, berms, hedges, guard railings, or other landscaping or architectural devices for safety protection around depressed areas, ramps, stairs, or retaining walls may be located in required setbacks, provided that the devices are not more than 3 1/2 feet tall.
- (2) Projecting Building Features. The following may project into the required front setback no more than five feet and into the required side and rear setbacks no more than two feet:
  - (a) Awnings, eaves, buttresses, architectural appendages (such as, but not limited to, bay windows, planters, cantilevered stairways.)
  - (b) Chimneys and fireplaces provided they do not exceed eight feet in width.
  - (c) Porches, steps, platforms or landings, raised patios or decks (applies only to structures above 30 inches in height: structures 30 inches or less are not subject to setback provisions).
  - (d) Signs conforming to applicable ordinance requirements.

[Ord. 5742, 7/14/10; Ord. 6059, 3/14/25]

5.150 Zero Lot Line. Any residential dwelling or residential accessory building may be located on the side or rear property line when:

- (1) There are no openings or windows in the lot line wall. Additionally, a setback and maintenance easement must be recorded on the abutting property deed or plat. The width of the easement must be six feet or the width of the required setback of the abutting property, whichever is less. If the abutting property is not subject to a side setback, then no maintenance agreement is required. This easement is not revocable without City approval.

OR

- (2) Two or more dwelling units are attached at the property line and are approved for such in accordance with other provisions of this Code.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 6059, 3/14/25]

5.160 Setbacks for Townhouses. The side setback requirement for townhouses is zero where the units adjoin; however, all other setbacks must conform to the requirements of this Code.

[Ord. 5742, 7/14/10; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

5.170 Special setback for Development Adjacent to Waterways. Development adjacent to the following waterways must maintain the setback from the centerline of the waterway listed instead of the required setback for the zoning district:

| <u>Waterway</u> | <u>Setback</u> |
|-----------------|----------------|
| Calapooia River | 100 feet       |

5.180 Setback and Fencing for Swimming Pools. Swimming pools must conform to the setback regulations for main buildings, except that outdoor swimming pools must be set back at least 10 feet from all side and rear property lines. ~~Also, all~~ swimming pools must be fenced or equipped with electric alarm systems that prevent entry or alarm upon entry. Required pool fencing must be at least four feet tall and have a self-locking gate that closes automatically.

[Ord. 6059, 3/14/25]

5.190 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and future street plans include widening or connecting existing streets, or establishing new streets, the placement of all buildings and the establishment of all required setbacks must be in relation to the proposed street right-of-way boundaries. ~~Also, a~~ No building may be built on a lot that abuts a proposed street right-of-way unless the lot will have the width and depth needed to complete the street width plus the width and depth of the setbacks required on the lot.

[Ord. 5742, 7/14/10]

5.200 Special Willamette River Setback and Height Restrictions Outside the WF, Waterfront Zone. Except for water-related and water-dependent uses (see definitions, Article 22), all construction must be located outside the floodway line as defined for a 100-year storm. Development structure heights and setbacks south of the Willamette River ~~shall~~ must not extend above a plane that begins at the floodway line and extends directly south. The angle of this plane ~~shall~~ must be as follows:

- (1) For water-oriented uses, the angle ~~shall~~ must be 30 degrees.
- (2) For non-water-oriented uses, the angle ~~shall~~ must be 15 degrees.

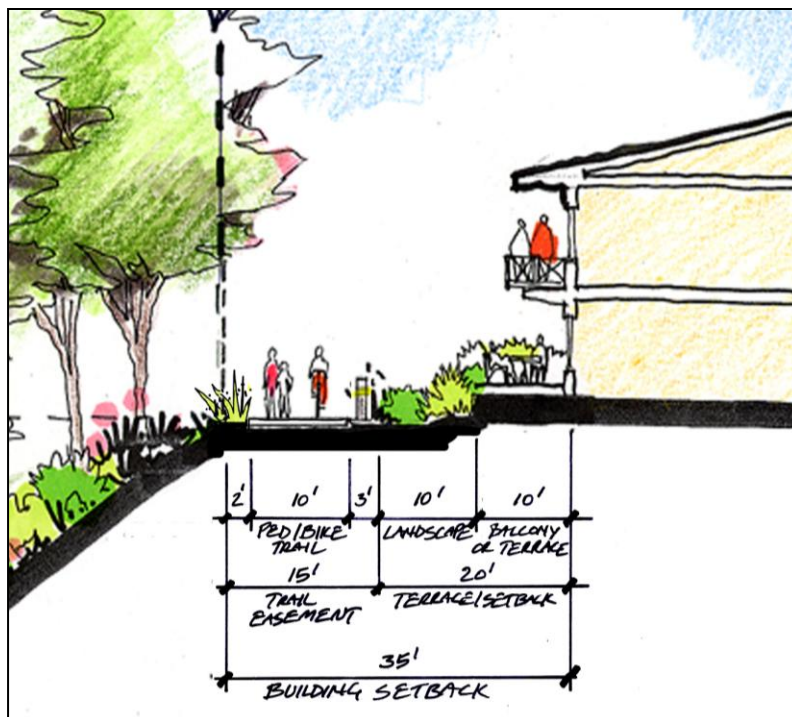
[Ord. 5555, 2/7/03]

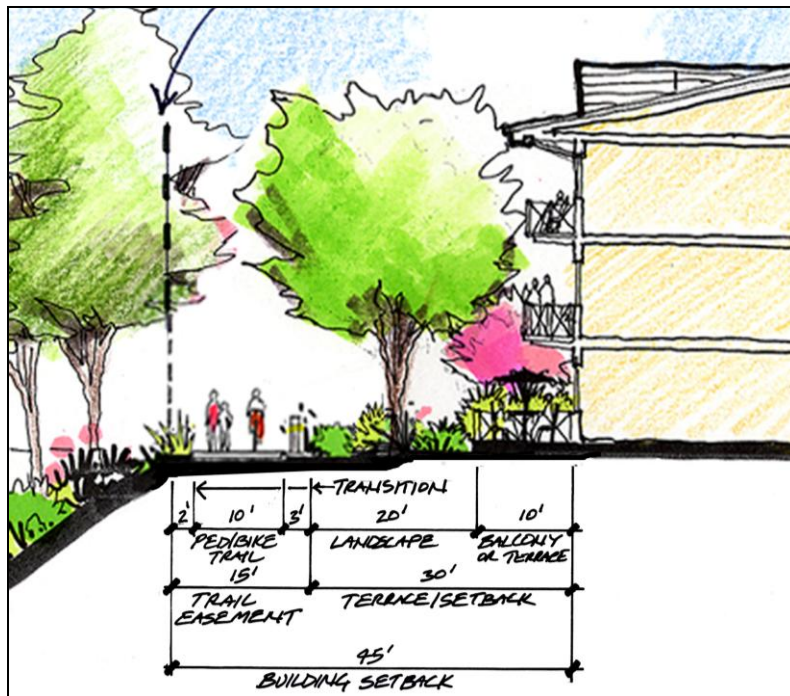
5.205 Special Willamette River Setbacks Inside the WF, Waterfront Zone. Setbacks for buildings south of the Willamette River ~~shall~~ must meet the following minimum setbacks from the top of the riverbank (Figure 5.205-1):

- (1) 35 feet for a building two stories or less, and
- (2) 45 feet for a building three or more stories.

[Ord. 5627, 7/27/05; Ord. 5947, 1/1/21]

**FIGURE 5.205-1. Minimum building setback requirements inside the Willamette River Waterfront Zone.**





[Ord. 5627, 7/27/05; Ord. 5947, 1/1/21]

5.207 Exceptions to the Willamette River Setback Standards. For the following properties, the language in Sections 5.200 and 5.205 shall do not apply. Willamette River setback provisions for these properties are set forth below.

| <u>Common Name</u>                           | <u>Assessor's Property Identification Number</u> |
|----------------------------------------------|--------------------------------------------------|
| Willamette Seed Site <u>521 Water Ave NE</u> | 11S-03W-6DC #100                                 |
| PermaWood Site <u>595 Geary St NE</u>        | 11S-03W-5BD #200, #300 and                       |
| <u>11S-03W-5CA #1001, #1100, #6805</u>       |                                                  |
| "Buzzsaw" <u>421 Water Ave NE</u>            | Site 11S-03W-6CD #11500                          |

For these properties, the minimum setback for buildings and parking on the river side of property along the river is:

| <u>Area</u>       | <u>Minimum Setback</u> |
|-------------------|------------------------|
| West of Lafayette | 5 feet                 |
| East of Lafayette | 15 feet                |

For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The minimum setbacks outlined above will be measured from the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

Fences on the river side of property along the river will be located south of the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

[Ord. 5555, 2/7/03, Ord. 5559, 3/26/03 Ord. 5627, 7/27/05]

5.210 Special Setbacks for Religious Institutions, Public and Semi-Public Buildings. Any new construction of a religious institution, or Public or Semi-Public building, as defined in Article 22, must be set back at least 25 feet from any property line abutting any residential zoning district in Article 3. Stockpiling or storage of materials or equipment is not permitted in the required setbacks of the lot on which such building or use is located. All other setbacks of the district where the property is located continue to apply.

[Ord. 6024, 12/29/23; Ord. 6059, 3/14/25]

5.220 Parking Restrictions in Setback Areas. Parking and loading spaces must not be located in required setbacks, except:

- (1) Paved driveways for single-dwelling units, duplexes, triplexes, fourplexes, cottage clusters, and townhouses. Each space must be a paved area at least 10 feet wide and 20 feet long.

[Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6059, 3/14/25]

5.230 Dwellings Located Above Commercial Uses. The setback requirements for residential uses do not apply when a dwelling is legally located above a commercial use. [Ord. 5742, 7/14/10]

## HEIGHT

5.240 Height Standards. See Table 5.090-1 for height restrictions. [Ord. 5947, 1/1/21]

5.250 Height Exceptions.

- (1) Roof structures for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, firewalls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, antennas, steeples, and similar structures may be erected above the height limits prescribed in this article, provided that no roof structure, feature, or any other device above the prescribed height limit may be allowed or used for the purpose of providing additional floor space. Antennas may exceed the minimum building height but must meet the standards outlined in 5.070(20). Towers must meet the standards in 8.500.
- (2) Religious Institutions and Public and Semi-Public Buildings. In zoning districts where religious institutions and certain public and semi-public buildings require Conditional Use approval, the height restrictions may be waived as a part of the Conditional Use proceedings, provided that a request for such has been noted in the public hearing notice. [Ord. 5555, 2/7/03]

~~[5.260-270 Off-Street Parking and Loading Standards moved to Article 9 per Ord. 5832, 4/9/14 and Ord. 6018, 6/30/23.]~~

## ARTICLE 8 DESIGN STANDARDS

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

An applicant for a development that does not meet the design standards in Article 8 may apply for one or more Adjustments pursuant to ADC 2.060-2.080 except that Adjustments are not permitted to the standards in Section 8.500 (Telecommunication Facilities) and Section 8.600 through 8.620 (Supplemental Design Standards for the Oak Creek Transition Area).

The following list is a summary of the topics covered in this article.

- Single Dwelling Unit Homes and Middle Housing
- Multiple Dwelling Unit Development
- Commercial and Institutional Site Design
- Supplemental Standards in Village Centers
- Telecommunications Facilities
- Supplemental Design Standards for the Oak Creek Transition Area

[Ord. 5445, 4/12/00; Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

~~[Section 8.100 repealed by Ordinance 5947, 1/1/21.]~~

**Staff Comments:** Changes in the Single Dwelling and Middle Housing sections include reorganizing the content and removing redundancy in text and figures, as well as clarifying what standards apply in CFAs.

### SINGLE DWELLING UNIT HOMES AND MIDDLE HOUSING

8.110 Applicability.

- (1) The standards of ADC Sections 8.110 through 8.1670 apply to all new single-dwelling units, manufactured homes, duplexes, two primary units, townhouses, triplexes, and fourplexes in all zones that allow these housing types, except as otherwise noted.
- (2) In addition, except as otherwise noted, the standards of ADC Sections 8.110 through 8.160 apply to multiple-dwelling units with individual driveways permitted pursuant to ADC 12.100(2) that are in the WF, CB, or DMU zones, or in one of Albany's Climate Friendly Area (CFA) overlay districts, the HD zone in a building where ground-floor residential use is permitted pursuant to ADC 5.070(17) and ADC Article 14.
- (3) These standards do not apply to detached accessory dwelling units, existing structures, new additions to existing structures, or to homes in manufactured home parks.
- (4) Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards in Sections 8.130 through 8.160.
- (5) New cottage cluster development must meet the standards in Sections 8.175 in all zoning districts where permitted.
- (6) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the design standards in ADC 8.130 through 8.175 that are applicable to the lot or applicable on a per-lot basis must apply to the middle housing parent lot, not to the middle housing child lots.

[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5968, 1/14/22;

Ord. 6004, 12/28/22; Ord 6059, 3/14/25]

- 8.120 Relationship to Historic Overlay Districts. For property inside the Historic Overlay Districts and properties designated as Historic Landmarks, the provisions in Article 7 also apply. For development subject to historic review under Article 7, the review body may grant flexibility in meeting any of the design standards where necessary to achieve historic compatibility. [Ord. 5445, 4/12/00; Ord. 5894, 10/14/17]
- 8.125 Egress Paths. Where the Building Official determines that the Oregon Building Code requires ingress or egress from a structure to the public way, and the ingress or egress will utilize part of an adjacent property, an access easement meeting the applicable Oregon Building Code requirements must be recorded with the county recorder prior to applying for building permits. [Ord. 6042, 7/12/24]

### BUILDING FACADE STANDARDS FOR SINGLE DWELLING UNITS & MIDDLE HOUSING, except Cottage Cluster Developments

- 8.130 Home Dwelling Unit Orientation. The purpose of these standards is to create pedestrian-friendly, sociable, safe, and attractive neighborhoods through human-scale design. By ensuring that the pedestrian entrance is visible or clearly identifiable from the street, these standards enhance public safety for residents and visitors and provide opportunities for community interaction.
- (1) On each lot, at least one main entrance ~~shall~~ must be within eight feet of the longest street-facing wall of the dwelling unit (excluding the garage); and either:
    - (a) Face the street (see Figure 8.130-1);
    - (b) Be at an angle of up to 45 degrees from the street; or
    - (c) Open onto a porch (see Figure 8.130-2). The porch must:
      - i. Be at least 25 square feet in area;
      - ii. Have at least one entrance facing the street; and
      - iii. Have a roof that is:
        - No more than 12 feet above the floor of the porch; and
        - At least 30 percent solid. This standard may be met by covering 30 percent of the porch area with a solid roof, or by covering the entire area with a trellis or other open material if no more than 70 percent of the area of the material is open.
  - (2) On sites with frontage on both a private street and a public street, the standards apply to the site frontage on the public street. On all other sites with more than one street frontage, the applicant may decide on which frontage to meet the standards, except as provided in subsection (3).
  - (3) For a corner lot, any street-facing façade with a main entrance must meet the standards in subsection (1).

FIGURE 8.130-1. Front door facing the street

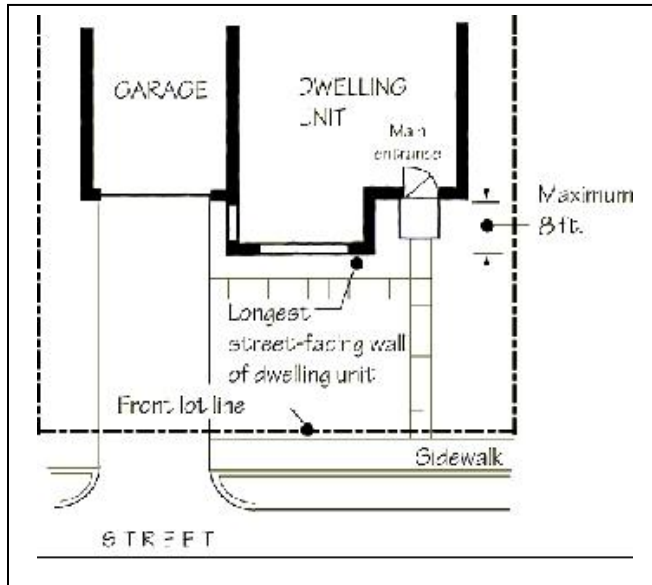
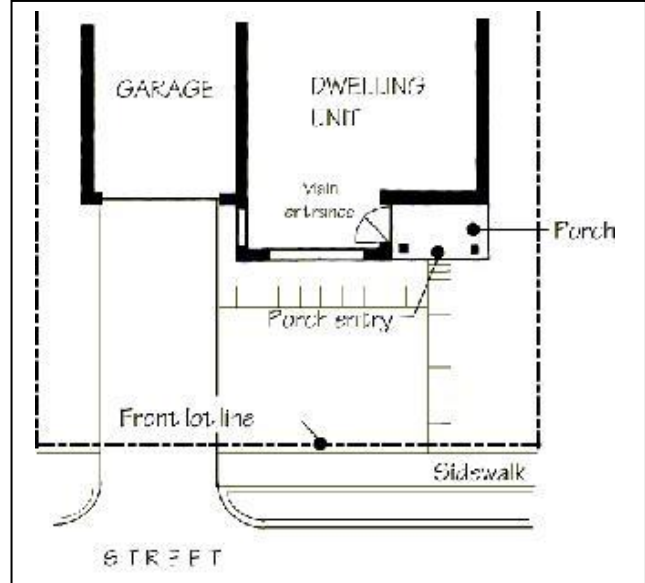


FIGURE 8.130-2. Front door opening onto porch



- (4) In the DMU, CB, HD, and WF zoning districts and in the CFA overlay districts, ~~in order to~~ provide a transition between public space (the sidewalk) and private space (the home) while maintaining a visual and physical connection to the street, entrances to individual dwelling units must be set back at least five feet from the front lot line. The entrance must be covered for a depth of at least three feet.

[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

8.133 Street-Facing Windows. The purpose of these standards is to create pedestrian-friendly, sociable, safe, and attractive neighborhoods. The standards enhance public safety by allowing people to survey their neighborhood from inside their residences; and ~~also~~ provide a more pleasant pedestrian environment by preventing large expanses of blank facades along streets.

- (1) At least 15 percent of the area of each façade that faces a street lot line must be windows or main pedestrian entrance doors (see Figure 8.133-1).
- (2) All windows on a street-facing façade, including windows in garage doors and windows in doors that are not the main pedestrian entrance, may be counted toward meeting this standard.
- (3) For a pedestrian door to count toward meeting this standard, it must be the main entrance and face the street. For structures with more than one dwelling unit, each main entrance door that faces the street may count toward this standard.
- (4) For a corner lot, any street-facing façade with a main entrance must meet this standard.

FIGURE 8.133-1. Single-Dwelling Unit and Middle Housing Window Coverage

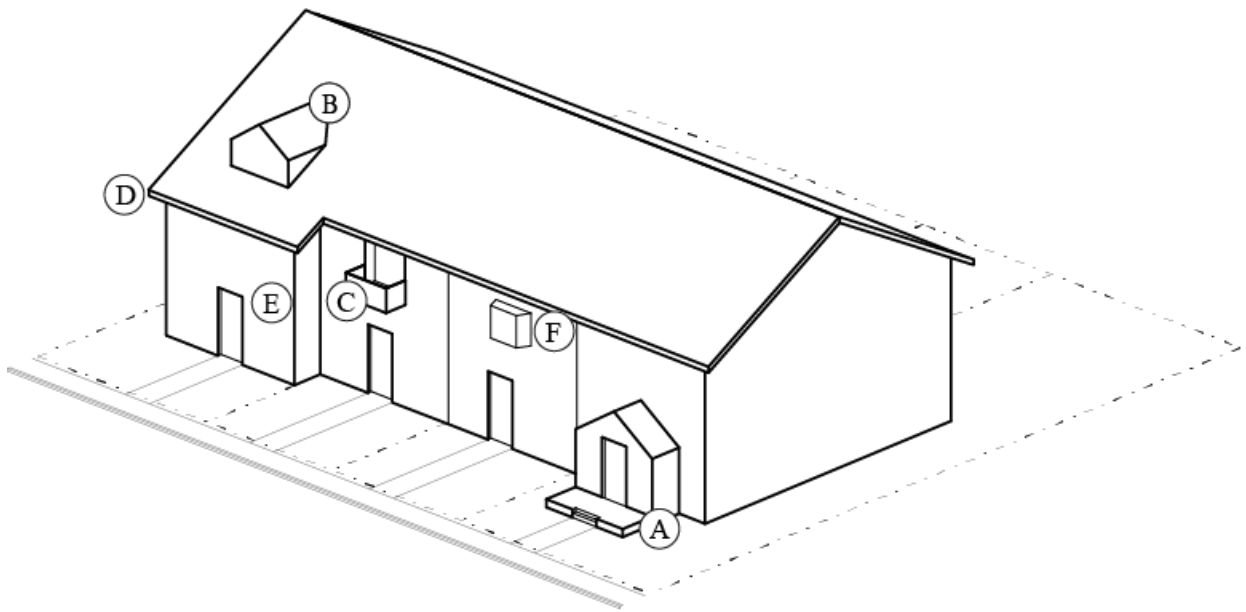


[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

8.1460 Facade design and articulation for Townhouses citywide, and for Triplexes and Fourplexes in the Climate Friendly Area (CFA) Overlay Districts and DMU, CB, HD, and WF Zoning Districts.

- (1) ~~In order to~~ To promote buildings that provide visual interest and façade details that give a sense of quality and permanence, the front façade ~~shall~~ must include a minimum of **two** of the architectural features listed below for each dwelling unit. For a corner lot, only one ~~front~~ street-facing façade of the dwelling unit(s) must meet these standards. Lots with frontage on First or Second Avenue ~~shall~~ must meet this standard on the First or Second Avenue frontage. See Figure 8.140-1.
  - (a) Porch: must meet the standards in ADC 8.130(1)(c).
  - (b) Dormer: minimum width of four feet, inset at least three feet from all side walls.
  - (c) Balcony: facing the street and accessible from an interior room, with a minimum depth of three feet.
  - (d) Eaves: overhang of not less than 12 inches.
  - (e) Offset: offset in facade or roof of at least two feet that extends for at least four feet.
  - (f) Bay window: projects from front elevation by 12 to 24 inches.
  - (g) Other: features s not listed but providing visual relief or contextually appropriate design similar to options (a)-(f).

FIGURE 8.1470-1. ~~Townhouse~~ Middle Housing Unit Articulation



- (A) Porch: must meet the standards in ADC 8.130(1)(c).
- (B) Dormer: minimum width of four feet, inset at least three feet from all side walls.
- (C) Balcony: facing the street and accessible from an interior room, with a minimum depth of three feet.
- (D) Eaves: overhang of not less than 12 inches.
- (E) Offset: offset in facade or roof of at least two feet that extends for at least four feet.
- (F) Bay window: projects from front elevation by 12 to 24 inches.

- (2) Landscaping for Ground-Level Dwellings in CFA Overlay Districts and the DMU and WF zones. To provide privacy for ground floor residential uses, for residential buildings within 5 feet of the front lot line, street-facing ground floor windows ~~shall~~ must be separated from the front lot line with a landscaped buffer at least three feet deep extending for at least the width of the window(s). The landscape buffer ~~shall~~ must meet at least one of the following standards.
- (a) For every three linear feet of width, provide at least one three-gallon shrub, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
  - (b) For every two linear feet of width, provide at least 1 one-gallon shrub or perennial that typically achieves a mature height of at least three feet, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
  - (c) Other suitable landscaping that provides both privacy and visual interest and includes living plants, shrubs, and/or trees.

[Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]

~~[The infill standards in 8.140 were removed by Ordinance 5968, 1/14/22.]~~

**PARKING AND VEHICLE ACCESS**

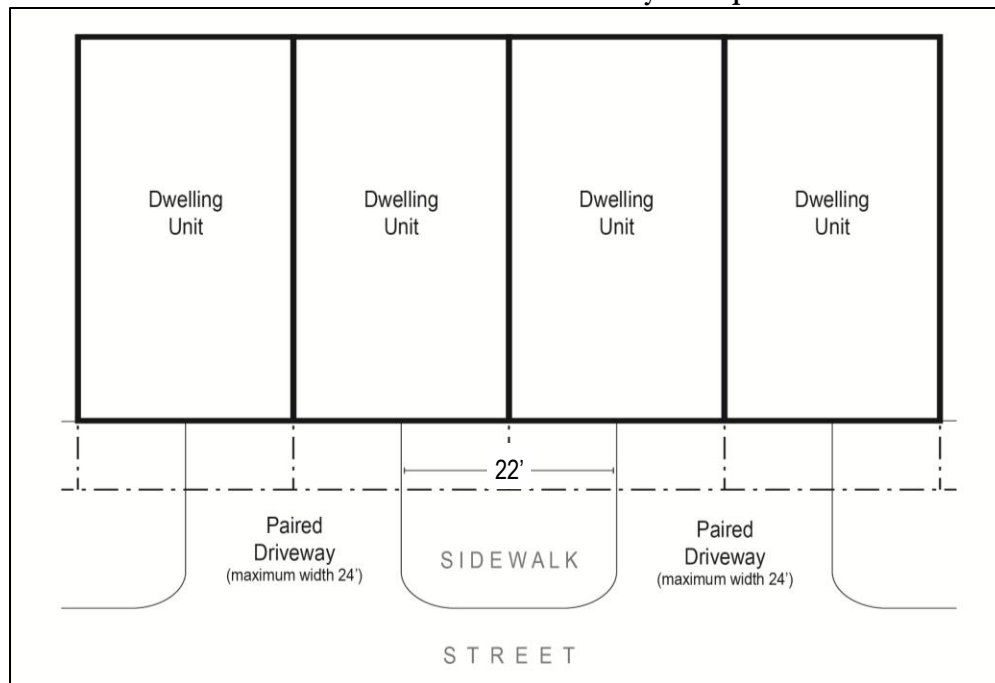
8.145 **Purpose.** These standards are intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, provided parking, and garages; and to preserve on-street parking and opportunities for front yard landscaping. See Article 12 for additional access standards.

8.150 **Parking and Access in Climate Friendly Area (CFA) Overlay Districts and the DMU, CB, HD, and WF Zoning Districts.** ~~These standards are intended to support a pedestrian friendly street environment by minimizing the visual and safety impacts of driveways, provided parking, and garages; and to preserve on-street parking. See Article 12 for additional access standards.~~

(1) **Driveway standards.**

- (a) Development sites abutting an alley or on sites of one or more acres: Vehicle access ~~shall~~ **must** be **from the back or side of the dwelling** via the alley or shared public access easement approved by the City Engineer rather than the public street.
- (b) Development sites that do not abut an alley or that are infill sites less than one acre in size or where a shared access easement is not feasible: Vehicle access ~~shall~~ **must** meet i or ii, below.
  - i. Provide vehicle access from not more than one driveway to each public street abutting the development site.
  - ii. Provide vehicle access to properties within the development site from shared or paired driveways with a minimum spacing between driveways of 22 feet (see Figure 8.150-1). The distance between driveways is measured along the front property line.

**FIGURE 8.150-1. Paired driveway example.**



- (2) ~~Parking location.~~ Parking between the building façade and the front lot line is not permitted, except in driveways serving individual units (including shared or paired driveways), where permitted under (1), above.
- (3)(2) Garages Facing the Street. When garages are permitted on a street-facing façade parking is provided in a garage attached to the primary structure, and garage doors for motor vehicle ingress/egress face a street or are within a 45 degree angle of a front lot line, the following standards must be met. A garage door is considered to be facing a street where the opening is parallel to, or within 45 degrees of, a front lot line:
- (a) No more than one street-facing garage door for motor vehicle ingress/egress up to 12 feet wide is permitted per dwelling unit. ~~Each street-facing garage door for motor vehicle ingress/egress may not exceed 12 feet in width.~~
  - (b) See ADC Table 5.090-1 for garage setback standards.
- (4)(3) The standards of ADC Section 12.230 regarding design requirements abutting arterials do not apply. However, the standards of ADC 12.100 regarding limiting the location, width, and number of accesses to arterials do apply.

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23]

8.1460 Parking and Access for development outside of CFA overlay districts and the DMU and WF zones.

- (1) Driveway Spacing. ~~The purpose of this standard is to preserve space for on-street parking and opportunities for front yard landscaping.~~ The following standards apply to all lots for which street driveway access is permitted and provided to individual units from the street to the front facade, except for flag lots, and lots where parking is accessed via an alley. Spacing between driveways is measured along the front property line.

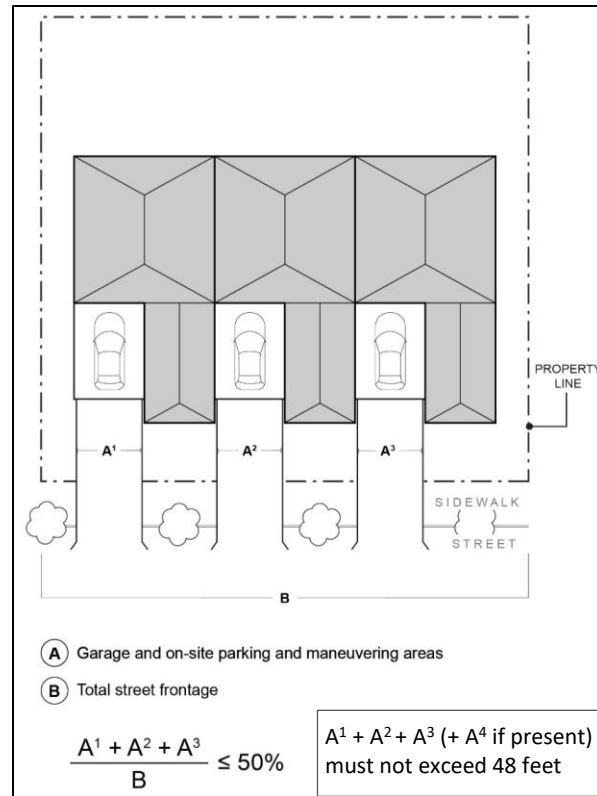
Each lot must meet one of the following:

- (a) Two off-street parking spaces per unit are provided and the driveway(s) meets the minimum separation standard in ADC Subsection 12.100(2); or
- (b) A minimum of 22 feet of contiguous street frontage (uninterrupted by driveways) is provided; or
- (c) The driveway(s) are spaced a minimum of 22 feet from adjacent driveways. Driveways may be shared by two abutting lots. See Figure 8.150-1.

- (2) Alley Access. When a development site abuts an alley, vehicle access must be from the alley rather than the public street.

- 8.165 ~~(3) Triplex and Fourplex~~ Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes. ~~In all zoning districts except HD, CB, DMU, and WF, a~~ New triplex and fourplex developments shall must meet these standards. These standards are intended to support a pedestrian friendly street environment by minimizing the visual and safety impacts of driveways, parking areas, and garages; and to preserve on-street parking.
- (4)(a) ~~The combined width of all garages, driveways, and outdoor on-site parking and maneuvering areas shall must not exceed a total of 50 percent of the street frontage (see Figure 8.1605-1).~~

FIGURE 8.1605-1. Triplex and Fourplex: Width of Garages and Parking Areas



~~(2b) Driveway Approaches. Driveway approaches for triplexes and fourplexes must comply with the following: (a) The total width of all driveway approaches to streets must not exceed 48 feet per frontage, as measured at the property line (see Figure 8.1605-12). For lots with more than one frontage, see subsection (b). (b) In addition, lots with more than one frontage must comply with the following:~~

- i. ~~Lots must access the street with the lowest transportation classification for vehicle traffic unless access to a higher traffic street is approved by the City Engineer. For lots abutting an alley that is improved according to the standards of Article 12, vehicle access shall be via the alley rather than the public street (see Figure 8.165-3).~~
- ii. ~~Lots with two frontages may have either:~~
  - ~~Two driveway approaches not exceeding 48 feet in total width on one frontage (see Figure 8.165-4); or~~
  - ~~One maximum 24-foot-wide driveway approach per frontage (see Figure 8.1605-35).~~

~~(eiii) Driveway approaches for triplexes and fourplexes must also meet the standards of ADC Section 12.100.~~

**Staff Comments:** Figure 8.165-2 is being combined with Figure 8.160-1 so this figure is being removed.

**FIGURE 8.165-2. Triplex and Fourplex: Driveway Approach Width**

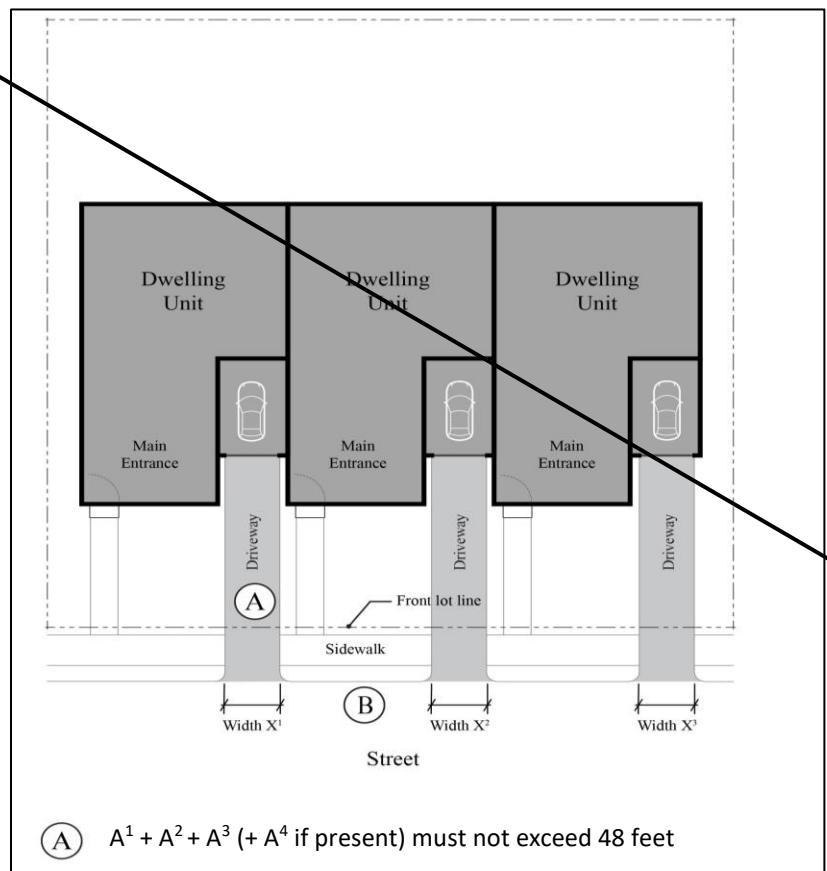
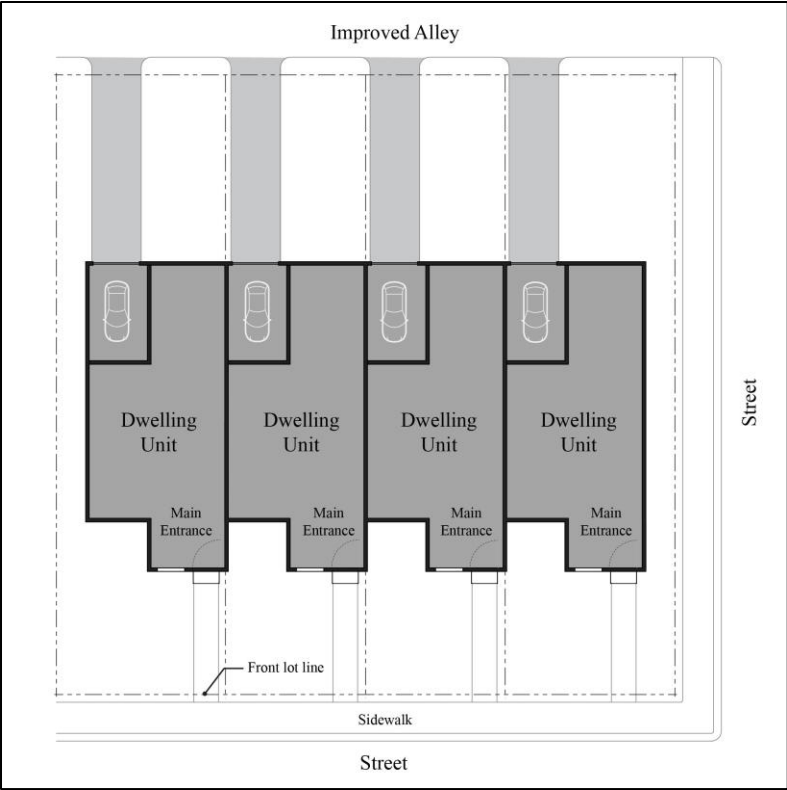


**FIGURE 8.160-23. Triplex, Fourplex, and Townhouse: Alley Access Example**



**Staff Comments:** Figure 8.165-4 is being combined with Figure 8.160-3.

**FIGURE 8.165-4. Triplex and Fourplex: Driveway Approach Options for Multiple Street Frontages – Driveways on One Frontage**

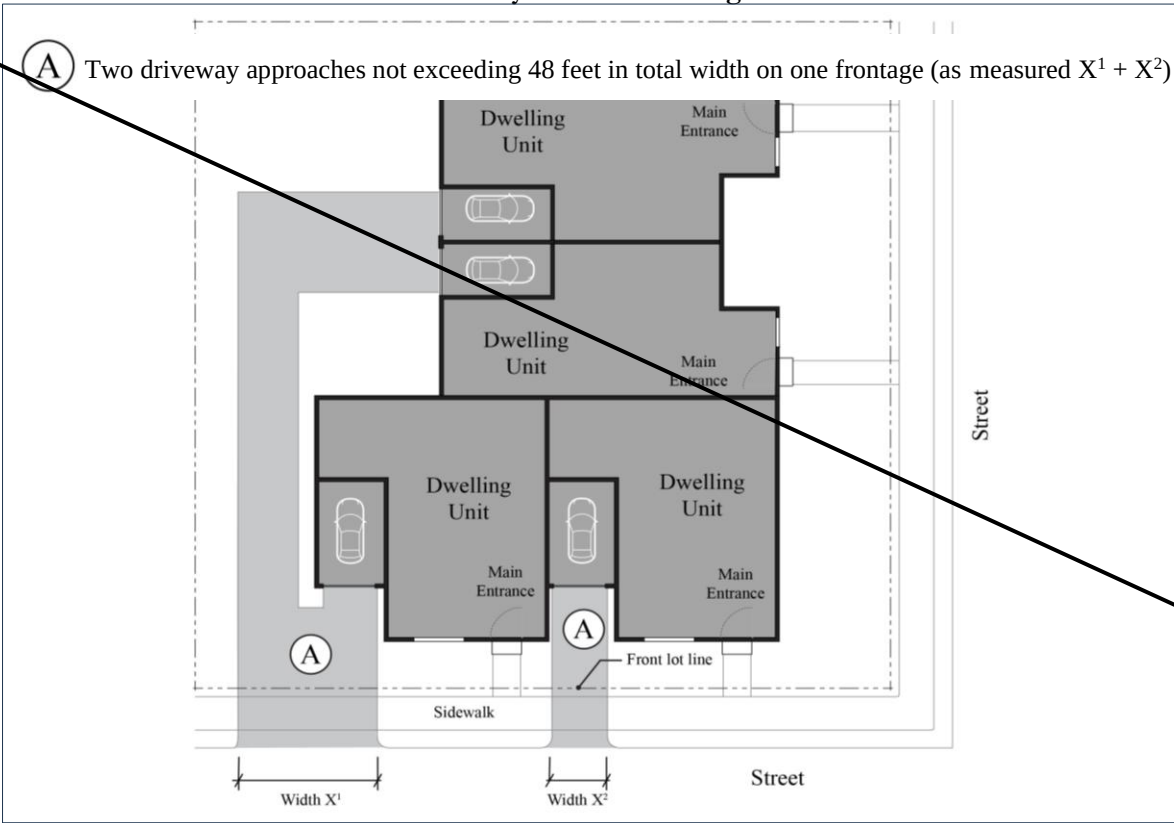
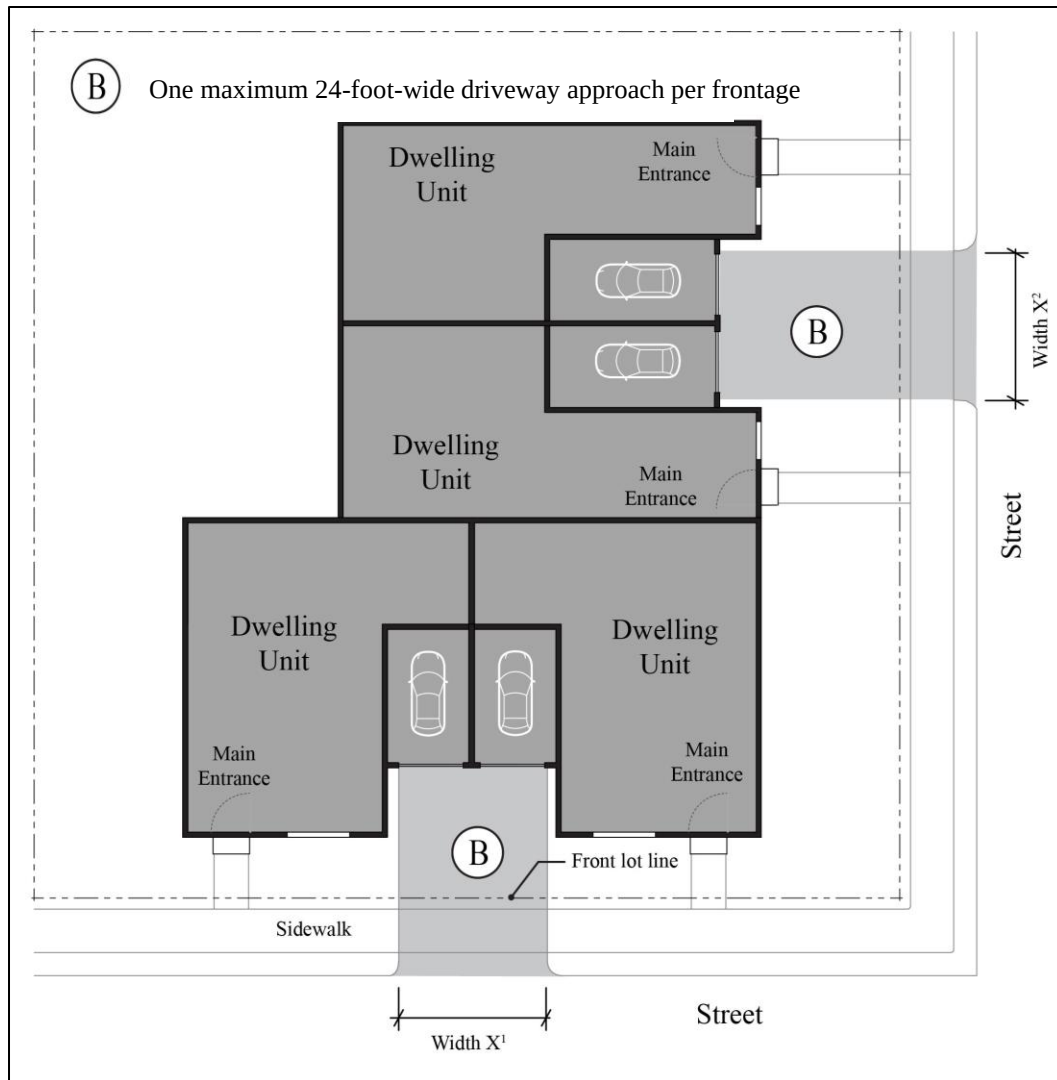


FIGURE 8.1605-35. Triplex and Fourplex: Driveway Approach Options for Multiple Street Frontages

## Driveways on Both Frontages



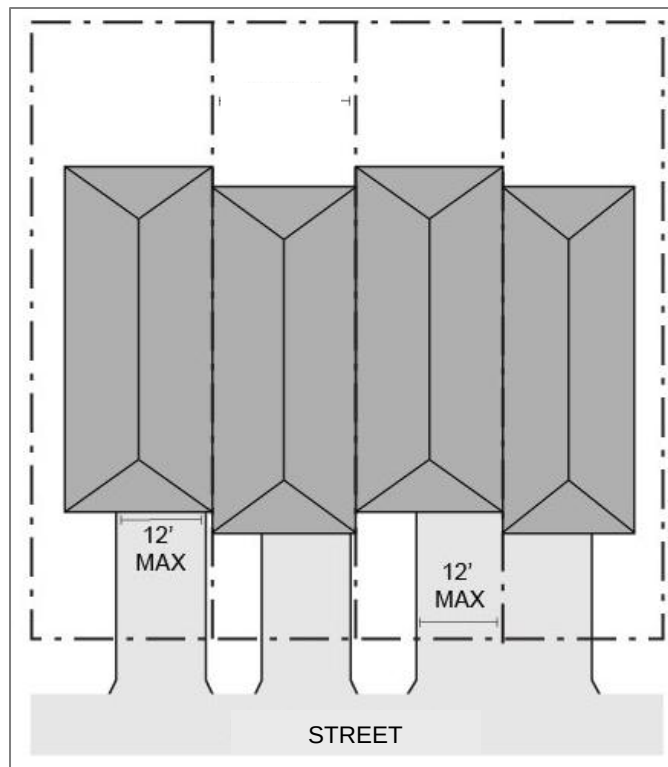
**Staff Comments:** The standards in 8.170 (1) are the same as those in former 8.160 (1), so these standards were combined with 8.160(1) and relocated to 8.140.

8.170 — ~~Design Standards for Townhouses.~~ In all zoning districts except HD, CB, DMU, and WF, new townhouse developments shall meet the standards of this section.

- (1) — ~~Unit Articulation.~~ The purpose of this standard is to promote townhouse development that provides visual interest and façade details that give a sense of quality and permanence. Each townhouse unit must include at least one of the following architectural features on at least one street-facing façade (see Figure 8.170-1):
- (a) — ~~Porch:~~ must meet the standards in ADC 8.130(1)(c).
  - (b) — ~~Dormer:~~ minimum width of four feet, inset at least three feet from all side walls.
  - (c) — ~~Balcony:~~ facing the street and accessible from an interior room, with a minimum depth of three feet.
  - (d) — ~~Eaves:~~ overhang of not less than 12 inches.
  - (e) — ~~Offset:~~ offset in façade or roof of at least two feet that extends for at least four feet.

- (f) ~~Bay window: projects from front elevation by 12 to 24 inches.~~ [Ord. 5968, 1/14/22]
- (42) **Townhouse Driveway Access and Parking.** ~~The purpose of these standards is to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, parking, and garages; and to preserve on-street parking.~~ See Article 12 for additional access standards.
- For development sites abutting an alley that is improved according to the standards of Article 12, vehicle access ~~shall~~ **must** be via the alley rather than the public street (see Figure 8.1605-23).
  - Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 8.1760-42).
    - A maximum of one (1) driveway is allowed for every townhouse unit. Driveway approaches and/or driveways may be shared.
    - Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.
    - No more than one (1) street-facing garage door for motor vehicle ingress/egress is permitted per townhouse unit. Each street-facing garage door for motor vehicle ingress/egress may not exceed 12 feet in width.

**FIGURE 8.1670-42. Driveway example for Townhouses**



- The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a) or (b).
  - Off-street parking areas ~~shall~~ **must** be accessed on the back façade or located in the rear yard. No off-street- parking ~~shall is~~ be allowed in the front yard or side yard of a townhouse.
  - A townhouse project that includes a corner lot ~~shall~~ **must** take access from a single driveway approach on the side of the corner lot. See Figure 8.170160-32. Shared driveways serving four (4) or more townhouses must be public alleys, or a private access created through a Planned Development.
  - Townhouse projects that do not include a corner lot ~~shall~~ **must** consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 8.1670-54. Shared

driveways serving four (4) or more townhouses must be public alleys, or a private access created through a Planned Development.

- (d) A townhouse project that includes consolidated access or shared driveways ~~shall~~ **must** grant access easements to allow normal vehicular access and emergency access(s). The standards of ADC Section 12.230 regarding design requirements abutting arterials do not apply. However, the standards of ADC 12.100 regarding limiting the location, width, and number of accesses to arterials do apply.

**Staff Comments:** Figure 8.170-3 duplicates with Figure 8.160-2 so this figure is being removed.

**FIGURE 8.170-3. Townhouses on Corner Lot with Shared Access**

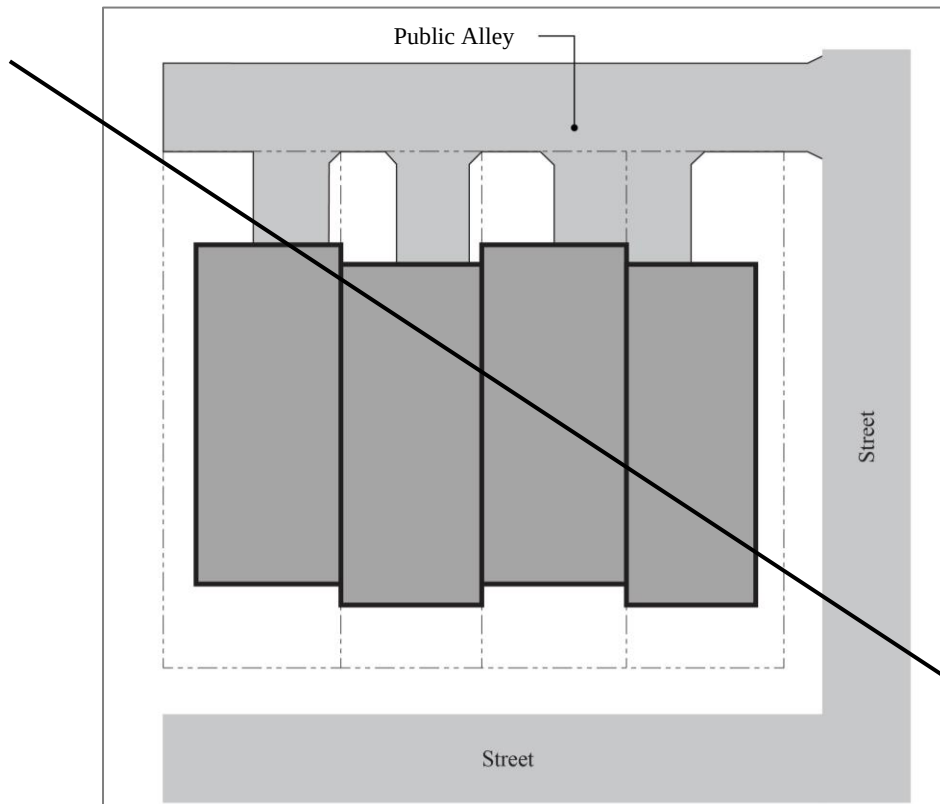
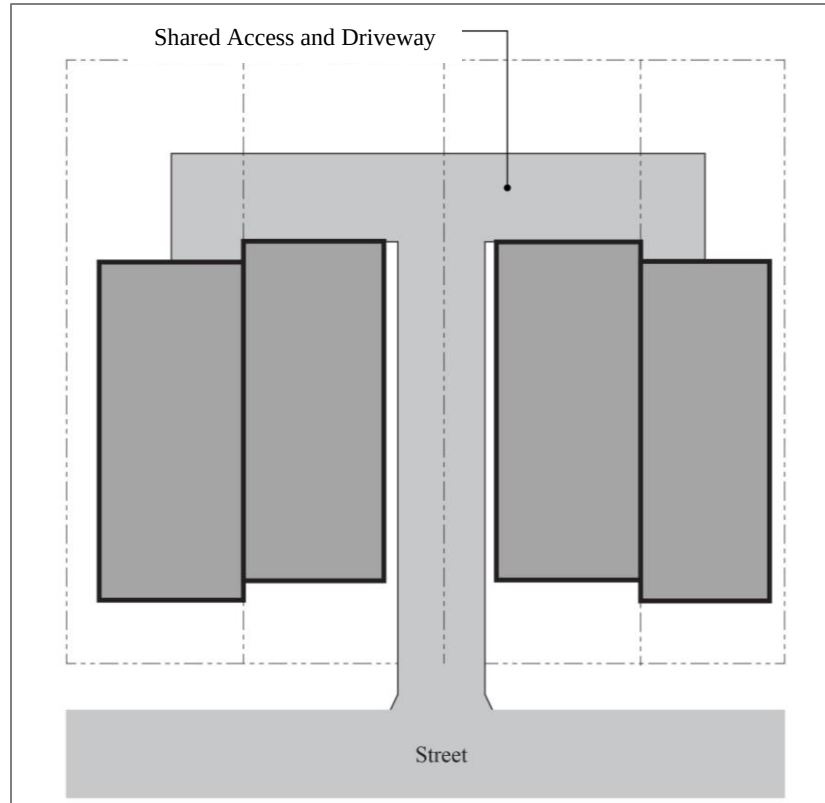


**FIGURE 8.170-160-54. Townhouses with Consolidated Access (created through Planned Development)**



[Ord. 5968, 1/14/22; Ord. 6008, 1/27/23]

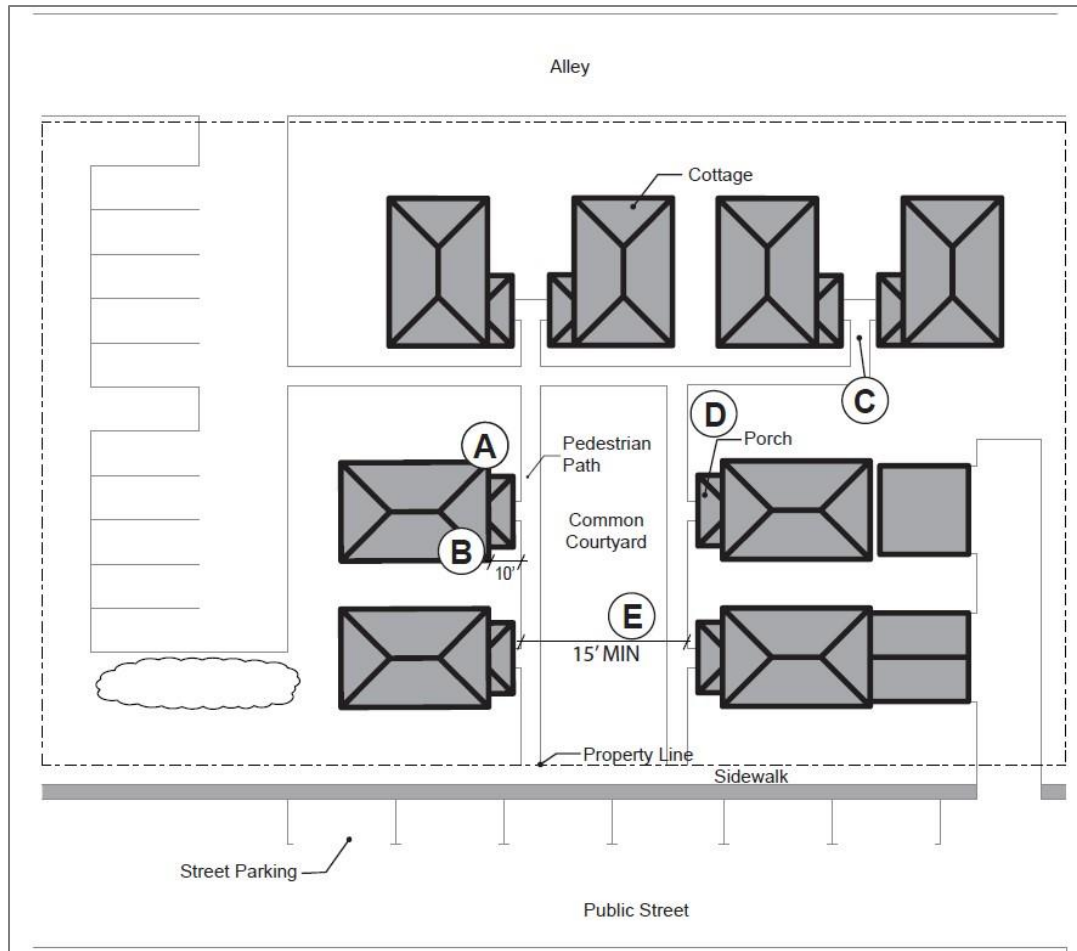
8.175 Cottage Cluster Design Standards. Cottage clusters are clusters of small, detached dwelling units (cottages) that are oriented around a common courtyard. Cottage clusters typically share amenities such as open space. The purpose of this section is to provide standards that promote quality development; create a sense of openness and community; and enhance the livability, walkability, and safety of the community.

- (1) Number of Dwellings. The purpose of these standards is to place appropriate limits on the scale of cottage clusters, and to limit the number of cottages that can be developed on an individual lot. For the purposes of these standards, all cottages that share the same common courtyard constitute a single cottage cluster.
  - (a) Except as provided in subsection (c), a single cottage cluster must contain a minimum of three (3) and a maximum of eight (8) cottages.
  - (b) Except as provided in subsection (c), a lot must contain no more than eight (8) cottages, arranged in one or more cottage clusters.
  - (c) When all cottages on a lot are less than 800 square feet in floor area, the maximum number of cottages permitted on one lot is as follows:
    - R-10, R-6.5, and HM districts: 10 cottages
    - R-5 district: 12 cottages
    - RM and MUR districts: 16 cottages
- (2) Floor Area. The purpose of these standards is to ensure that cottages are limited in size while providing flexibility for a range of unit sizes within a cottage cluster. Limiting unit size promotes lower-cost housing choices and promotes accessibility for residents of various ages and abilities.
  - (a) “Floor area” is defined in ADC Section 22.400; however, for the purpose of this section, “floor area” includes stairwells, ramps, shafts, chases, and the area devoted to garages. Floor area does not include porches, exterior balconies, or other similar areas, unless they are enclosed. Floor area

is measured for each floor from the exterior faces of a building or structure.

- (b) Floor Area. The maximum permitted floor area of an individual cottage is 1,400 square feet.
  - (c) Average Floor Area. The maximum average floor area permitted for all cottages in a cottage cluster project is 1,100 square feet.
- (3) Cottage Orientation. The purpose of these standards is to provide a sense of community within a cottage cluster, and to ensure that each dwelling has access to a common courtyard. Cottages must be clustered around a common courtyard and must meet the following standards (see Figure 8.175-1):
- (a) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
  - (b) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
  - (c) Cottages within 20 feet of a street property line may have their entrances facing the street.
  - (d) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
- (4) Common Courtyard Design Standards. The purpose of these standards is to ensure that common courtyards provide usable shared spaces that are adequately sized, located, and functional, and that are an integral part of the overall cottage cluster design. Each cottage cluster must share a common courtyard. Common courtyards must meet the following standards (see Figure 8.175-1):
- (a) The common courtyard provided for each cluster must be a single, contiguous piece.
  - (b) Cottages must abut the common courtyard on at least two sides of the courtyard.
  - (c) The common courtyard must contain a minimum of 100 square feet per cottage within the cluster, or 75 square feet per cottage if the cottage cluster project contains four (4) or fewer cottages or is in the MUC, DMU, or MUR zones.
  - (d) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
  - (e) The common courtyard must be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard must not exceed 75 percent of the total common courtyard area.
  - (f) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard must count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

FIGURE 8.175-1. Cottage Cluster Orientation and Common Courtyard Standards



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least 15 feet wide at its narrowest width.

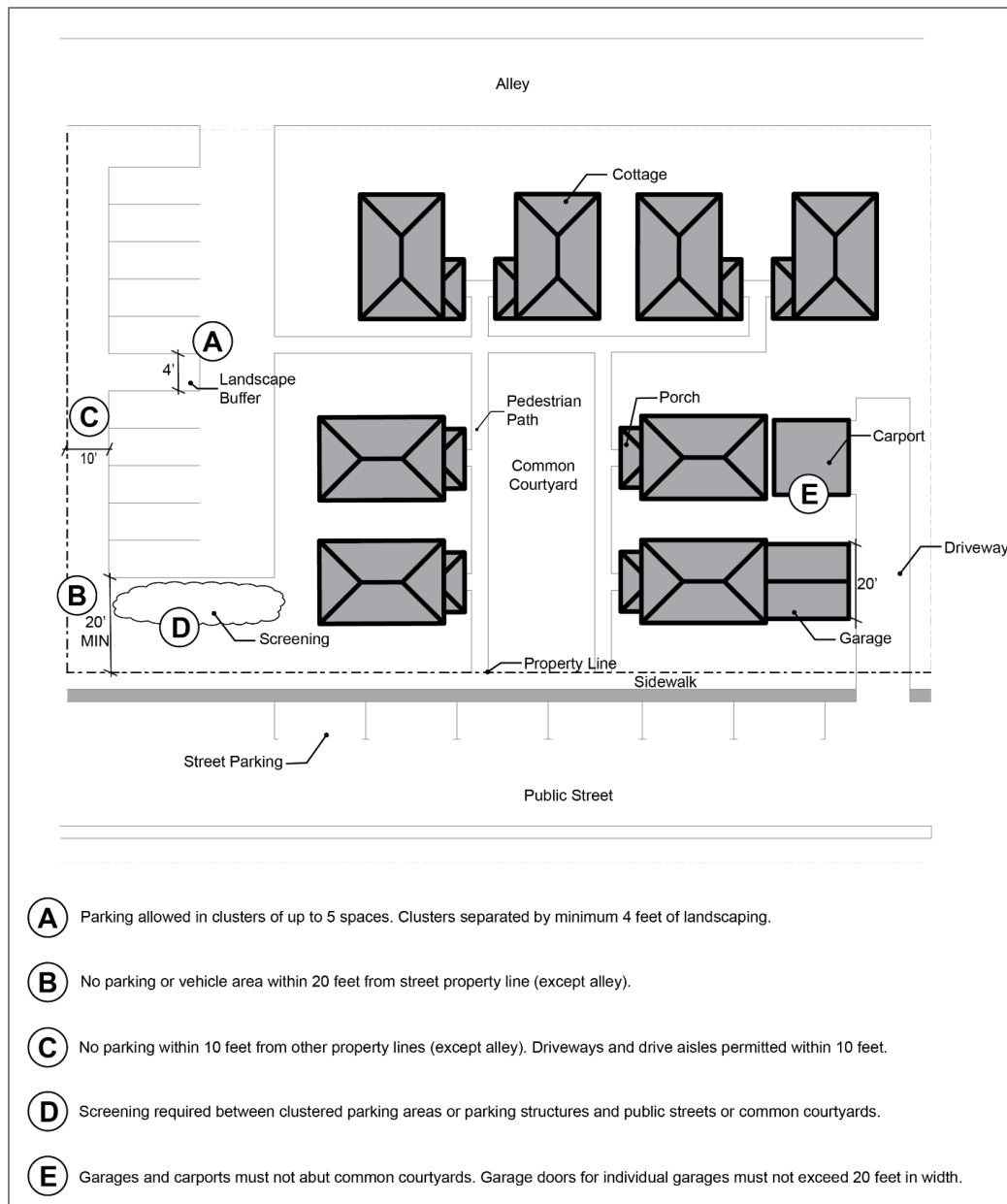
- (5) **Community Buildings.** The purpose of these standards is to allow development of community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, daycare, or community eating areas. The purpose is also to ensure that community buildings are compatible in scale with dwellings in a cottage cluster. Community buildings must meet the following standards:
  - (a) Each cottage cluster is permitted one community building.
  - (b) The community building must have a maximum floor area of 1,400 square feet.
  - (c) Community buildings must not be used for long-term residential occupancy. For the purposes of this standard, long-term residential occupancy means the continued use by the same occupant for longer than 14 days in any 60-day timeframe or for more than 30 days in a calendar year.
- (6) **Pedestrian Access.** The purpose of these standards is to ensure that pedestrian circulation systems are

- designed to provide safe and convenient connections within a cottage cluster development and to adjacent public streets/sidewalks.
- (a) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - iv. Shared parking areas, if provided;
    - v. Community buildings; and
    - vi. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  - (b) The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
- (7) Windows. Cottages within 20 feet of a street property line must meet the Street-Facing Windows requirements of ADC Section 8.133.
- (8) Parking Design. The purpose of these standards is to support a pedestrian-friendly street environment and to support livability for cottage cluster residents by minimizing the impacts of parking areas and garages (see Figure 8.175-2).
- (a) Off-street parking may be provided with individual cottages or arranged in clusters (shared parking lots).
  - (b) Clustered parking. If clustered parking is proposed, it must meet the following standards:
    - i. A parking cluster must not exceed five (5) contiguous spaces.
    - ii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
    - iii. Clustered parking areas may be covered.
    - iv. ~~Common~~ Parking areas must also meet the standards in ADC Section 9.100. ~~and~~ Parking areas that exceed 5 parking spaces 1,000 square feet must also meet the standards in ADC Sections 9.120 and 9.150, except where they conflict with the standards in this subsection.
  - (c) Parking location and access.
    - i. Off-street parking spaces and vehicle maneuvering areas may not be located:
      - Within 20 feet from any street property line, except alley property lines;
      - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
    - ii. Off-street parking spaces may not be located within ~~40~~ 5 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
    - iii. Driveways must meet the access standards in ADC Section 12.100.
  - (d) Screening. Landscaping, fencing, or walls at least three feet tall must separate clustered parking areas and parking structures from common courtyards and public streets.
  - (e) Garages and carports.
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual detached garages must not exceed 400 square feet in floor area.
    - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
    - iv. Garages must not be converted into living space.
- (9) Accessory Structures. The purpose of this standard is to ensure that accessory structures are appropriately sized relative to the scale of cottage cluster dwellings.
- (a) Accessory structures must not exceed 400 square feet in floor area.
- (10) Existing Structures. An existing single-dwelling unit on a lot or parcel to be used for a cottage cluster project may remain within the cottage cluster project area under the following conditions:
- (a) The existing dwelling may be nonconforming with respect to the requirements of this Section 8.175.
  - (b) The existing dwelling may be expanded up to the maximum height (ADC 3.192(4) or 5.092(4), as

applicable) or the maximum building footprint (ADC 3.192(5) or 5.092(5) as applicable); however, existing dwellings that exceed the maximum height and/or footprint standards may not be expanded.

- (c) The floor area of the existing dwelling must be excluded from the calculation of average floor area for the cottage cluster, per subsection 8.175(2)(c).
- (d) The existing dwelling must be excluded from the calculation of orientation toward the common courtyard, per subsection 8.175(3)(b).

**Figure 8.175-2. Cottage Cluster Parking Design Standards**



[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23; Ord. 6059, 3/14/25]

## MULTIPLE-DWELLING UNIT DEVELOPMENT

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

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

8.205 Applicability.

- (1) Except as specified in ADC Section 8.110(2), the standards of ADC Sections 8.220 through 8.300 apply to the development of new Multiple-Dwelling Unit residential buildings (accessory buildings are exempt), additions to existing structures that create additional multiple-dwelling units, and to the residential components of new buildings with Units Above or Attached to a Business (see ADC Section 22.310). Non-residential components of mixed-use development are subject to the Commercial and Institutional Site Design Standards of Sections 8.330 through 8.390.
- (2) Except as required to meet building code, fire code, or other regulations, expansions and modifications to existing buildings and sites must not decrease conformance with these standards.
- (3) Unless otherwise specified, these standards apply in all zoning districts.

[Ord. 6059, 3/14/25]

8.210 Relationship to Historic Overlay Districts. For property inside the Historic Overlay Districts and properties designated as Historic Landmarks, the provisions of Article 7 also apply. For development subject to historic review under Article 7, the review body may grant flexibility in meeting any of the design standards where necessary to achieve historic compatibility.

[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17]

8.220 Recreation and Open Space Areas. The purpose of these standards is to ensure that new multiple dwelling unit developments and mixed-use developments with multiple-dwelling units provide spaces for recreation and relaxation that are adequately sized, located, and functional. The standards are also intended to ensure that a development project's open space is an integral part of the overall development design, not merely leftover space.

The applicability and minimum requirements for common open space, children's play areas, and private open space are stated in Table 8.220-1.

**TABLE 8.220-1. Recreation and Open Space Requirements by Zoning District**

| Open Space                                                                                                                                                       | CB, HD, DMU,<br>LE, WF, MUC,<br>MUR, OP, NC,<br>CC, and RC<br>Zoning Districts | All Other<br>Zoning Districts                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| <b>Common Open Space</b>                                                                                                                                         |                                                                                |                                                                                      |
| • Developments with fewer than 10 units                                                                                                                          | Not required                                                                   | Not required                                                                         |
| • Developments with 10 or more units as part of a multiple-dwelling unit development or 10 or more units above or attached to a business                         | 250 square feet (useable area) subject to ADC 8.220(1)                         | 15% of the total development site area, and subject to the standards in ADC 8.220(2) |
| <b>Children's Play Areas</b>                                                                                                                                     |                                                                                |                                                                                      |
| • Developments with fewer than 20 units                                                                                                                          | Not required                                                                   | Not required                                                                         |
| • Developments with 20 or more units, excluding developments for seniors, senior living facilities, and housing for persons with mental or physical disabilities | Not required                                                                   | Required and subject to the standards in ADC 8.220(3)(c)                             |
| <b>Private Open Space</b>                                                                                                                                        | Not required                                                                   | Required for at least 80% of units and subject to the                                |

|  |  |                                   |
|--|--|-----------------------------------|
|  |  | standards in ADC 8.220(1) and (3) |
|--|--|-----------------------------------|

[Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6042, 7/12/2024; Ord. 6059, 3/14/25]

- (1) Common Open Space in All Zoning Districts. A multi-use path must be provided if identified in the Parks Master Plan, the Transportation System Plan, an adopted area plan, or any other plan adopted by the City of Albany. The path must be at least 10 feet wide, centered within a 20-foot-wide easement, and constructed to city standards as approved by the City Engineer. If the path is not provided at the time of development, a development agreement may be entered into for future construction and/or financial assurance thereof.
- (2) Common Open Space in the CB, HD, DMU, WF, LE, MUC, MUR, OP, NC, CC, and RC Zoning Districts. When required by Table 8.220-1, common open space must provide a minimum of one indoor or outdoor common area amenity with no dimension less than 15 feet. Common area amenities must include fixed or movable seating.
- (3) Common Open Space in All Other Zoning Districts. When required by Table 8.220-1, in all zoning districts except the CB, HD, DMU, WF, LE, MUC, MUR, OP, NC, CC, and RC Zoning Districts, the following standards apply.
  - (a) Minimum Usable Common Open Space. For developments with 20 or more units, usable common area must be provided as specified below with no horizontal dimension less than 20 feet. The usable common open space counts towards the minimum common open space requirement of 15 percent of the site area.
    - i. 10 to 20 units: 400 square feet
    - ii. 21 or more units: 400 square feet plus 20 square feet/unit over 20 units
  - (b) Required Usable Common Open Space must be entirely improved with one or more of the following amenities:
    - i. Inground permanent swimming pools with a minimum area of 400 square feet, or inground spas or hot tubs. Common patios and decks or pavement abutting and within 50 feet of the swimming pool, spa, or hot tub may be included.
    - ii. Regulation sized and equipped sports courts for tennis, handball, volleyball, pickleball, and/or basketball.
    - iii. Community gardens for use by residents to grow food and other vegetation. Gardens must have irrigation available for use by the residents.
    - iv. Rooftop terrace or ground level courtyard accessible to residents. A terrace or courtyard must include barbeques, tables, and seating that are available for use by residents.
    - v. Indoor community room.
    - vi. Multi-use path at least 10 feet wide, centered within a 20-foot wide easement constructed to city standards as approved by the City Engineer. The path must connect to a nearby proposed or existing trail, if applicable.
    - vii. Children's Play Areas that meet the standards in Section 8.220(3)(c).
  - (c) Children's Play Areas. Each children's play area must include a play structure or play equipment at least 100 square feet in area, and at least two (2) different children's play amenities/equipment approved for use in a public playground. Equipment must be manufactured to American Society for Testing and Materials (ASTM) F1487-11 standards or other comparable standards applicable to public playground equipment. The play area and open space located within 25 feet of the play structure(s) or equipment may count towards the required usable common open space requirement in 8.220(2)(b). Each children's play area must be fenced along any perimeter that is within 10 feet of a street, alley, property line, parking area, or abutting the RR, R-10, R-6.5, R-5, and HM zoning districts.
  - (d) Remaining Required Common Open Space. The remaining common open space needed to meet 15 percent of the project site may consist of the following:
    - i. Areas within Significant Natural Resource overlay districts, per ADC 6.260, or stands of mature trees greater than or equal to six inches diameter at breast height that form a contiguous

tree canopy (including areas within 10 feet of the drip line). These amenities may not account for more than 50 percent of the required common open space. Areas used for cluster development density transfers are not eligible for meeting common open space requirements.

- ii. Approved vegetated post-construction stormwater quality facilities. This amenity may not account for more than 20 percent of the required common open space.
- iii. Lawn, ornamental gardens, and landscaped areas including trees and shrubs. Areas may include picnic tables, benches, drinking fountains, paths, garden art, or structures. This amenity may not account for more than 50 percent of the remaining requirement for open space after usable open space requirements are met. If this amenity accounts for more than 25 percent of the required common open space, at least one accessible bench or picnic table and trees that provide a mature canopy of at least 25 percent of the landscaped area must be provided. Pathways, decks, or other hard surface areas or covered areas may be included but may not exceed 30 percent of the landscaped area.

(e) Limitations to Common Open Space Areas.

- i. Streets, driveways, refuse containers and parking areas, including areas required to satisfy parking lot landscape standards, must not be applied toward the minimum usable open space requirement.
- ii. Required setback areas may be applied toward the minimum usable common open space requirement of 15 percent, except that sport courts, swimming pools and spas, children's play areas, and common courtyards or covered areas are not allowed in any required setbacks.
- iii. No more than 20 percent of the common open space requirement must be on land with slopes greater than 20 percent.

(f) Common Open Space Area Credit.

- i. A credit, not to exceed 25 percent of the required common open space area, must be granted if there is direct access by an ADA accessible pedestrian path or sidewalk, not exceeding ¼ mile, from the proposed multiple-dwelling unit development to an improved public park and recreation area or publicly accessible school playground.
- ii. A credit toward the minimum common open space area required by Table 8.220-1 must be granted to development projects providing high value outdoor recreation amenities. Provision of high value amenities is determined by the dollar amount spent on the amenities as a proportion of the overall project cost (including all construction costs except land cost). The credit is calculated as follows: if one percent (1%) of the overall project development cost is spent on outdoor recreation facilities, the minimum amount of required common open space must be reduced by 10 percent. Further reductions in the minimum required common open space area must be proportional to spending. For example, if 1.5 percent of a project's cost is spent on outdoor recreation facilities, the minimum required common open space area must be reduced by 15 percent. The total reduction must not exceed 20 percent of the minimum required open space area. It is the responsibility of the applicant to document the overall project cost and the cost of the recreation amenities by providing cost estimates at the time of land use application.

(4) Private Open Space. When required by Table 8.220-1, private open space must be provided to meet the standards of this section. Development in the CB, HD, DMU, WF, LE, MUC, MUR, OP, NC, CC, and RC Zoning Districts and developments for seniors, senior living facilities, and housing for persons with mental or physical disabilities in all zoning districts are exempt from these requirements.

- a. Each dwelling unit providing required private open space must have at least 48 square feet of private open space.
- b. No dimension of the required private open space ~~shall~~ may be less than four feet. Accessible units must meet ADA standards.
- c. All required private open space must be directly accessible from the dwelling unit through a doorway.
- d. Except for front porches, required private open space must be physically and/or visually separated

from common open space.

- e. Except for front porches, required private open space for at-grade dwellings must be screened in accordance with ADC 9.24~~50~~.
  - f. Private open space that is provided at-grade may be within interior courtyards created within a single building or cluster of buildings.
  - g. Private open space that is above grade may be provided individually, as with a balcony or collectively by combining into a larger area that serves multiple units.
  - h. Private Open Space Transfers and Credit.
    - i. Up to 50 percent of the total required private open space may be transferred to usable common open space. All transferred private open space is in addition to the required usable common open space.
    - ii. Affordable Housing Credit. Up to 75% of the required private open space may be transferred to usable common open space. All transferred private open space is in addition to the required usable common open space.
- (5) Open Space Designated on Site Plan. Areas provided to satisfy the minimum open space requirements must be designated on the development site plan and must be reserved as common or private space, as applicable.

[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6059, 3/14/25]

**Staff Comments:** To increase walkability and efficient use of the site, the maximum setback is proposed to be reduced from 25 feet to 20 feet for multiple dwelling units. To improve walkability, we propose that buildings within 25 feet of the property line on local residential streets be required to have at least 50 percent of front doors face the street. This will limit the number of backsides and private spaces with screening abutting the public street.

#### 8.240 Setbacks and Building Orientation.

- (1) Purpose. The purpose of the standards in this section is to create and maintain street frontages that are attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces. The standards are also intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries, and yards to public streets.
- (2) Applicability. In all zoning districts except HD, CB, DMU, and WF, new multiple dwelling unit developments ~~shall~~**must** meet the maximum setback and building orientation standards of this section. New multiple dwelling unit development in the HD, CB, DMU and WF zoning districts is subject to maximum setback standards in ADC Section 5.120 and building orientation standards in ADC Section 8.265.
- (3) Standards. ~~Buildings~~ **Buildings** ~~On sites with frontage on a collector or arterial local public street, buildings shall~~ **must** either meet all of the standards of section (a) or all the standards of section (b) below. **Buildings on sites with frontage on a local street must meet the standards of section (a).**

A summary of the two options for meeting the Setback and Building Orientation standards, and references to applicable Code sections, are provided in Table 8.240-1. This table only summarizes standards in ADC Section 8.240; other standards in the Code related to setbacks, landscaping, and parking also apply.

**TABLE 8.240-1: Summary of Street Orientation and Enhanced Landscaping Options**

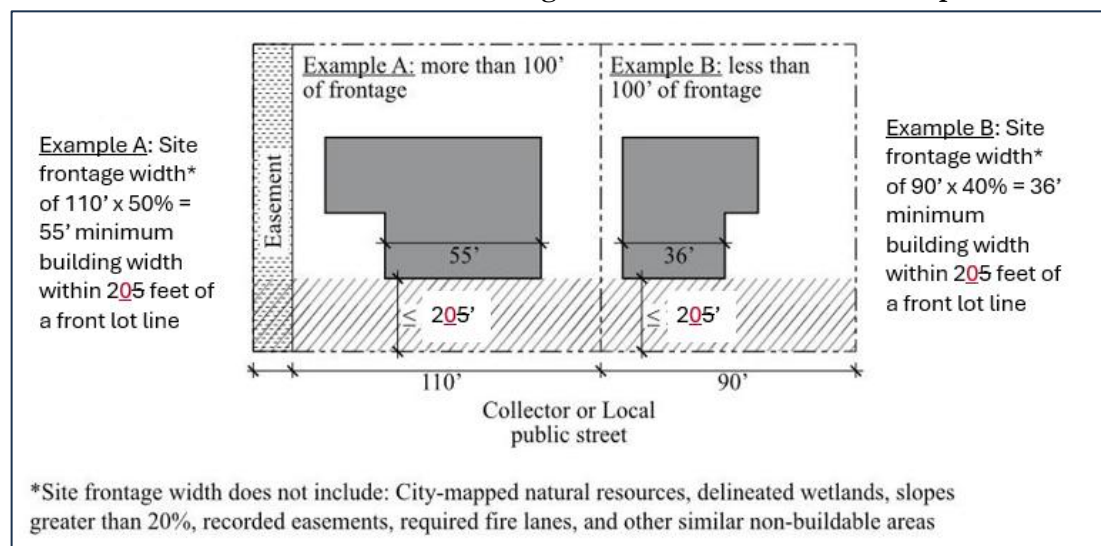
|          | Street Orientation Option                                                                                                       | Enhanced Landscaping Option                  |
|----------|---------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Frontage | Buildings must occupy at least 40% or 50% of site frontage, depending on site width in accordance with ADC 8.240(3)(a)(i)-(ii). | No additional requirements in Section 8.240. |

|                  |                                                                                                                                                                                                                                                     |                                                                                                                                                       |
|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Minimum Setback  | No additional requirements in Section 8.240.                                                                                                                                                                                                        | <del>105</del> feet in addition to base zone setbacks in accordance with ADC 8.240(3)(b)(i), <u>except in HDR the maximum setback of 15' applies.</u> |
| Maximum Setback  | Buildings must be setback no more than <del>205</del> feet in accordance with ADC 8.240(3)(a)(i).                                                                                                                                                   | No additional requirements in Section 8.240.                                                                                                          |
| Entries          | <u>At least 50% of front doors</u> <del>Entries</del> of units within 25 feet of collector or local public street must face <u>the</u> street and <del>must</del> be recessed or have covered porches in accordance with ADC 8.240(3)(a)(iii)-(iv). | No additional requirements in Section 8.240.                                                                                                          |
| Parking Location | No parking <del>is</del> allowed between <u>the</u> building and street in accordance with ADC 8.240(3)(a)(v).                                                                                                                                      | Parking allowed between building and street for up to 25% of building frontage in accordance with ADC 8.240(3)(b)(ii).                                |
| Landscaping      | No additional requirements in Section 8.240.                                                                                                                                                                                                        | Enhanced landscaping required within setback in accordance with Table 8.240-2.                                                                        |

(a) Street Orientation Option.

- i. The applicable maximum building setback requirement is based on the site frontage width, as follows:
  - On sites with 100 feet or more of frontage on a ~~collector or local~~ public street, at least 50 percent of the site width ~~shall~~ may be occupied by a building(s) placed no farther than ~~205~~ feet from the front lot line, or 15 feet in the HDR zone. See Figure 8.240-1, Example A.
  - On sites with less than 100 feet of frontage on a ~~collector or local~~ public street, at least 40 percent of the site width ~~shall~~ may be occupied by a building(s) placed no farther than ~~205~~ feet from the front lot line or 15 feet in the HDR zone. See Figure 8.240-1, Example B. Permitted flag lots are exempt from meeting this standard.

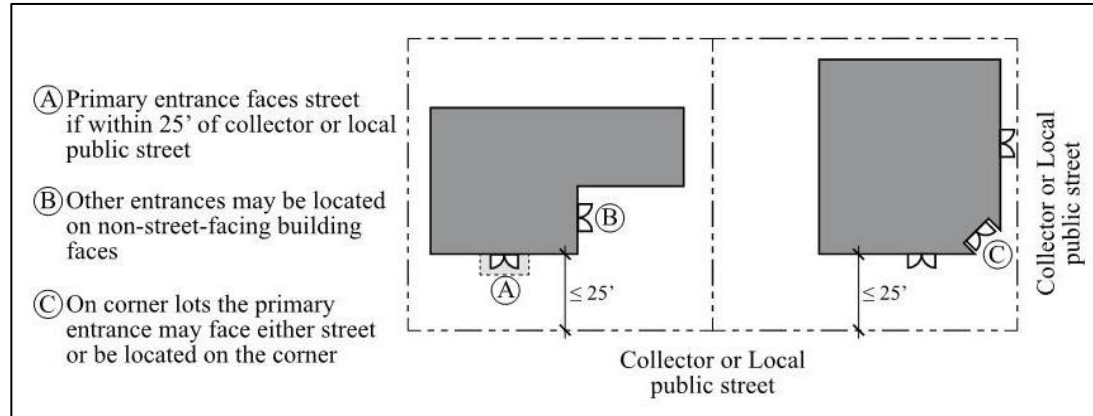
**FIGURE 8.240-1: Maximum Building Setback - Street Orientation Option**



- ii. As used in these standards, “site width” does not include significant natural resources as mapped by the City, delineated wetlands, slopes greater than 20 percent, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

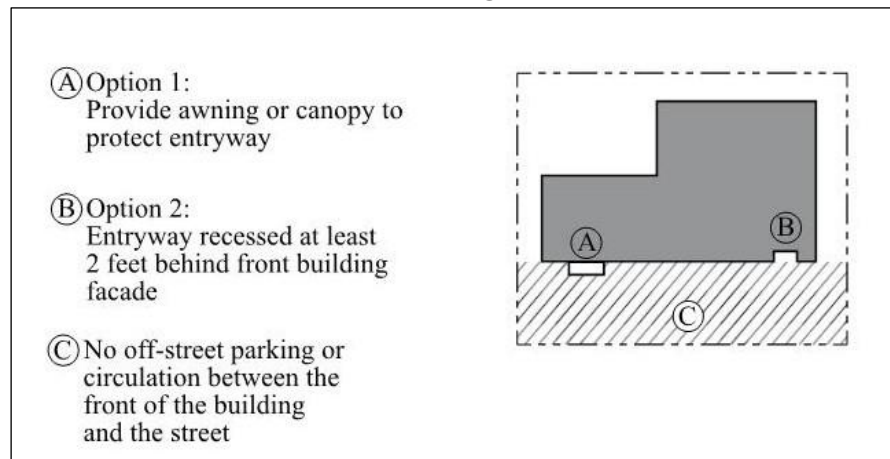
- iii. The primary entrance(s) of at least 50 percent of ground floor units of residential building(s) located within 25 feet of a collector or local public street ~~shall~~ must face the street. Primary entrances ~~shall~~ must provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions to this standard are allowed:
- On corner lots, the main building entrance(s) may face either of the streets or be oriented to the corner.
  - For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement. (See Figure 8.240-2.)

**FIGURE 8.240-2: Primary Entrance Orientation - Street Orientation Option**

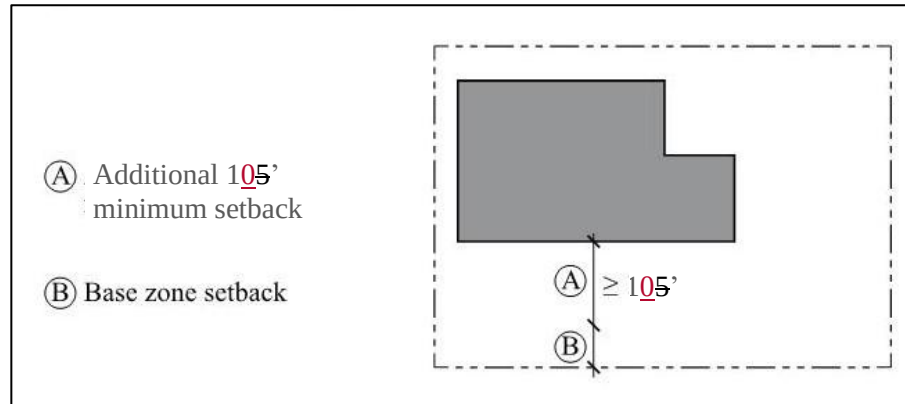


- iv. Ground floor entries to individual units shall provide a covered front porch, or a front entry that is recessed a minimum of two feet behind the front building facade. Primary building entries (including shared entries to residential units) ~~shall~~ must provide an awning or canopy or be recessed a minimum of two feet behind the front building facade.
- v. No off-street parking or circulation ~~shall~~ may be located between the front of the building and the street. (See Figure 8.240-3.)

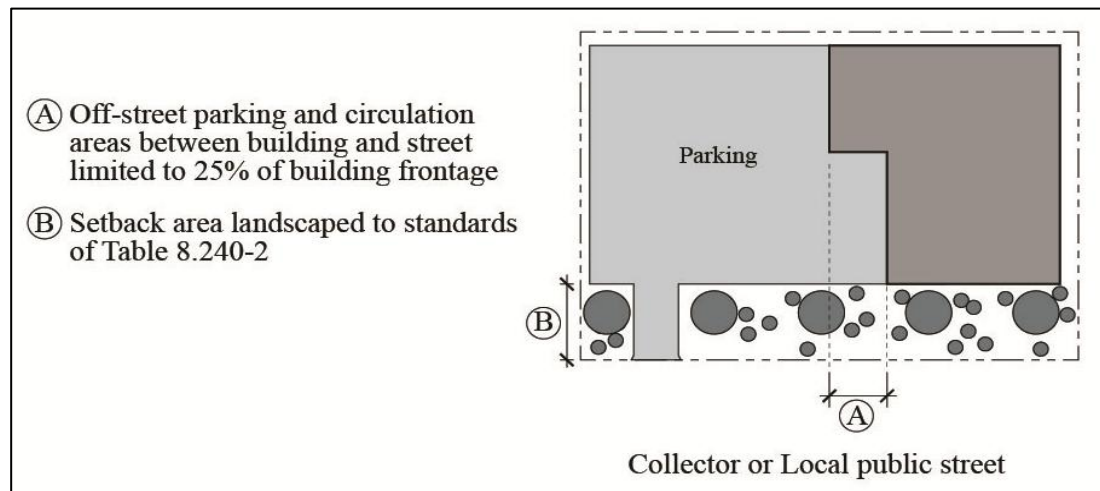
**FIGURE 8.240-3: Entries Treatment and Parking Location - Street Orientation Option**



- (b) Enhanced Landscaping Option. The following standards apply to the lot line(s) abutting a collector or local public street.
- i. Buildings and off-street parking and circulation areas ~~shall be~~ are subject to the minimum setback for the zoning district plus an additional 105-foot setback (see Figure 8.240-4). The entire setback area ~~shall~~ must be landscaped to meet the minimum standards in Table 8.240-2 (see Figures 8.240-5 and 8.240-6). There is no maximum setback except in the HDR zone, the maximum setback of 15' applies to the enhanced landscape option.

**FIGURE 8.240-4: Minimum Setback – Enhanced Landscaping Option**

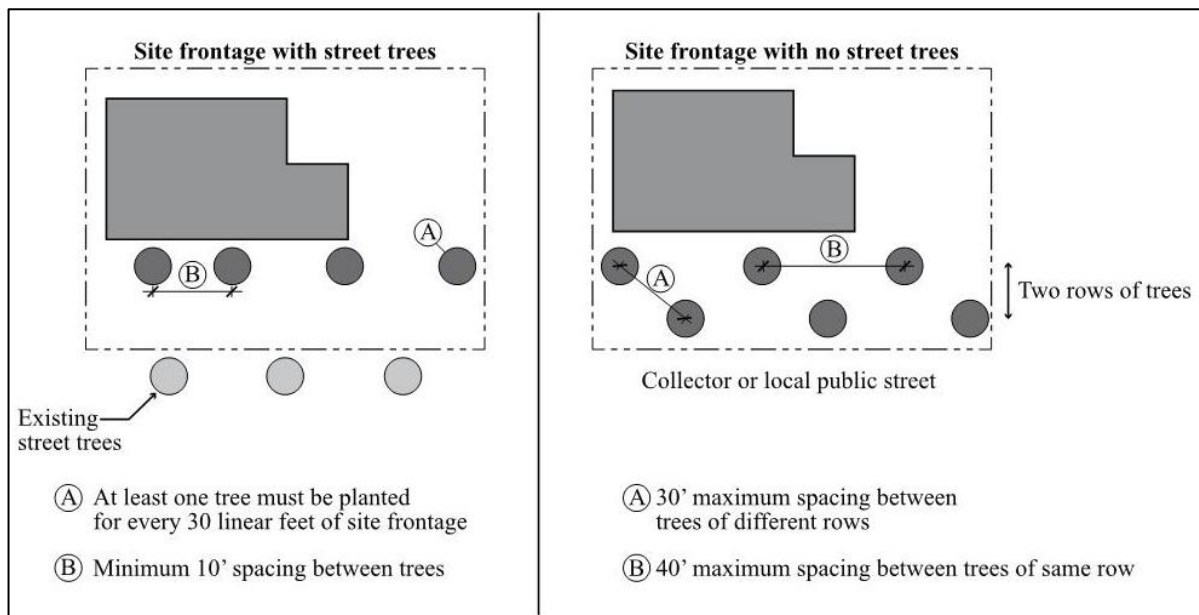
- ii. Off-street parking and circulation areas may be located between the building and the street for a maximum of 25 percent of the building's frontage (see Figure 8.240-5).

**FIGURE 8.240-5: Parking and Circulation Location – Enhanced Landscaping Option****TABLE 8.240-2: Minimum Landscaping Required in Setback**

|                                                            |                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Trees                                                      | <ul style="list-style-type: none"> <li>• Must be at least 6 feet tall at the time of planting</li> <li>• Trees must maintain a minimum spacing of 10 feet on center (see Note 1)</li> <li>• Mature height of planted shrubs and ground cover must not exceed 3 feet. The tree canopy of mature trees must be maintained at 6 feet or higher above ground</li> </ul> |
| Street Frontages with Street Trees (see Figure 8.240-6)    | <ul style="list-style-type: none"> <li>• 1 tree for every 30 linear feet of street frontage</li> </ul>                                                                                                                                                                                                                                                              |
| Street Frontages without Street Trees (see Figure 8.240-6) | <ul style="list-style-type: none"> <li>• Planted in at least two rows</li> <li>• Each row <del>shall</del> <b>must</b> have a minimum of 1 tree for every 40 linear feet of street frontage</li> <li>• Maximum spacing of 30 feet on center for trees within different rows</li> <li>• Maximum spacing of 40 feet on center for trees within same row</li> </ul>    |
| Shrubs                                                     | <ul style="list-style-type: none"> <li>• 4 three-gallon shrubs or accent plants for every 10 linear feet of</li> </ul>                                                                                                                                                                                                                                              |

|                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                     | street frontage.                                                                                                                                                                                                                                                                |
|                                                                                                                                                                                                                                                     | <ul style="list-style-type: none"> <li>Required shrubs may be clustered</li> </ul>                                                                                                                                                                                              |
| Ground Cover                                                                                                                                                                                                                                        | <ul style="list-style-type: none"> <li>The remaining area <del>shall</del><b>must</b> be planted with vegetative ground cover plantings except that rock, bark, or similar landscape cover materials may be used for up to 25 percent of the required landscape area</li> </ul> |
| (Note 1) Adjustments to the tree spacing standards, which would result in trees being planted closer than 10 feet on center, must receive a Crime Prevention Through Environmental Design (CPTED) review from the City of Albany Police Department. |                                                                                                                                                                                                                                                                                 |

FIGURE 8.240-6: Required Tree Planting – Enhanced Landscaping Option



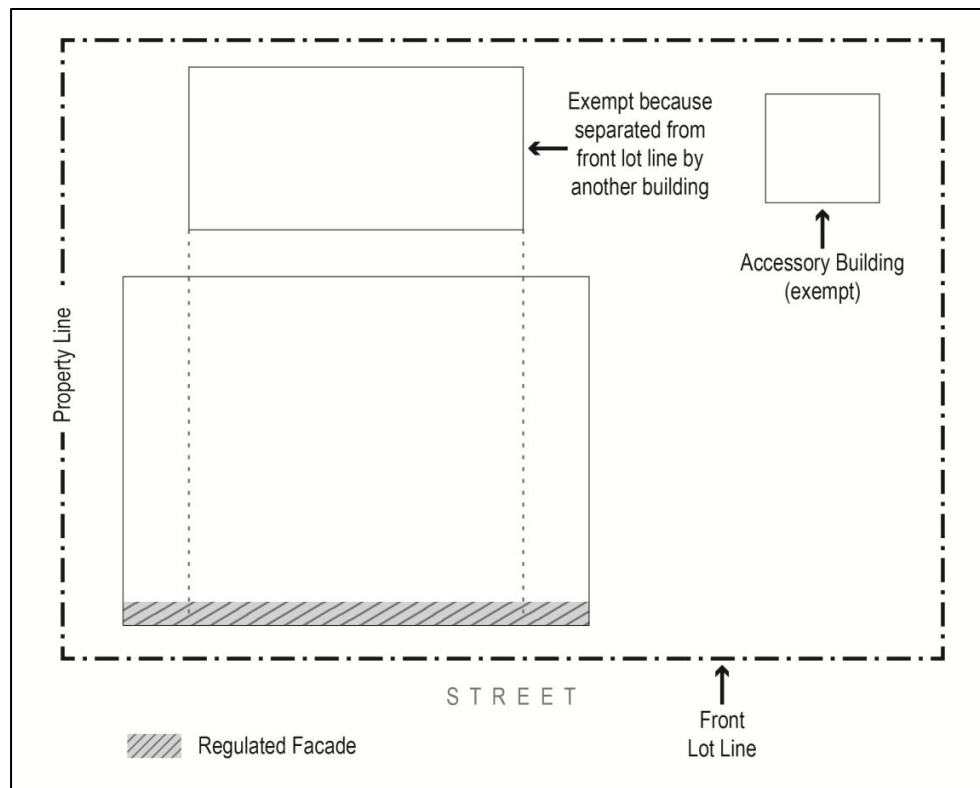
[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

~~[Section 8.250 repealed by Ordinance 5947, 1/01/21.]~~

8.255 **Multiple Dwelling Unit Façade d**~~Design, articulation, and windows.~~ The purpose of the standards in this section is to promote functional design and building details in new construction that provide visual interest, contribute to a high-quality living environment for residents, give a sense of quality and permanence, and enhance compatibility with the surrounding community.

- (1) **Regulated façades.** These standards apply to any façade that faces toward or within 45 degrees of a front lot line, except as otherwise specified below.
  - (a) ~~For a corner or~~ **On** multiple frontage lots, only one front façade must meet these standards. A Willamette River setback line established pursuant to ADC 5.200 through 5.207 may be considered a front lot line for purposes of these standards. For lots with frontage on First or Second Avenue, the front façade facing First or Second Avenue ~~shall~~**must** meet these standards.
  - (b) Where there is more than one building on the site, these standards do not apply to any portion of a building that is separated from the front lot line by another building, based on a line perpendicular to the front lot line (see Figure 8.255-1).
  - (c) Accessory buildings less than 750 square feet are exempt from these standards.

FIGURE 8.255-1. Regulated façades for Façade Design, Articulation and Window Standards.



- (2) Façade design and articulation. Regulated façades ~~shall~~ must include a minimum of two of the architectural features listed below.
  - (a) Recessed entrance(s): three to six feet deep (relative to building façade).
  - (b) Eaves: overhang of not less than 12 inches.
  - (c) Offset: offset in facade or roof of at least two feet that extends for at least four feet.
  - (d) Bay window: projects from front elevation by 12 to 24 inches.
  - (e) Balcony: one per dwelling unit facing the street, with a minimum depth of three feet.
  - (f) Decorative top: e.g., cornice or pediment with flat roof or brackets with a pitched roof.
  - (g) Other: feature not listed but providing visual relief or contextually appropriate design similar to options a-f.
- (3) Street-Facing Windows. In the HD, DMU, CB, and WF zoning districts, at least 25 percent of the portion of the regulated façade between two and eight feet above grade and at least 25 percent of the total area of each regulated façade must contain windows or doors that meet all of the criteria in (a) through (c), below. In all other zoning districts, at least 15 percent of the total area of each regulated façade must contain windows or doors that meet all of the criteria in (a) through (c), below.
  - (a) Made of transparent material with a minimum visible transmittance of 0.4. (Only the transparent portion of doors may be counted towards required window areas.) Windows with a visible transmittance rating less than 0.4 and windows that are frosted, fritted, patterned, or obscure may be counted towards up to half of the required window area provided that the windows in total allow views from the building to the street.
  - (b) Located in any part of the building except garages and parking areas.
  - (c) Face towards or within 45 degrees of the front lot line.
- (4) In the DMU, CB, WF, and HD zoning districts, to provide privacy for ground floor residential uses, for residential buildings within five feet of the front lot line, street-facing ground floor windows ~~shall~~

must be separated from the front lot line with a landscaped buffer at least three feet deep extending for at least the width of the window(s). The landscape buffer ~~shall~~ must meet at least one of the following standards.

- (a) For every three linear feet of width, provide at least one three-gallon shrub, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (b) For every two linear feet of width, provide at least one one-gallon shrub or perennial that typically achieves a mature height of at least three feet, with the remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (c) Other suitable landscaping that provides both privacy and visual interest and includes living plants, shrubs, and/or trees.

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

~~[8.260 Repealed by Ordinance 5947, 1/01/21.]~~

8.265 Building Orientation and Entries in the HD, DMU, CB, and WF Zoning Districts. These standards are intended to promote building and site design that contributes positively to the overall streetscape by balancing connection to the street, transitions between public space and private space, and privacy. Providing appropriate transitions and privacy can make building occupants feel comfortable having windows uncovered and using outside space, which strengthens connections to the street and can help deter crime and vandalism.

- (1) The main entrance to individual dwelling units on the ground floor and to lobbies for buildings with internally accessed units ~~shall~~ must face a street, courtyard, or plaza (not a parking lot). For corner lots, the main entrance may face either street.
- (2) ~~In order to~~ To provide a transition between public space (the sidewalk) and private space (the dwelling) while maintaining a visual and physical connection to the street, entrances to individual dwelling units on the first story must be set back at least five feet from the front lot line and must be covered for a depth of at least three feet.

[Ord. 5894, 10/14/17]

*[Section 8.270 Transition to Lower Density Uses moved to Article 3, Section 3.220(6) per Ord. 6059, 3/14/25]*

8.280 Pedestrian Connections.

- (1) Purpose. The standards of this section are intended to ensure that pedestrian circulation systems are designed to provide clear, identifiable, safe, and convenient connections within the multiple-dwelling unit development and to adjacent uses and public streets/sidewalks.
- (2) Each multiple-dwelling unit development ~~shall~~ must contain an internal pedestrian circulation system that makes connections between individual units and parking areas, common open space areas, children's play areas, and public rights-of-way. ~~In order to~~ To ensure that connections are clear, easily identifiable, and safe, all pedestrian connections ~~shall~~ must meet the following standards:
  - (a) Except as required for crosswalks, per ADC Section 8.280(4), where a walkway abuts a vehicle circulation area, it ~~shall~~ must be physically separated by a curb that is raised at least six inches or by bollards.
  - (b) Walkways ~~shall~~ must be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.
- (3) All pedestrian ways ~~shall~~ must comply with the requirements of the Americans with Disabilities Act.
- (4) ~~In order to~~ To provide safe crossings of streets, driveways, and parking areas, crossings ~~shall~~ must be clearly marked with either contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) or reflective striping that emphasizes the crossing under low light and inclement weather conditions.
- (5) Pedestrian connections ~~shall~~ must be provided between the multiple-dwelling unit development and all adjacent parks, schools, retail areas, bus stops, key destinations, and other pedestrian ways. At least one connection ~~shall~~ must be made to each adjacent street and sidewalk for every 200 linear feet of street frontage in conformance with ADC 9.133(2). Sites with less than 200 linear feet of street frontage

~~shall~~must provide at least one connection to the street and/or sidewalk.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

~~[8.290 — Vehicle Circulation System moved to Article 9 by Ord. 6018, 6/30/23.]~~

#### 8.300 Parking Location.

- (1) Purpose. The standards of this section are intended to ensure that residents of multiple-dwelling unit developments have convenient access to on-site parking areas ~~on site~~, if provided.  
Applicability. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC Section 8.305. See Article 9 for additional parking lot standards.
- (2) Parking must be located within 100 feet of the building entrance for a minimum of 50 percent of units in a development.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23]

8.305 Parking and Access in ~~Climate Friendly Area Overlay Districts, Village Centers, and in the HD, DMU, CB, and WF Zoning Districts.~~ These standards are intended to support a pedestrian-friendly street environment by minimizing the placement of parking lots along public streets and minimizing driveways that create the potential for pedestrian conflicts. They are also intended to preserve on-street public parking. See Article 9 for additional parking lot standards and Article 12 for additional access standards.

- (1) Parking between the building façade and the front lot line is not permitted.
- (2) Entrances to garages serving individual units ~~shall~~must be from a rear alley or shared access easement and not face a front lot line.
- (3) The minimum spacing between driveways ~~shall~~must be 25 feet, where reasonably feasible. The distance between driveways is measured along the front property line.
- (4) The standards of ADC Section 12.230 regarding design requirements abutting arterials do not apply. However, the standards of ADC 12.100 regarding limiting the location, width, and number of accesses to arterials do apply.
- (5) Parking areas within a building ~~shall~~must provide screening (such as landscaping or decorative metal panels) that provides at least 25 percent opacity for any street-facing openings other than entries or exhaust fan vents.

[Ord. 5894, 10/14/17]

### COMMERCIAL AND INSTITUTIONAL SITE DESIGN

8.310 Purpose. These sections are intended to set threshold standards for quality design in commercial and institutional development, and in the non-residential components of mixed-use development. Good design results in buildings that are visually compatible with one another and adjacent neighborhoods and contribute to an attractive, active, and safe built environment that facilitates easy pedestrian movement and a rich mixture of land uses.

8.315 Applicability. These standards apply to the design of new development and to the expansion of existing developments where commercial and/or institutional uses, as defined in Article 22, ~~are existing~~ or are proposed, including when such uses are part of a mixed-use development ~~or live/work dwelling unit~~, with the following exceptions:

- Modifications to existing developments for which the Director has waived review under the provisions of ADC Section 1.105 are not subject to these standards.
- Utility substations and other utility facilities that do not have on-site personnel are not subject to these standards. However, telecommunication facilities are subject to other design standards in Article 8.
- Only the non-residential portion of a mixed-use development is subject to these standards. New residential Units Above or Attached to a Business are subject to Multiple-Dwelling Unit Design

Standard as stated in Section 8.205.

Certain standards provide additional exemptions for modifications to existing sites or buildings. Unless otherwise specified, these standards apply in any zoning district except the Heavy Industrial (HI) Zoning District.

[Ord. 5445, 4/12/00; Ord. 5832, 4/9/14; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

- 8.320 Relationship to Historic Overlay Districts. For property inside the Historic Overlay Districts and properties designated as Historic Landmarks, the provisions of Article 7 also apply. For development subject to historic review under Article 7, the review body may grant flexibility in meeting any of the design standards where necessary to achieve historic compatibility.

[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17]

- 8.330 Entrance Orientation and Parking Location. The purpose of the entrance orientation and parking location standards is to help create an attractive streetscape and pleasant pedestrian environment that is conducive to walking, and to help further Crime Prevention Through Environmental Design (CPTED) principles such as natural surveillance of public spaces. These standards apply to new buildings (excluding accessory buildings) in all zoning districts ~~except HD, DMU, CB, and WF.~~ (Note: Development in HD, CB, DMU, and WF shall must demonstrate appropriate building orientation through compliance with maximum front setback standards in ADC Section 5.120.) Except as required to meet building ~~code, or fire codes,~~ or other regulations, expansions, and modifications to existing buildings and sites ~~shall~~ must not decrease conformance with these standards

- (1) Main Entrance. New buildings ~~and additions to the front or side of a building shall~~ must be oriented to existing or new public streets. Development sites with frontage on more than one street must meet this standard on a street served by transit, when applicable. Building orientation is demonstrated by placing buildings and their public entrances close to streets and providing a pedestrians with a direct connection from the street sidewalk to building entrances in conformance with ADC 9.133(2).

- (a) At least one main entrance, ~~which is in compliance with subsection (1),~~ must be designed to include at least three (3) of the following architectural features: canopy, portico, arcade, arch, wing wall, planters, recessed doorway, transom windows, ornamental light fixtures, larger or more prominent doors, pilasters or columns that frame the doorway, or other similar features that increase the visibility of the entrance for pedestrians.

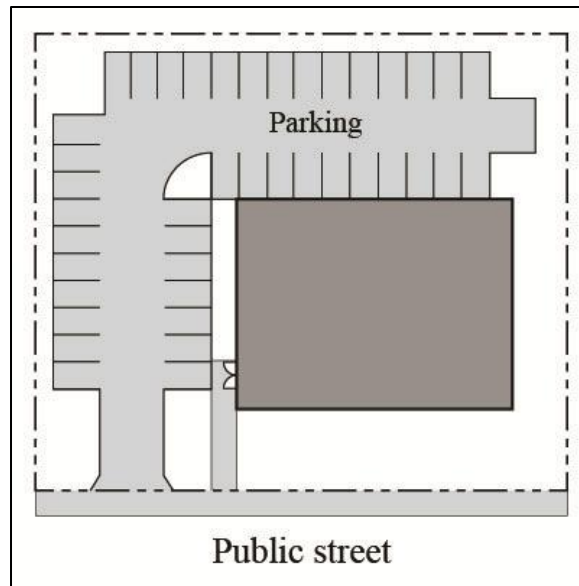
- (b) Buildings separated from the street by other buildings are exempt from this standard.

- (2) Parking Location. Off-street parking must be located to the side or rear of the building(s) and not between the building and the street, except where the applicant demonstrates that one or more of the situations listed in (a)-(e) below applies and the buffer standard in subsection (3) is met (see Figure 8.330-1). Adjustments to this standard pursuant to ADC 2.060-2.080 to allow parking in front of the building may be approved upon finding that the proposed setbacks are comparable to the setbacks on adjacent developed non-residential sites and steps have been taken to mitigate the impact of parking ~~in order to meet the purpose of the standard.~~

- (a) Locating parking to the side or rear of the building is not feasible due to the dimensions of the site including, but not limited to, the width, shape, or size of the site or the amount of site frontage.
  - (b) Locating parking to the rear or side of the building is not feasible due to the conservation of designated natural resources or the preservation of five or more trees over 25 inches in circumference (approximately 8 inches in diameter) or one or more individual trees equal to or greater than six and one-half feet in circumference (approximately 25 inches in diameter). Trees must be healthy specimens that can and will be retained and which are not exempt from site plan review for tree felling pursuant to ADC 9.204.
  - (c) Locating parking to the rear or side of the building is not feasible due to topographic constraints or natural hazards on the site.
  - (d) The site frontage is subject to access restrictions from a public street that would preclude placement of the parking to the side or rear of the building.
  - (e) The site is larger than three acres and the parking lot has been designed in accordance with the

standards in Section 9.130(6), regardless of the number of parking spaces.

**FIGURE 8.330-1. Parking to the Side or Rear of Buildings.**



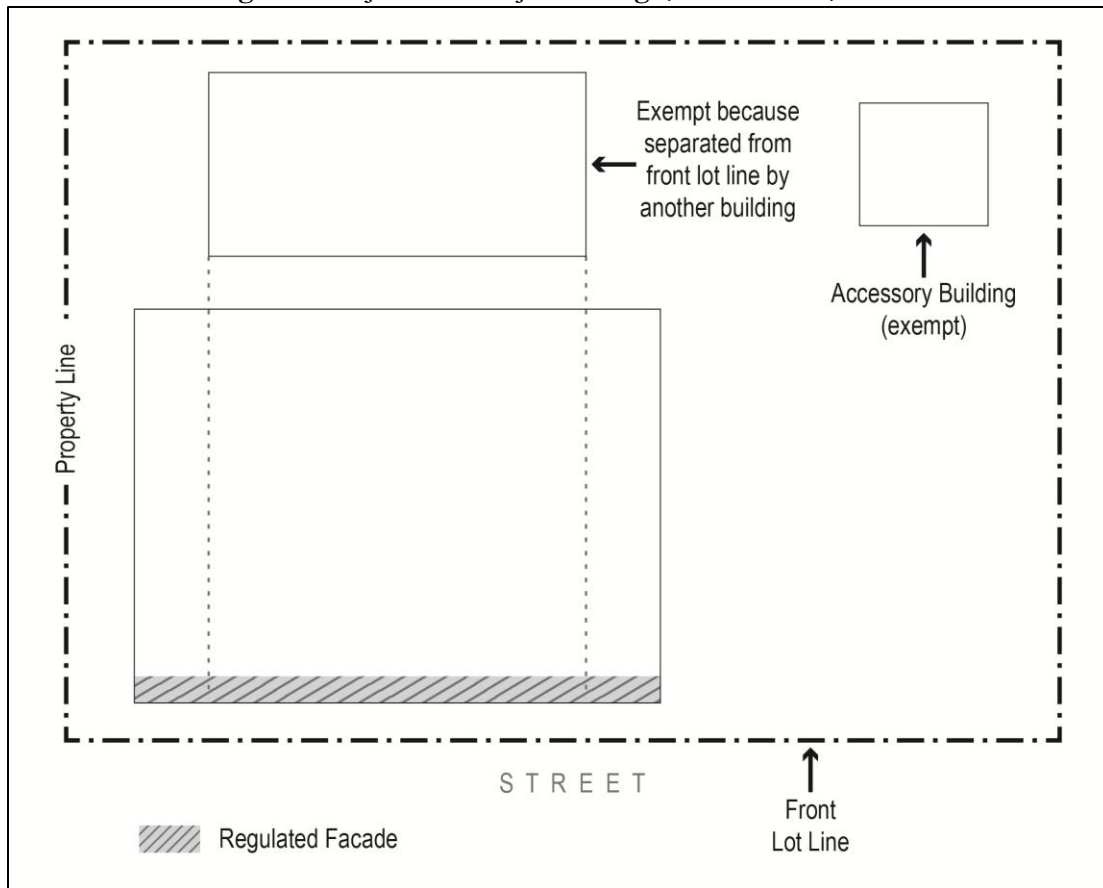
- (3) Parking Lot Buffer. Where a landscape buffer is required pursuant to subsection (2), a minimum 10-foot-wide landscape buffer meeting the landscaping standards in ADC 9.240 must be placed between the parking area and the street, running the length of the parking area. In zoning districts that require a landscaped front setback, the parking lot buffer requirement may be met by the required front setback standard if landscape plantings are provided at the same or greater density.

[Ord. 5894, 10/14/17Ord. 5947, 1/1/21]

~~[8.340 Repealed by Ordinance 5947, 1/1/21.]~~

8.345 Facade design, articulation, and windows. The following standards are intended to provide architectural relief and interest and to promote pedestrian-oriented design. These standards apply to new buildings (excluding accessory buildings). Except as required to meet building code, fire code, or other regulations, expansions and modifications to existing buildings and sites ~~shall~~ must not decrease conformance with these standards.

- (1) Regulated façades. The following standards apply to any façade that faces toward or within 45 degrees of a front lot line, with the exceptions below. See definition of front lot line in Article 22 for application on lots with multiple frontages; however, a lot line abutting First or Second Avenue ~~shall~~ must always be considered a front lot line for purposes of these standards. A Willamette River setback line established pursuant to ADC 5.200 through 5.207 may be considered a front lot line for purposes of these standards.
- (a) Where there is more than one building on the site, these standards do not apply to any portion of a building that is separated from the front lot line by another building, based on a line perpendicular to the front lot line (see Figure 8.345-1).
- (b) Accessory buildings less than 750 square feet are exempt from these standards.

**FIGURE 8.345-1. Regulated façades for Façade Design, Articulation, and Window Standards.**

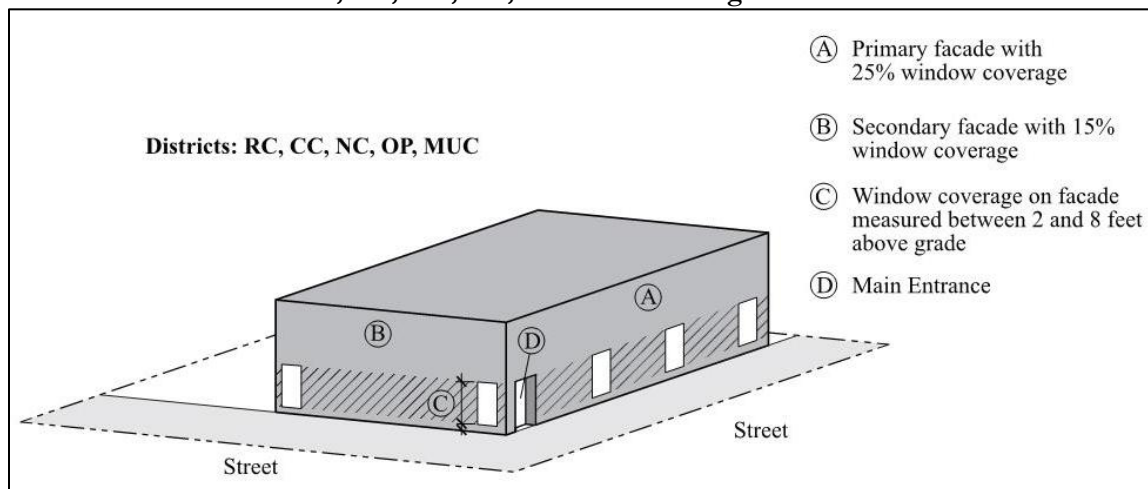
- (2) Façade design and articulation. ~~In order to~~ To promote buildings that provide visual interest and façade details that give a sense of quality and permanence, regulated façades ~~shall~~ must include a minimum of two types of architectural features from the list below. Buildings that include units above or attached to a business may use features listed in ADC 8.255(2) to meet this standard as well as those listed below; however, features included in both lists may only be counted once.
  - (a) Recessed entrance(s): three to six feet deep.
  - (b) Inset windows: windows inset 4 inches to 18 inches from the adjacent building façade.
  - (c) Weather protection: awnings or other weather protection constructed of durable materials that extend at least four feet in horizontal distance from the building wall over all public entrances.
  - (d) Decorative top: e.g., cornice, pediment, or parapet with a flat roof.
  - (e) Other: features s not listed but providing visual relief or contextually appropriate design similar to options (a)-(d).
- (3) Ground Floor Windows. Ground floor windows or entrance doors ~~shall~~ must be provided along regulated façades at the pedestrian level in accordance with the standards below.
  - (a) The minimum required percentage of the ground floor façade that must contain windows is specified in Table 8.345-1 by zoning district. The ground floor façade subject to this standard ~~shall~~ must be the area measured between two and eight feet above grade.

**TABLE 8.345-1. Required ground-floor window percentages by district.**

| District                                                         | Percent Windows                                                      |
|------------------------------------------------------------------|----------------------------------------------------------------------|
| RC, CC, NC, OP, MUC<br>(see 8.345(3)(b))<br>(see Figure 8.345-2) | 25 percent - one primary façade<br>15 percent - one secondary façade |
| MS, LE, PB, ES, MUR<br>(see 8.345(3)(b))                         | 50 percent - one primary façade<br>25 percent - one secondary façade |
| WF<br>(see 8.345(3)(c))                                          | 50 percent                                                           |
| CB, DMU<br>(see 8.345(3)(c))                                     | 60 percent                                                           |
| HD<br>(see 8.345(3)(c))                                          | 75 percent                                                           |

- (b) For the ground floor window requirements in the RC, CC, NC, OP, MUC, MS, LE, PB, ES, and MUR zones, “primary façade” means a regulated façade that includes a main entrance pursuant to ADC 8.330. “Secondary façade” means a regulated façade on a lot with two or more frontages that is not the primary façade. If there is no façade which meets the definition of “primary façade,” the primary façade ~~shall~~ **must** be the longest regulated façade. If more than one façade meets the definition of “primary façade,” then the applicant can choose which regulated façade ~~shall is~~ **is** be subject to the primary façade standard and which regulated façade ~~shall be~~ **is** subject to the secondary façade standard or they can distribute the required windows across both façades. (See Figure 8.345-2, which illustrates minimum ground-floor window coverage on primary and secondary façades in the RC, CC, NC, OP, and MUC zoning districts.) No minimum ground-floor windows are required for secondary façades if an applicant demonstrates that one or more of the situations applies:

- The façade is more than 50 feet from the street.
- More than 70 percent of the façade contains loading bays or docks.
- The façade is screened from the street by another structure or by a sight-obscuring hedge, wall, or fence with a minimum height of six feet.

**FIGURE 8.345-2. Minimum Ground-Floor Window Standards in the RC, CC, NC, OP, and MUC Zoning Districts.**

- (c) In the CB, DMU, and HD zoning districts, building elevations that are separated from the street by a rail line require at least 50 percent windows.
- (d) ~~In order to~~ **To** count towards the required window area, windows must meet all of the criteria in (i) through (iii), below.
- Made of transparent material with a minimum visible transmittance of 0.5. (The transparent portion of doors may count towards required window areas.) Windows with a visible transmittance rating less than 0.5 and windows that are frosted, fritted, patterned, or obscure may be counted towards up to half of the required window area provided that the ground-

floor windows in total allow views from the building to the street.

- ii. Located in any part of the building except garages and parking areas.
- iii. Face towards or within 45 degrees of the front lot line.

- (4) Windows on upper stories. In the HD, CB, DMU, and WF zoning districts, buildings with two or more stories ~~shall~~ **must** provide windows occupying at least 25 percent of the regulated façade on the upper stories. Windows on upper stories must meet all of the criteria in (a) through (c), below.

- (a) Made of transparent material with a minimum visible transmittance of 0.4. (The transparent portion of doors may count towards required window areas.) Windows with a visible transmittance rating less than 0.4 and windows that are frosted, fritted, patterned, or obscure may be counted towards up to half of the required window area provided that the windows in total allow views from the building to the street.
- (b) Located in any part of the building except garages and parking areas.
- (c) Face towards or within 45 degrees of the front lot line.

[Ord. 5894; 10/14/17; Ord. 5947, 1/1/21]

~~[8.350 Street Connectivity and Internal Circulation moved to Article 9 by Ord. 6018, 6/30/23.]~~

8.360 Pedestrian Amenities. The following standards apply in all zoning districts except HD, CB, DMU, and WF, which are subject to ADC Section 8.365. The purpose of the pedestrian amenity requirements is to enhance pedestrian comfort by providing awnings, seating, special paving, ~~and planters,~~ and similar improvements. The standards for pedestrian amenities are related to the scale of the development and ~~also provide the~~ flexibility for the developer to select the most appropriate amenities for the particular site and use.

- (1) Required number of amenities. New buildings or expansions or modifications to existing buildings except those where a land use application is not required pursuant to ADC Section 1.105 ~~shall~~ **must** provide pedestrian amenities with a total point value not less than the amount shown in Table 8.360-1. The point value of each pedestrian amenity is specified in Table 8.360-2.

**TABLE 8.360-1: Required Pedestrian Amenities**

| Proposed New Building Area | Required Pedestrian Amenities Points                                                                                                        |
|----------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 0 sf – 20,000 sf           | 1 point per 2,500 sf                                                                                                                        |
| More than 20,000 sf        | 1 point per 2,500 sf for the first 20,000 sf plus<br>1 point per 5,000 sf for new building area over 20,000 sf up to a maximum of 20 points |

- (2) Value of amenities. The point value of acceptable pedestrian amenities is specified in Table 8.360-2. Pedestrian amenities ~~shall~~ **must** be installed on private property except where otherwise noted.

**TABLE 8.360-2: Point Value of Pedestrian Amenities**

| Amenity                                                                                                                                                            | Point Value                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Sidewalks with ornamental treatments (e.g., brick pavers) that are either at least 10 feet wide or 50 percent wider than required by the Code, whichever is larger | 1 point for every 10 lineal feet of sidewalk                                    |
| Benches or outdoor public seating (maximum of 4 points)                                                                                                            | 1 point for seating for 4 people                                                |
| Covered bicycle parking (maximum of 4 points)                                                                                                                      | 1 point for every 5 covered spaces provided beyond the minimum Code requirement |
| Bicycle lockers (maximum of 10 points)                                                                                                                             | 1 point for every locker                                                        |

| Amenity                                                                                                                                                                                                 | Point Value                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| Sidewalk planter(s) enclosing a minimum of 8 square feet (maximum of 4 points)*                                                                                                                         | 1 point for every planter provided beyond the minimum Code requirement                          |
| Pocket parks or plazas with a minimum area of 300 square feet*                                                                                                                                          | 10 points for every park or plaza                                                               |
| Planting trees that are 50 percent larger than required by Code or planting more trees than required by Code. (maximum 4 points)                                                                        | 1 point for every 4 trees                                                                       |
| Weather protection (awnings, etc.) which overhangs the sidewalk or walkway by a minimum of 4 feet. Awnings or other weather protection must be constructed of durable materials. (maximum of 10 points) | 1 point for every 5 lineal feet of weather protection                                           |
| Decorative fountain or other public art. Public art, including decorative fountains, must be approved by the City Arts Commission. (maximum of 10 points)*                                              | Point value to be determined by the City based on other amenities similar in scale and benefit  |
| Other pedestrian amenities that are not listed above, <u>such as pedestrian-scale lighting along internal sidewalks and driveways</u> .* (maximum of 10 points)                                         | Point value to be determined by the City based on other amenities similar in scale and benefit. |
| *Approved vegetated stormwater quality facilities may be incorporated into the amenity.                                                                                                                 |                                                                                                 |

(3) Additional standards for pedestrian amenities. Pedestrian amenities ~~shall~~ must meet the following standards:

- (a) Amenities must ~~shall~~ be located outside the building main entrance, along pedestrian corridors, or within 50 feet of a transit stop. Amenities ~~shall~~ must be visible and accessible to the general public from an improved public or private street. Amenities may be located within the public right-of-way if approved by the Public Works Director or designee. Public access must be provided to pocket parks, plazas, and sidewalks.
- (b) Amenities are not subject to setback requirements.
- (c) Amenities ~~should~~ must be consistent with the character and scale of surrounding developments. For example, the similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use and permanently maintained.
- (d) Existing ~~Amenities existing on~~ or abutting the development site in the right-of-way may be used to meet the requirement in subsection (1) for new building area provided that their point value is in excess of the number of points that would be required if the current standards were applied to the existing level of development on the site.

[Ord. 5445, 4/12/00; Ord. 5842, 1/1/15; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

8.365 Pedestrian Amenities in the HD, CB, DMU, and WF zoning districts. ~~Pedestrian amenities are required in the HD, CB, DMU and WF zoning districts.~~

Purpose. The purpose of the pedestrian amenity requirements is to enhance the pedestrian environment. Because the sidewalk area is the most important element of the pedestrian environment in an urban setting, these standards focus primarily on sidewalk enhancements.

Applicability. The standards ~~in (1) – (3),~~ below, apply to the following development within the HD, CB, DMU, and WF zoning districts: new buildings (excluding accessory buildings); expansions or modifications to existing buildings that are not covered under ADC Section 1.105(7); and any development that requires sidewalk improvements. The City Engineer may waive the requirement to provide pedestrian amenities where public streetscape improvement projects that include pedestrian amenities have been completed or

are planned.

- (1) Each development must provide a minimum of ~~one~~ two of the following improvements.
  - (a) Street trees in tree wells along the public street frontage, ~~excluding any driveways, where no street trees are provided.~~ Development on lots with multiple frontages must meet this standard on all frontages. Street trees must be selected from the list of approved street trees established by the City and meet ~~all~~ applicable spacing standards.
  - (b) Benches or outdoor public seating for at least four people. Benches or seating must be ~~located in~~ a public right of way or be accessible to the general public (including providing a public access easement) and visible from the sidewalk.
  - (c) Pocket parks or plazas must have a minimum usable area of 100 square feet and include at least one seating area. Public access must be provided by a public right-of-way or a public access easement, and the pocket park or plaza must be visible from the sidewalk.
  - (d) Continuous weather protection (awnings, etc.) along all building façades adjacent to (within one foot of) the sidewalk. Awnings or other weather protection must be constructed of durable materials and extend at least 4 feet ~~in~~ horizontally from the building wall.
  - (e) Pedestrian-scale streetlights along the full site frontage, ~~excluding any driveways.~~ Development on lots with multiple frontages must meet this standard on all frontages. Suitable light fixtures and spacing must be determined by the City Engineer for consistency with publicly installed light fixtures and lighting specifications.
  - (f) Other pedestrian amenities that are not listed but are similar in scale and benefit.

(2) Pedestrian amenities must meet the requirements in ADC Section 8.360(3)(a)-(c).

~~(2)~~ (3) Improvements within the public right of way require the approval of the City Engineer.

~~(3)~~ (4) Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6024, 12/29/23]

~~[8.370 Pedestrian and Bicycle Connections moved to Article 9 by Ord. 6018, 06/30/23.]~~

~~[8.380 Large Parking Areas moved to Article 9 by Ord. 6018, 06/30/23.]~~

8.390 Compatibility Standards. Attention to detail can significantly increase the compatibility of commercial and institutional development with adjacent uses. Commercial and institutional development ~~shall~~ must be designed to comply with the following compatibility standards and any other improvements needed to reduce negative impacts on adjacent uses:

- (1) On site impacts. Any undesirable impacts produced on the site, such as noise, glare, odors, dust, or vibrations have been adequately screened from adjacent properties.
- (2) Off-site impacts. The site is protected from any undesirable impacts that are generated on abutting properties.
- (3) Screening. Service areas, equipment, utilities, and similar exterior improvements ~~shall~~ must be screened as provided in (a) through (c) below and must meet the standards in (d).
  - (a) Service areas, such as waste and recycling containers, outdoor storage, and ground-level mechanical equipment ~~shall~~ must be screened by a sight-obscuring fence, wall, or hedge.
  - (b) Roof-mounted equipment or utilities ~~shall~~ must be screened by a parapet wall or sight-obscuring structure or located so that it is not visible from abutting public rights-of-way.
  - (c) Wall-mounted equipment or utilities ~~shall~~ must be architecturally incorporated into the building or ~~shall be~~ screened by a sight-obscuring fence, wall, hedge, or structure.
  - (d) Screening required in subsections (a) through (c) above must be of appropriate height and width so that the item to be screened is not visible from a public sidewalk or from abutting residential districts or development. Hedge screens must be composed of evergreen shrubs that will grow to form a continuous hedge that is sight-obscuring within two years of planting.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]

## SUPPLEMENTAL COMMERCIAL AND INSTITUTIONAL DESIGN STANDARDS IN VILLAGE CENTERS AND CLIMATE FRIENDLY AREAS

8.405 ~~Village Center Character~~Purpose. The purpose of these standards is to ~~contribute to the desired character of Albany's village centers. They are intended to~~ promote the design of an urban environment that is built to human scale with attractive street fronts and interconnected walkways that promote pedestrian usage and accommodate vehicles. Development in the village center Comprehensive Plan designation and Climate Friendly Area overlay districts must contribute to a cohesive, visually compatible and functionally linked pattern through street and sidewalk layout, building siting and character, and site design. Details count.

[Ord. 5556, 2/21/03]

8.410 Applicability. These standards apply to new development where commercial and/or institutional uses, as defined in Article 22, ~~are existing or~~ are proposed, including ~~as when such uses are~~ part of a mixed-use development or modifications to existing development or live/work dwelling unit. Modifications to existing developments for which the Director has waived review under the provisions of ADC Section 1.105 are not subject to these standards. ~~Certain standards provide additional exemptions for modifications to existing sites or buildings.~~ These standards apply in all zoning districts within the Village Center Comprehensive Plan designation and in Albany's Climate Friendly Area overlay districts, except as otherwise specified. They are in addition to the Commercial and Institutional Site Design Standards in this article. Taken together, these design standards are intended to foster a mixed-use character for village centers.

[Ord. 5556, 2/21/03; Ord. 5832, 4/9/14; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

**Staff Comments:** 8.415 and 8.420 are being combined because the standards relate to buildings located close to streets.

### 8.420~~45~~ Buildings Along Public Streets.

Purpose. Buildings along the public street define the street edge and frame the streetscape. ~~In larger development, the locations of pad site buildings also provide opportunities to~~ create a more comfortable pedestrian environment and to locate building entrances close to the street for convenient pedestrian access. Buildings close to streets ~~frame entries into the shopping centers and~~ contribute to the visual interest of the site. These provisions are also intended to avoid deep building setbacks behind large expanses of parking areas or vacant land along public street frontages.

Standards. The following standards apply in all zoning districts within designated Village Centers and Climate Friendly Area overlay districts except HD, CB, DMU, and WF, which are subject to ADC Section 5.120. When a maximum setback is not specified for the base zone, the maximum setback is 20 feet. Any building located behind another building or more than 50 feet from a public street is exempt from this standard.

- (1) Maximum Setbacks. Buildings and/or public plazas, ~~or a pedestrian amenity space~~ shall ~~must~~ be located within the maximum setback area for at least 40 percent of one public street frontage so that vehicle parking and circulation areas are limited to no more than 50 percent of the length of the street lot line.
- (2) Building Frontage. Buildings within 50 feet of a public street must have no less than 50 percent of the building's linear frontage on the ground level located within the maximum setback unless a previously recorded easement precludes meeting the maximum setback, the applicant must demonstrate that an alternative layout best addresses the intent of this standard.
  - (a) Projections such as eaves, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar architectural features on the façade do not count toward meeting the maximum setback standard.
  - (b) When outdoor seating is provided adjacent to a building, the maximum setback may be increased by 5 feet.
- (2) For sites with two frontages on ~~more than one~~ a public street (i.e., corner lots), the ~~esc~~ standards

- applies to one frontage only, the frontage with transit service or higher pedestrian activity as determined by city staff. For sites with three or more frontages on a public street, these standards apply to one additional frontage.
- (3) The public street frontage is the length of the property as measured along the street right-of-way excluding the width of entrance driveways and/or streets.
  - (4) Building facades that face public streets ~~shall~~ must be divided into human-scale proportions using at least two features such as windows, entrances, arcades, arbors, awnings, trellises with vines, or an equivalent element. A blank, uninterrupted wall ~~shall~~ must not be longer than 30 feet.
  - (5) No parking, loading or travel aisles ~~shall~~ must be located between the public street and buildings within 50 feet of the street, except that ~~a designated park-and-ride lot or one drive-through lane may be permitted. See 420(4)(b).~~ when the building is setback no more than 25 feet.
  - (6) To count toward this standard, a plaza or pedestrian amenity space shall must:
    - (a) Be well defined at the street edge by a low decorative architectural wall (no higher than three feet), or a line of shrubs or trees of the same species, or similar landscaped or built feature;
    - (b) Must include pavement, seating, trees and landscaping. ~~Use materials that are similar in quality to the principal materials of the primary building(s) and landscape. Landscaping with drought-resistant native species are is strongly encouraged;~~
    - (c) Have direct access to the public street sidewalk and be located the shortest distance to the nearest building main entrance; and
    - (d) Extend at least the full depth of the maximum setback.

[Ord. 5556, 2/21/03; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21]

#### 8.420 ~~Maximum Setback.~~

~~Purpose.~~ Customer entrances should be readily accessible from the public street sidewalk as well as from the parking lot. ~~Build to lines form visually continuous, pedestrian-oriented street fronts with no vehicle use area between building fronts and the street.~~

~~Standards.~~ The following standards apply in all zoning districts within designated Village Centers that have maximum setback standards except HD, CB, DMU, and WF, which are subject to ADC Section 5.120.

[Ord. 5894, 10/14/17]

- (2) ~~Buildings within 50 feet of a public street shall have 40 percent of the building located within the maximum setback except that:~~ [Ord. 5894, 10/14/17]
  - (a) ~~If a previously recorded easement precludes meeting the maximum setback, the applicant shall demonstrate that an alternative layout best addresses the intent of this standard and the character of the village center.~~
  - (b) ~~A building with drive through service may have one drive through lane between the building and the street provided that the building is set back no more than 25 feet, and the drive through lane is screened according to standards for perimeter parking area landscaping in ADC 8.470.~~
- (3) ~~Any building more than 50 feet from a public street is exempt from this standard.~~

[Ord. 5556, 2/21/03; Ord. 5768, 12/7/11]

8.425 Drive-up and Drive-through Uses and Facilities in the HD, CB, DMU, and WF zoning districts. The following standards apply to any development that includes new drive-up or drive-through facilities (i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities). Modifications to existing drive up or drive through facilities must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations.

- (1) Purpose. The following standards are intended to calm traffic, provide for adequate vehicle queuing space and safe vehicle access, and provide services for pedestrians and their comfort and safety.
- (2) Standards. Drive-up or drive-through uses and facilities that do not provide services inside

the building must provide one walk-up service area where service is provided by staff or a machine that is also not used by customers in vehicles. ~~(i.e., driveway queuing areas, customer service windows, teller machines, kiosks, drop boxes, or similar facilities)~~ Drive-up or drive-through uses and facilities within the HD, CB, DMU, and WF zoning districts shall must meet all of the following standards:

- (a) The drive-up or drive-through facility shall must orient to and receive access from a driveway that is internal to the development and not a street.
- (b) A drive-through lane shall may not be located between the building and the street.
- (c) The drive-up or drive-through facility shall may not be oriented to the street corner.
- (d) The drive-up or drive-through facility shall may not be located within 20 feet of a street right-of-way.
- (e) Drive-up and drive-through queuing areas shall must be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.

[Ord. 5894, 10/14/17]

8.430 ~~Size Limitations.~~ See building size limitations in Tables 4.090-1 and 5.090-1, Development Standards.

~~[Ord. 5556, 2/21/03; Ord. 5947, 1/1/21]~~

#### 8.440 Building Design.

Purpose. These provisions are intended to reduce the visual appearance of larger scale buildings to a ~~smaller~~ create a pedestrian-level scale that is appropriate for ~~a walkable districts and~~ village centers. They are not intended to limit the size of the building.

##### Standards.

- (1) Façade and roofline articulation. The following standards apply to new buildings with walls, façades, and/or rooflines longer than 100 feet. Expansions and modifications of existing buildings and sites with walls, façades, and/or rooflines longer than 100 feet must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations. As an alternative to meeting the standards below, development in the HD, CB, DMU, and WF zoning districts may demonstrate compliance with the façade design and articulation standards in ADC Section 8.345.
  - (a) Building façades longer than 100 feet shall must have relief such as recessed entries, offsets, jogs, bays, columns, ribs, pilasters, piers, cornices, bases, or other distinctive ~~constructed~~ changes. Changes in relief in the building façade shall must occur at least every 100 feet for at least 20 percent of the exterior wall area. At least two materials, colors or textures shall must be used (not including stripes or bands).
  - (b) Rooflines longer than 100 feet shall must be relieved by elements such as parapets, gables, dormers, towers, steeples, etc.
  - (c) No building wall shall may be longer than 300 feet unless the building façade has one or more major offsets in wall plane. A major offset in wall plane shall must have a depth of at least 10 percent of the length of the longest abutting wall and shall must continue for at least 20 percent of the building façade. Minor changes in wall plane such as entries, jogs, bays, columns, ribs, pilasters, piers, or cornices do not count toward meeting this standard.
- (2) Cohesive development. In developments with multiple buildings, each individual building shall must include predominant characteristics shared by all buildings in the development, so that the development forms a cohesive place within the district. A standardized prototype design shall must be modified if necessary to meet the provisions of this Code and character of this district.
- (3) ~~Building materials. Corrugated metal siding is prohibited on any building. Corrugated metal roofing is allowed.~~
- (4)(3) Ground floor height. In the HD, CB, and DMU zoning districts, when the first story of the building will be occupied by commercial or institutional uses, as identified in Article 22, the height of the first story shall must be a minimum of 14 feet. This standard applies to new buildings (excluding accessory buildings). Modifications and expansions of existing buildings must not decrease conformance with these standards except as required to meet building code, fire code, or other regulations. The purpose

of this requirement is to ensure that the ground floor space is designed to be suitable and attractive for a variety of retail and commercial uses, regardless of its proposed use.

[Ord. 5894, 10/14/17]

#### 8.445 Pedestrian Network.

Purpose. By creating a safe, continuous network of sidewalks and walkways within and between developments, pedestrians ~~will~~ may feel more inclined to walk (rather than drive). A pedestrian network that offers clear circulation corridors from the parking areas to building entries creates a friendlier, more inviting image. A detailed pedestrian circulation plan must demonstrate that the layout of sidewalks contributes to the overall pedestrian connectivity of the village center.

#### Standards.

- (1) ~~Sidewalks~~ Walkways must be located to provide the shortest direct connection from the public street sidewalk(s) to all customer entrances.
- (2) Sidewalks must be located to provide the shortest direct connection between all on-site customer entrances.
- (3) Sidewalks must be located along every public street frontage and both sides of on-site private streets. These sidewalks must be separated from the street by a tree-lined landscape strip, except where specified elsewhere in the development code or where an alternative street design is approved by the City Engineer. Approved vegetated post-construction stormwater quality facilities are allowed in the landscape strip.
- (4) Extra-wide sidewalks are encouraged to provide space for tables and chairs and other pedestrian amenities, creating a concentration of activity to serve as the neighborhood center.
- (5) Sites larger than eight acres ~~shall~~ must create an open space or plaza with amenities such as benches, monuments, kiosks or public art. Amenities ~~shall~~ must be in prominent locations, interconnected with the uses and walkways on the site and be landscaped. Approved vegetated post-construction stormwater quality facilities are allowed in these areas.

[Ord. 5556, 2/21/03; Ord. 5842, 1/1/15; Ord. 5894, 10/14/17]

#### 8.450 Privacy Considerations.

Purpose. Village centers are mixed-use areas where special attention is given to resolving potentially incompatible situations. General standards provide ~~the~~ flexibility to adjust the design and operating characteristics to given circumstances.

#### Standard.

- (1) Non-residential uses and parking areas ~~shall~~ must be arranged to minimize infringement on the privacy of adjoining residents.

[Ord. 5556, 2/21/03]

**Staff Comments:** The parking area standards in 8.460 are covered in Article 9 On-Site Improvements and are not needed here.

#### 8.460 Parking Areas.

Purpose. While recognizing the paramount role of cars in everyday life and the need to provide adequate and convenient space for them, these standards move away from the typical suburban pattern of predominant and highly visible parking areas in commercial developments. They are intended to reduce the scale of parking areas by siting a portion of the parking lot out of view and using increased landscaping to screen spaces and reduce the overall visual impact of large parking areas.

#### Standards.

- ~~(1) On-street parking spaces within 100 feet of a commercial or office development may count towards meeting the parking requirement.~~

- (2) ~~Shared parking is encouraged for all uses.~~
- (3) ~~Trees intended for parking area landscaping shall provide a canopy cover of at least 20 percent of the parking area at maturity. Existing trees may be included to meet the canopy requirement, provided the site plan identifies such trees and the trees meet the standards of size, health, and placement. The extent of the canopy at maturity shall be based on published reference texts generally accepted by landscape architects, nurserymen, and arborists.~~
- (4) ~~Vegetated post construction stormwater quality facilities shall be considered as the initial stormwater collection system.~~ [Ord. 5556, 2/21/03; Ord. 5842, 1/1/15]

8.470 Perimeter Parking Area ~~Perimeter~~ Landscaping.

Purpose. These provisions are intended to give parking a low profile ~~in order~~ to improve the pedestrian experience and the overall aesthetic quality of the street. They will minimize the expansive appearance of parking lots, increase the sense of neighborhood scale, and improve the character of a village center. They perimeter landscaping will also create an attractive, shaded environment along streets that gives visual relief from continuous hard street edges, buffer automobile traffic, and focus views for both pedestrians and motorists.

Standards.

- (1) All parking areas (excluding entranceways) adjacent to a public street ~~shall~~ must be screened with:
  - (a) A low continuous hedge of evergreen shrubs, trees, and plantings that are at least three feet tall within two years and grow to provide an evergreen screen of at least 70 percent; OR
  - (b) A berm three-foot-tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs; OR
  - (c) A low decorative masonry wall at least three feet tall in combination with landscaping; OR
  - (d) A combination of any of these methods.
- (2) The landscape plan ~~shall~~ must be prepared by a licensed landscape architect.

[Ord. 5556, 2/21/03]

8.475 Signs.

Purpose. Signs must be scaled appropriately to appeal to both pedestrians walking on the adjacent sidewalks and to nearby motorists. The following standards are intended to create aesthetically pleasing and cohesive sign standards while reinforcing the context of the village center.

Standards.

- (1) For integrated centers, an overall sign and graphics program ~~shall~~ must be provided as part of the development application to ensure that stand-alone signs are consolidated and that signs complement the character of the neighborhood.
- (2) Monument signs which are visible at the street and pedestrian level are preferred ~~to rather than~~ freestanding signs.

[Ord. 5556, 2/21/03]

## **SUPPLEMENTAL RESIDENTIAL DESIGN STANDARDS IN VILLAGE CENTERS AND CLIMATE FRIENDLY AREAS**

8.480 Applicability. These standards apply to residential development in mixed-use and residential zones within the Village Center Comprehensive Plan designation and in the Climate Friendly Area Overlay Districts, except as otherwise noted. They are in addition to the other residential design standards in this article.

[Ord. 5556, 2/21/03; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

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

exterior building mass.

Standards.

- (1) ~~In the HD, DMU, LE and CB zones, A~~ minimum of 75 percent of a building's exterior ~~shall~~must be surfaced with wood, brick, stucco, stone, cement or fiber cement, masonry, or lap siding. In all other zones, at least 50 percent of a building's street-facing and front facades must be surfaced with wood, brick, stucco, stone, masonry, cement or fiber cement, or synthetic versions of these materials. [Ord. 5947, 1/1/21]
- (2) Rooflines ~~shall~~must incorporate at least one of the following elements: parapets, cornices, gables, dormers, varied roof heights, or top-level balconies.
- (3) All exterior HVAC equipment ~~shall~~must be screened from street-level view.
- (4) ~~Creation of Alleys, whether public or private, is not required as a development standard but is~~ are required encouraged in order to provide a friendly street frontage and to provide vehicle access to set ~~driveways and garages~~ and parking in the rear.

[Ord. 5947, 1/1/21]

**\*\*\* No changes are proposed to Sections 8.500 to 8.620, so those sections are not provided. \*\*\***

## ARTICLE 9

### ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

**Staff Comments:** Amendments include updating some standards to support walkability and accessibility within developments and removing sections repealed by Ordinance.

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City, to provide safe accessible pedestrian routes and connectivity, and to minimize adverse effects on surrounding property owners or the general public. These standards are intended to create an urban environment that is safe, provides connectivity, furthers energy conservation, and enhances the environment for walking, cycling, and mass transit use. This article contains the following standards:

- Off-Street Parking and Loading
- Landscaping
- Tree Protection
- Buffering and Screening\*
- Fences
- Environmental

\*As identified in Section 9.210, in limited circumstances, an applicant can apply for an Adjustment to the Buffering and Screening standards.

[Ord. 5764, 12/1/11; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21; Ord. 6018, 6/30/23]

### OFF-STREET PARKING AND LOADING

*\*\*\* No changes are proposed to Sections 9.020 to 9.115, so those sections are not provided. \*\*\**

~~9.070 Mixed Uses repealed by Ord. 5984, 10/14/17~~

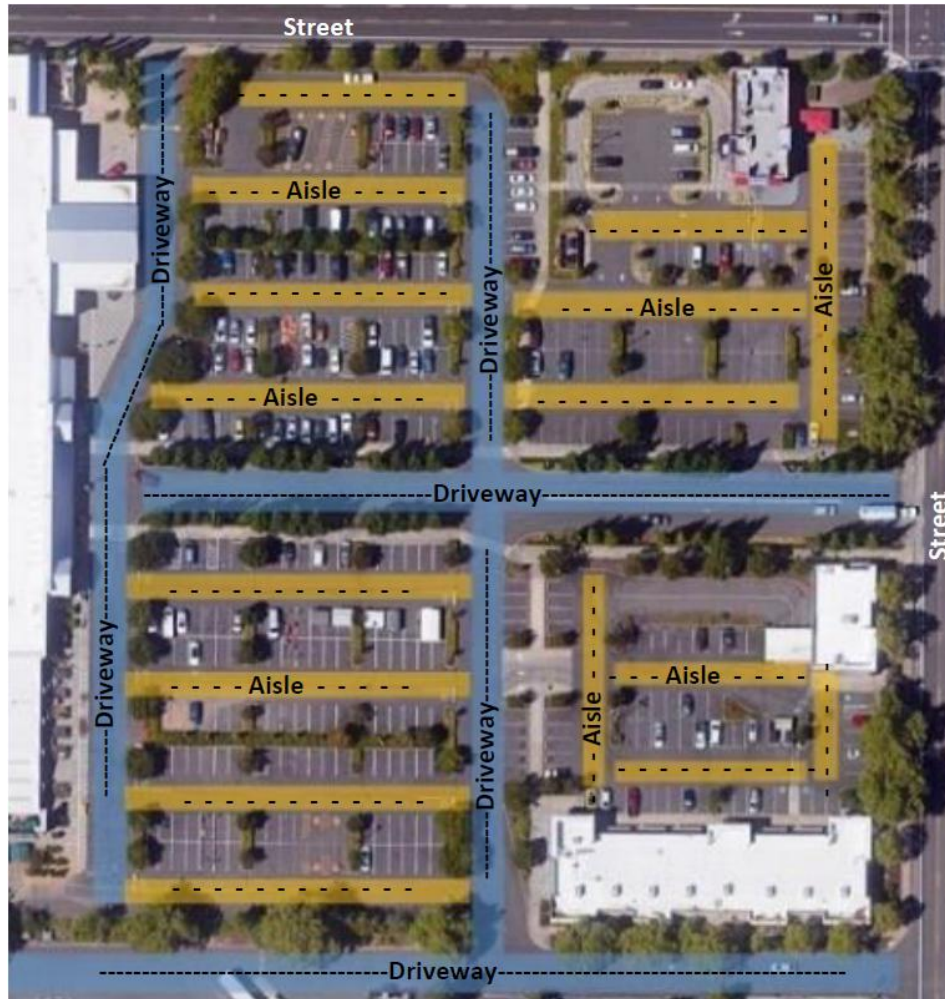
~~9.080 Joint use of Parking Facilities repealed by Ord. 6018, 6/30/23~~

~~9.100 Downtown Assessment District repealed by Ord. 6018, 10/14/17~~

9.120 Off-Street Parking Lot Design and Circulation. The standards of this section are intended to ensure that on-site vehicle circulation is clearly identifiable, safe, and pedestrian-friendly.

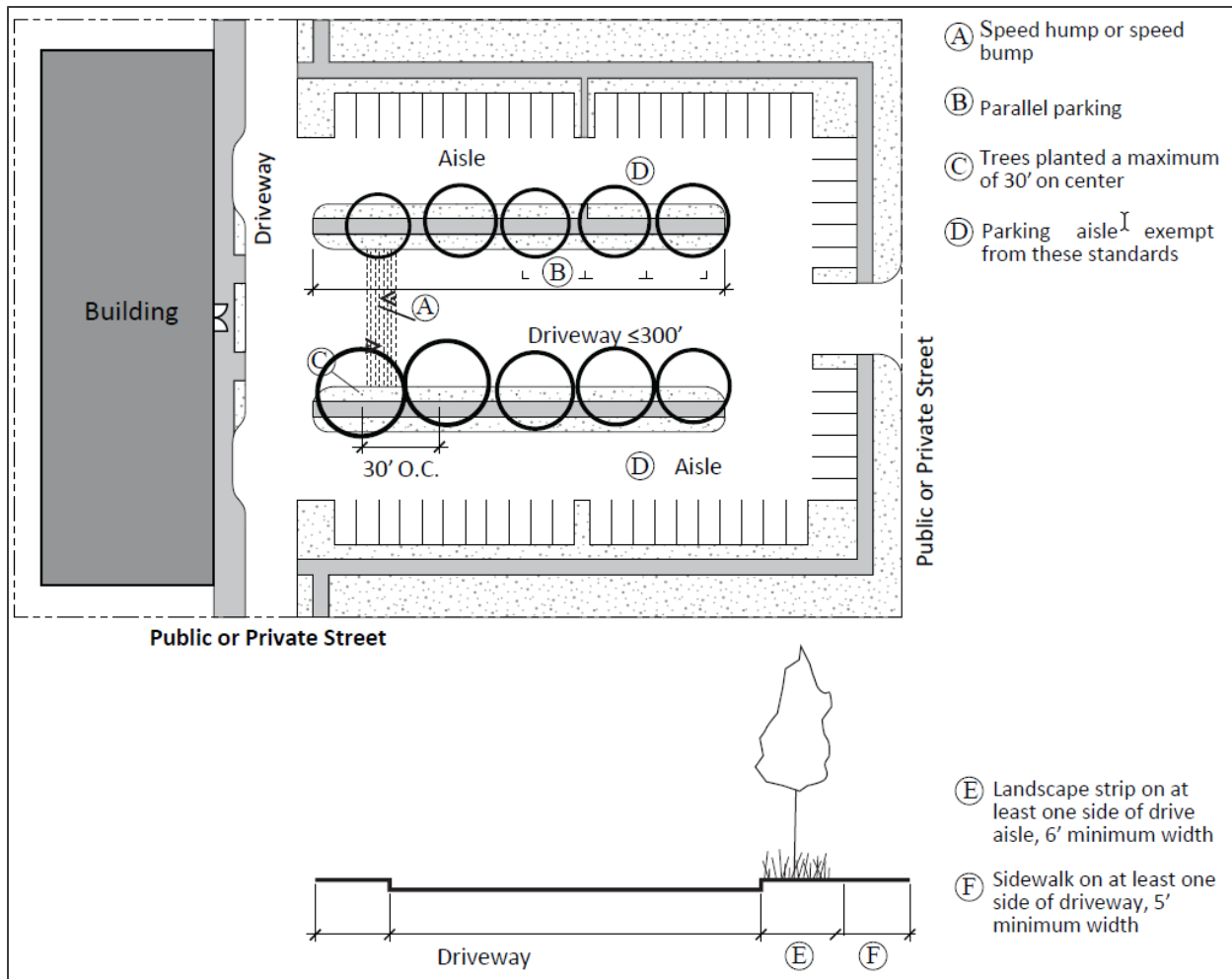
- (1) Applicability. All off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design, and supplemental drawings in Figures 1 and 2. Parking lots larger than 10,890 square feet (0.25 acres) must also comply with standards in ADC 9.130.
- (2) Driveways and Drive Aisles. As used in this Article, driveways are major travel routes through a site that provide access to and from surrounding streets and connections through the site to buildings and parking lot drive aisles. Drive aisles primarily provide vehicular access to bordering parking spaces. See Figure 9.120-1.

Figure 9.120-1: Parking Lot Driveways (blue) and Drive Aisles (orange)



- (3) Internal Circulation System. Interior driveways ~~shall~~ must meet the standards below unless the driveway is lined with angled or perpendicular parking stalls. Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities, including the following:
- (a) Driveways ~~shall~~ must continue the adjacent public street pattern wherever possible.
  - (b) Driveways must have raised curbs and a pedestrian facility with a minimum 5-foot-wide ~~sidewalk~~ walkway on at least one side the entire length of the driveway, which is unobstructed by obstacles that would impede pedestrians, including overhanging cars. Wider walkways may be required per ADC Sections 9.130(5) and (6).

FIGURE 9.120-2. Interior Driveways



**Staff Comments:** Meandering sidewalks can be challenging for people with mobility issues so (d)(i) is proposed to be removed. Painted pedestrian facility crossings fade so pedestrian crossings must be differentiated by materials.

- (c) ~~Street~~ Trees must be provided along driveways in accordance with Section 9.130 (3) and (4). Driveways must have a minimum 6-foot-wide landscape strip on at least one side of the driveway. For the purposes of this standard, the portions of the linear length driveways that provide direct access to parking stalls are exempt from this standard but ~~shall~~ **must** meet other landscape island and tree planting requirements of the Development Code.
- (d) Traffic calming ~~shall~~ **must** be provided through at least one of the following techniques:
  - ~~i. Meandering the driveway to achieve a maximum design speed of 15 mph.~~
  - ~~ii.i.~~ Installing speed bumps or speed humps at a minimum interval of one every 300 feet of driveway. A minimum of one speed hump or speed bump must be provided if the driveway is less than 300 feet long.
  - ~~iii.ii.~~ Providing parallel parking on at least one side for at least 50 percent of the length of the driveways.
  - ~~iv.iii.~~ Planting trees on both sides along the full length of the driveway in accordance with the standards in ADC 9.240(1) to visually narrow the driveway.
- (e) ~~Pedestrian facility crossings~~ Walkways at intersections with drive aisles and other driveways ~~shall~~ **must** be demarcated by a raised surface that slows vehicular travel, or by different surface materials and textures such as: contrasting paving materials (such as pavers, light-color concrete inlay between asphalt, or similar contrasting material) and/or reflective striping that emphasizes the

crossing under low light and inclement weather conditions. Crossings demarcated only by painted striping ~~are discouraged~~ are not permitted.

- (f) Driveways ~~shall~~ must not be located between the building(s) and the sidewalk(s), except as provided in (i) or (ii) below:
- Where drive-through windows are permitted, sites are constrained by natural resources; or are infill sites less than one acre.
  - Where drop-off facilities are provided that have been designed to meet the requirements of the Americans with Disabilities Act but that still provide for direct pedestrian circulation.
- (g) Buildings ~~shall~~ must be located along a pedestrian facility in the public right-of-way. Where a building cannot be located along a public right-of-way, it ~~shall~~ must be built up to a pedestrian facility along an on-site driveway.
- (4) Minimum Driveway and Drive Aisle Widths. Driveways for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way driveways and one-way emergency vehicle access must be at least 20 feet wide. Drive aisle dimensions must comply with the standards in Table 9.120-1.
- (5) Parking Lot Design. Parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments ~~shall~~ must include 20 feet of storage length for entering and exiting vehicles, to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2.
- (6) Compact spaces ~~shall~~ must be at least 8 feet wide by 16 feet long.
- (7) Accessible spaces ~~shall~~ must be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- (8) Stall Width. Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.

**TABLE 9.120-1.**  
**PARKING LOT DESIGN (in feet)**

| <b>A</b><br><b>Parking</b><br><b>Angle</b> | <b>B</b><br><b>Stall Width</b> | <b>C</b><br><b>Curb Width</b> | <b>D</b><br><b>Aisle Width</b> | <b>E</b><br><b>Stall Depth</b> | <b>F</b><br><b>Bumper</b><br><b>Overhang</b> | <b>G</b><br><b>Dead-end</b><br><b>Backup</b> |
|--------------------------------------------|--------------------------------|-------------------------------|--------------------------------|--------------------------------|----------------------------------------------|----------------------------------------------|
| (Parallel)                                 | 8.0 feet                       | 8.0 feet                      | N/A                            | 25.0 feet                      | N/A                                          | N/A                                          |
| 45°                                        | 8.5                            | 12.0                          | 13.0                           | 17.5                           | 2.0                                          | 5.0                                          |
|                                            | 9.0                            | 12.7                          | 12.0                           | 17.5                           | 2.0                                          | 5.0                                          |
|                                            | 9.5                            | 13.4                          | 11.0                           | 17.5                           | 2.0                                          | 5.0                                          |
|                                            | 10.0                           | 14.1                          | 11.0                           | 17.5                           | 2.0                                          | 5.0                                          |
| 60°                                        | 8.5                            | 9.8                           | 18.0                           | 19.0                           | 2.5                                          | 5.0                                          |
|                                            | 9.0                            | 10.4                          | 16.0                           | 19.0                           | 2.5                                          | 5.0                                          |
|                                            | 9.5                            | 11.0                          | 15.0                           | 19.0                           | 2.5                                          | 5.0                                          |
|                                            | 10.0                           | 11.6                          | 14.0                           | 19.0                           | 2.5                                          | 5.0                                          |
| Compact                                    | 8.0 C                          | 8.0 C                         | 26.0 C                         | 16.0 C                         | 3.0                                          | 5.0                                          |
| 90°                                        | 8.5                            | 8.5                           | 26.0                           | 18.5                           | 3.0                                          | 5.0                                          |
|                                            | 9.0                            | 9.0                           | 26.0                           | 18.5                           | 3.0                                          | 5.0                                          |
|                                            | 9.5                            | 9.5                           | 26.0                           | 18.5                           | 3.0                                          | 5.0                                          |
|                                            | 10.0                           | 10.0                          | 24.0                           | 18.5                           | 3.0                                          | 5.0                                          |

NOTES:

- (1) For one row of stalls, use “D” plus “E” as the minimum width.

- (2) When appropriate bumper overhang area is provided (extruded curbs), “F” can be subtracted from “E” to determine stall depth.
- (3) Backup areas identified as “G” must be at least five feet from the property line and are excluded from required setback areas or buffer yards.

FIGURE 9.120-31: Parking Lot Dimensions

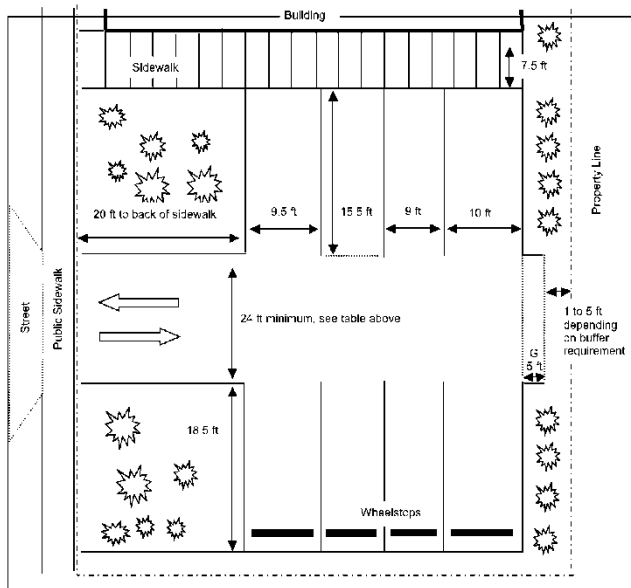
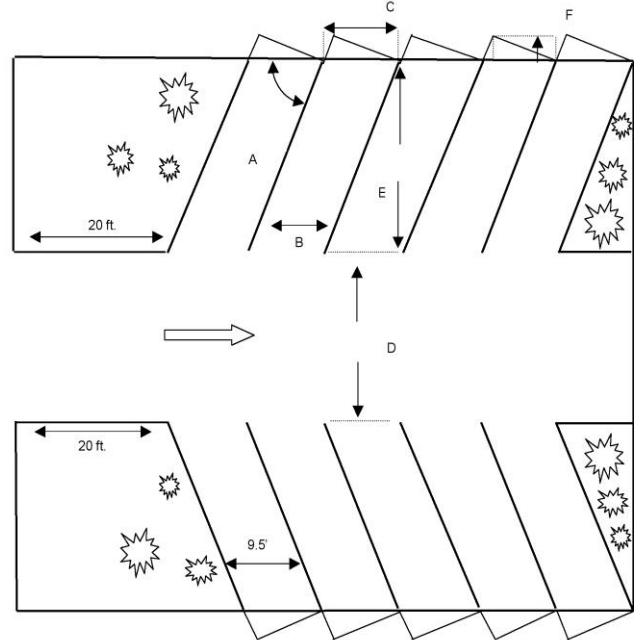


FIGURE 9.120-24: Parking Lot Dimensions



[Ord. 5720, 8/12/09; Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6018, 6/30/23]

9.130 **Surface Parking Areas.** The purpose of these standards is to ensure safe and accessible pedestrian routes within large parking lots by incorporating ~~that walkways and landscaping are incorporated into parking lot design in a manner that is both attractive and easy to maintain, that minimizes the visual impact of surface parking, and that improves environmental and climate impacts (Figure 9.130-1). These standards are also intended to help ensure pedestrian safety and comfort within large parking lots.~~

- (1) **Applicability.** In addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), and to parking lot additions of 5,000 square feet or more when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking area of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping.
- (2) Comply with one of the following standards in (a) through (c) below.
  - (a) **Solar Panels.** Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space on the property. Panels may be located anywhere on the property.
  - (b) **Public Buildings.** Construction, reconstruction, or major renovation of a public building, as defined by ORS 270c.527 that complies with Oregon Administrative Rule 330-135-0010.
  - (c) **Tree Canopy.** Trees ~~shall~~ **must** be planted and maintained throughout new or improved parking areas to ensure that at least 40 percent of all parking surface areas will be covered within fifteen years after planting (or 20 years old). Tree canopy ~~shall~~ **must** be calculated from a plan view of the tree planting plan and expected crown diameter at fifteen years from planting or 20 years old. Existing mature trees that are preserved may be included in the canopy calculation using the current canopy size. Area under the canopy that is either paved surface or parking lot landscaping

(interior or perimeter) ~~shall-is~~ be subject to canopy calculations unless specifically exempt per below. Canopy that covers structures may not be included in the calculation, however canopy that covers unenclosed carports over parking spaces may be included. The full canopy area based on the 20-year crown diameter may be counted for tree coverage where there is an overlap of 5 feet or less (measurement to be the length of a line segment within the overlap area of a line between tree trunk/canopy centers).

The following surfaced areas are exempt from canopy requirements or are permitted reductions to the canopy requirements:

- i. Truck loading area in front of overhead doors.
- ii. Truck maneuvering, storage, and parking areas unconnected to and exclusive of any vehicle parking.
- iii. Tree canopy or solar panel requirements may be reduced by 50 percent for surface lots provided at automobile dealerships for display/sales/service/vehicle storage areas and provided employee and visitor parking.

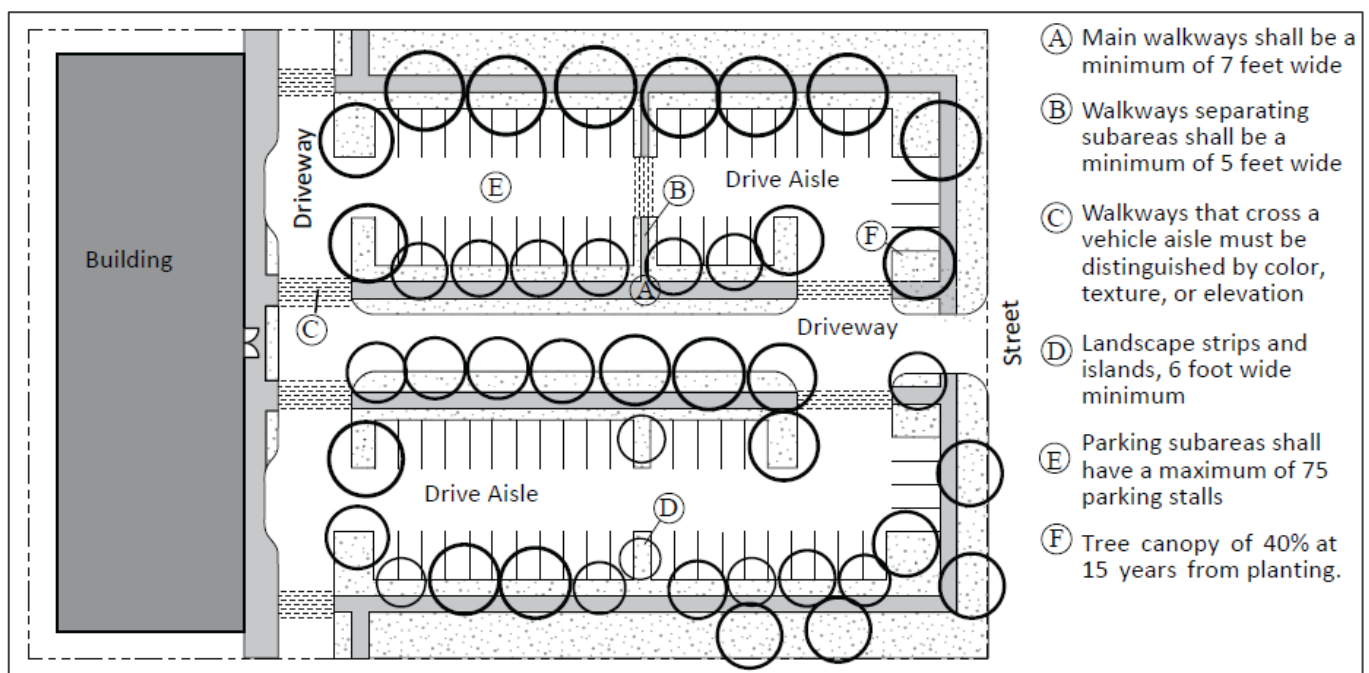
(d) Combination. A combination of options (a) or (c) in this section.

- (3) Trees must be provided along all driveways but are not required along drive aisles. (See Figures 9.120-1 and 9.120-2.) Trees ~~shall~~ must be at least 10 feet tall at the time of planting. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles and other site design considerations. A continuous canopy has no less than three trees and breaks of no more than 3 feet, excluding permitted interruptions.
- (4) Development of a tree canopy plan under this section ~~shall~~ must be done in coordination with the local electric utility and other utility providers, including pre-design, design, building and maintenance phases and meet the following standards.
  - (a) The tree spacing and species planted must be designed to achieve the minimum tree canopy of 40 percent using the expected diameter of the tree crown at 15 years from planting (or 20 years old). Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.
  - (b) Trees should be planted in continuous trenches with a minimum soil depth of 3 feet and width of 5 feet where possible.
  - (c) The minimum standards for planting and tree care ~~shall~~ must be no lower than the 2021 American National Standards Institute (ANSI) A300 standards.
  - (d) The property owner is responsible for maintaining all required vegetation. Compliance with these standards will be enforced through the City's code enforcement process.
- (5) Walkways. For the safety of pedestrians, parking lots and development sites must ~~shall~~ be designed to separate pedestrians from vehicles and include protected pedestrian walkways that provide a direct and convenient route from parking areas to building entrances, existing or planned pedestrian facilities in the adjacent public rights-of-way, accessible parking spaces, and transit stops.
  - (a) Walkways ~~shall~~ must be hard surfaced and at least five feet in unobstructed width or eight feet if abutting parking stalls with wheel stops or curbs that enable cars to encroach into the walkway; and
  - (b) Walkways must be protected by landscaping, curbs, or ~~parking bumpers~~ wheel stops;
  - (c) When a walkways may crosses a vehicle aisle, driveway, or loading area, it must be clearly demarcated by materials, textures ~~if distinguished by a color, texture, or elevation different from the parking and driving areas~~ per ADC Section 9.120(3)(e).
  - (d) Walkways ~~shall~~ may not share a vehicle aisle or driveway.
  - (e) The walkways longer than 100 feet must incorporate a mix of shade, landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway.
  - (f) At least one connection must be made to each adjacent street and sidewalk for every 200

linear feet of street frontage or fraction thereof.

- (g) A direct and accessible walkway must be provided between the street and a customer entrance that complies with the following standards.
- The walkway must be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).
  - The walkway must be direct and convenient as defined in ADC Section 9.133(2).
  - For sites with frontage on a street with transit service a pedestrian connection must be made to the street with transit, and to the transit stop when present.
- (6) Parking Lots with More Than 75 Spaces. Parking lots with 75 or more spaces must comply with the following additional standards to ~~ensure~~ improve pedestrian safety, ~~and~~ to improve vehicle circulation, and reduce visual impacts of large expanses of pavement.
- When pedestrian walkways connecting a main building entrance to the street are required per this Article pursuant to ADC 8.370(2)(b), and must cross a large surface parking area with more than 75 spaces, standards (a) and (b) below shall apply.
    - The walkway shall be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).
    - The walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway.
  - Parking Subareas. ~~To reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways, parking areas shall~~ must be divided into subareas of no more than 75 parking spaces each. Parking subareas ~~shall~~ must be separated from each other with physical breaks by providing one or more of the following: building pads, landscape strips, landscaped pedestrian walkways, interior streets or driveways with trees as defined in 9.120(2). Landscape strips or landscaped pedestrian walkways used for subarea separation ~~shall~~ must meet the following standards.
    - Landscape strips ~~shall~~ must have a minimum width of six feet that is unobstructed by obstacles that would impede landscape viability, including overhanging cars.
    - Landscaped pedestrian walkways ~~shall~~ must have a minimum unobstructed walkway width of five feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of six feet when provided.

**FIGURE 9.130-1. Sample Layout for Large Parking Area**



[Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 6018, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24]

9.133

~~Street, Bicycle and Pedestrian Connectivity.~~ The purpose of these standards ~~is to emphasize the importance of connections and circulation between uses and properties by multiple modes. They are intended~~<sup>is</sup> to promote efficient and convenient pedestrian and bicycle access and circulation between properties, ~~convenient pedestrian and bicycle access to nearby streets,~~ adjacent uses, key destinations, and transit stops, and improve safety for both drivers and pedestrians, cyclists, and rollers. These standards are ~~also~~ intended to comply with the Transportation Planning Rule (OAR 660-012).

- (1) Applicability. The standards apply to development in all zoning districts except HD, DMU, CB, and WF.
- (2) Definitions. The following definitions ~~shall~~ apply for the purposes of this section:
  - (a) “Direct and convenient” means the length of the route is not more than 120 percent of the straight-line distance. ~~The length may be increased to no more than~~ except as necessary, 200 percent of the straight-line distance when necessary to accommodate existing trees at least 12 inches in diameter at breast height, ~~topographic constraints~~ slopes, natural resources; or hazards.
  - (b) “Major transit stop” means transit transfer stations and any additional stops designated as “major transit stops” in the Transportation System Plan.
  - (c) “Impractical” means where one or more of the following conditions exist:
    - i. Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;
    - ii. Buildings or other existing development physically preclude a connection; or
    - iii. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.
- (3) Connectivity between sites. To promote connectivity and dispersal of traffic and efficient circulation between properties, new development may be required to provide street or driveway stubs and reciprocal access easements to, and for, adjacent properties.
- (4) Pedestrian and bicycle connections required. Except where impractical, pedestrian, and bicycle connections ~~shall~~ must be provided in the following locations:
  - (a) Between an existing or planned transit stop and new development that is at, or within, 200 feet of the existing or planned transit stop. Development sites at major transit stops are also subject to subsection (5).
  - (b) A direct and convenient pedestrian route ~~shall~~ must be provided between the building’s main entrance(s) and the nearest sidewalk abutting the site or roadway where there is no sidewalk. A direct and convenient bicycle route ~~shall~~ must be provided between the bicycle parking and the nearest bicycle path abutting the site or roadway where there is no bicycle path.
  - ~~(c)~~ (c) Between the development site and abutting properties: Pedestrian and bicycle connections ~~shall~~ must connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site ~~shall~~ must be laid out or stubbed to allow for an extension to the abutting property.
  - ~~(d)~~ (d) Between development sites and neighborhood activity centers, CFA overlay districts, employment centers, civic uses, and other key destinations as defined in Article 22.
- (5) Major Transit Stops. Except where impractical, development sites ~~at~~ abutting or including a major transit stops ~~shall~~ must provide the following:
  - ~~(a) Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow~~

~~for an extension to the abutting property.~~ [Ord. 5947, 1/1/21]

- ~~(b)~~(a) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza as defined in ADC 8.415(6) at the transit stop or a street intersection;
  - ~~(c)~~(b) A direct and convenient pedestrian connection between the transit stop and building entrances on the site;
  - ~~(d)~~(c) A transit passenger landing pad accessible to disabled persons that is ADA compliant.
  - ~~(e)~~(d) An easement or dedication for a passenger shelter, if requested by the transit provider; and
  - ~~(f)~~(e) Lighting at the transit stop.
- (6) Pedestrian and bicycle connections standard. Pedestrian and bicycle accessways ~~shall~~ must be clearly marked and constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.

[Ord. 5281, 3/26/97; Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 6018, 6/30/23]

- 9.134 Additional On-Site Standards. Additional design standards related to site layout and design are in Article 8.  
[Ord. 6018, 6/30/23]

## LANDSCAPING

- 9.135 Purpose. These regulations are intended to enhance aesthetic value in new developments and the community as a whole; minimize erosion; slow the rate of surface water runoff and improve water quality; cool buildings and parking lots in summer months with shade; enhance ecological functions; and provide access to nature.  
[Ord. 5947, 1/01/21]

- 9.140 General Requirements. Landscaping requirements by type of use are listed below:

- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In the case of middle housing land divisions, the minimum landscaping standard below applies to the parent lot, not the child lots. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
  - (a) One tree at least six feet tall.
  - (b) Four one-gallon shrubs or accent plants.
  - (c) The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (2) Landscaping Required – Non-Residential. All required front, ~~and interior~~ side, and rear setbacks (exclusive of accessways and other permitted intrusions) must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks ~~in all commercial-industrial districts is~~ as follows:
  - (a) One tree at least six feet tall for every 30 feet of street frontage.
  - (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
  - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
  - (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.
- (3) Alternate Plan – Non-Residential. The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:
  - (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
  - (b) The appropriate government agency grants written permission for use of the right-of-way; and
  - (c) The applicant provides written assurance that on-site setback landscaping will be installed within

90 days in the event permission to use the right-of-way is revoked; and

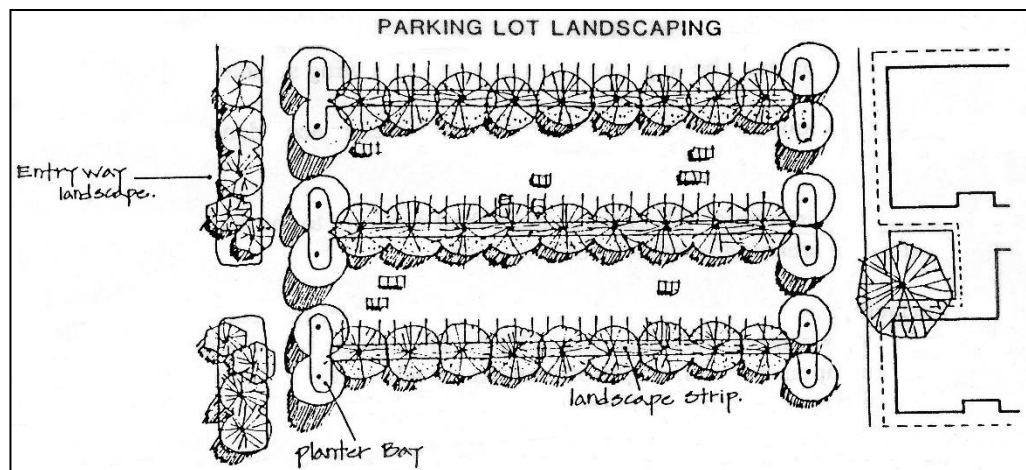
- (d) The Director finds that the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
- (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent of this Code for high-quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c).

[Ord. 5752, 3/9/11; Ord. 5886, 1/6/17; Ord. 5968, 1/14/22]

9.150 **Parking Lot Landscaping.** The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots over 1,000 square feet (contiguous) must be landscaped in accordance with the following minimum standards. Parking lots over 10,890 square feet must also comply with the standards in 9.130.

- (1) **Planter Bays.** Parking areas ~~shall~~ **must** be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there ~~shall~~ **must** be curbed planters at least six feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter ~~shall~~ **must** contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces.
- (2) **Entryway Landscaping.** Both sides of a parking lot entrance ~~shall~~ **must** be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.
- (3) **Parking Space Buffers.** Parking areas ~~shall~~ **must** be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.

**FIGURE 9.150-1. Parking lot landscaping example.**



- (4) **Stormwater Collection System.** Vegetated post-construction stormwater quality facilities ~~shall~~ **must** be considered as the initial stormwater collection system.
- (5) **Landscape Protection.** Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection.

[Ord. 5720, 8/12/09; Ord. 5842, 1/1/15; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23]

9.160 **Parking Area Perimeter Landscaping in Village Centers.**

**Purpose.** These provisions are intended to give provided parking a low profile to improve the pedestrian

experience and the overall aesthetic quality of the street. They will minimize the expansive appearance of parking lots, increase the sense of neighborhood scale, and improve the character of a village center. They Perimeter landscaping will ~~also~~ create an attractive, shaded environment along streets that gives visual relief from continuous hard street edges; buffer automobile traffic and focus views for both pedestrians and motorists.

Applicability. These standards apply to properties with an Albany Comprehensive Plan designation of Village Center.

Standards.

- (1) All parking areas (excluding entranceways) adjacent to a public street ~~shall~~ must be screened according to one of the following options in (a) through (d) below:
  - (a) A low continuous hedge of evergreen shrubs, trees, and plantings that are at least three feet tall within two years and grow to provide an evergreen screen of at least 70 percent;
  - (b) A berm three- ~~feet~~ feet tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs;
  - (c) A low decorative masonry wall at least three feet tall in combination with landscaping; or
  - (d) A combination of any of these methods.
- (2) The landscape plan ~~shall~~ must be prepared by a licensed landscape architect.

[Ord. 5556, 2/21/03, Ord. 6018, 6/30/23]

9.165 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit. [Ord. 5768, 12/7/11]

9.170 Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (8 inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk ~~shall~~ must be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. [Ord. 5842, 1/1/15]

9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas over 1,000 square feet (contiguous) must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans:

- (1) Single-dwelling units and middle housing.
- (2) Accessory buildings.
- (3) Changes internal to an existing structure.
- (4) Building additions involving less than 500 square feet.

[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

9.182 Street Trees Prohibited on Right-of-Ways. Because of their potential negative impact on the public infrastructure, it is unlawful to plant any of the following trees in or on any street right-of-way or parking strip in the City: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.

9.184 Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the Director of Public Works approves the site as one where the tree roots will not be likely to interfere with public sewers.

9.186 Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys. No trees, shrubs, or plants more than 18 inches tall ~~shall~~ must

be planted in the public right-of-way abutting roads having no established curb and gutter.

- 9.188 Trimming, Removal. The city manager or duly authorized representative may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.
- 9.189 Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall ~~shall~~ must be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 9.190 Completion Guarantees. Final occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:
- (1) A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection (4) below, no additional security under this subsection is required for that part of the landscaping. A security may not be used for single-dwelling and middle housing development, unless permitted by the Director.
  - (2) The required landscaping and irrigation ~~shall~~ must be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation ~~shall~~ must be installed within six months of the date of the land use approval.
  - (3) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection ~~shall~~ must be made prior to any security being returned.
  - (4) Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits.

[Ord. 5446, 5/10/00; Ord. 5842, 1/1/15; Ord. 5886, 1/6/17; Ord. 6024, 12/29/23]

- 9.200 Maintenance of Landscaped Areas. It ~~shall~~ must be the continuing obligation of the property owner to maintain provided landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials ~~shall~~ must be maintained. Private post-construction stormwater quality facilities located in landscaped areas and required under Title 12 of the Albany Municipal Code ~~shall~~ must be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City consistent with the requirements of Albany Municipal Code Title 12.

[Ord. 5842, 1/1/15; Ord. 6018, 6/30/23]

**\*\*\* No changes are proposed to Sections 9.202 to 9.206, so those sections are not provided. \*\*\***

## BUFFERING AND SCREENING

- 9.208 Purpose. These regulations provide screening and buffering between uses ~~in order to~~ reduce the potential objectionable impacts of higher intensity uses on adjacent lower intensity uses. These impacts include, but are not limited to, light pollution and glare, noise, visual impacts, and loss of privacy.
- 9.210 General Requirements/Matrix. Buffering and screening are required in accordance with the matrix provided in Table 9.210-1. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may approve an Adjustment to waive the buffering/screening requirements of this section where such has been provided on the abutting property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) ~~shall be~~ is required as specified in the matrix. Where a proposed use abuts

undeveloped property, only one-half of the buffer width ~~shall be~~ required.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]

9.220 Delineation of Area. A buffer ~~yard or area~~ consists of an area within a required setback ~~or specified distance from the adjacent to a side and rear~~ property lines. ~~When a utility easement runs along property lines the buffer area landscaping must be located outside of the utility easement, which may result in a larger distance between the use and the property line.~~ It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.

9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, vehicular access ways or parking areas are allowed in a buffer area except where vehicular access way has been approved by the City.  
[Ord. 5842, 1/1/15; Ord. 5947, 1/1/21]

9.240 Buffering. The minimum improvements within a buffer area consist of the following:

- (1) At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g., solar access).
- (2) At least 5 five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.
- (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

9.250 Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) ~~and~~ (3) above:

- (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or
- (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
- (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.

9.255 Screening of Refuse Containers. The following standards apply to all developments except for refuse containers or disposal areas serving four or fewer dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. Refuse disposal areas may not be ~~located in~~ required setback areas or buffer yards and must be contained within the screened area. All refuse materials ~~shall~~ must be contained within the screened areas and the disposal area must be covered. The cover must be at least 8 feet in height. No refuse container ~~shall~~ may be placed within 15 feet of a dwelling window or between a multiple dwelling unit building and a single dwelling unit.

[Ord. 6018, 6/30/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25]

9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable. [Ord. 5445, 4/12/00]

9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.

~~9.330 Repealed by Ord. 5445, 4/12/00.~~

Table 9.210-1. Buffer and Screening Matrix

| BUFFER MATRIX                                                                                                                                                                                                                                                                                                                                                                                                                                                          | PROPOSED USE                  |                |                        |                                       |                                                        |                     |                      |                      |                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|----------------|------------------------|---------------------------------------|--------------------------------------------------------|---------------------|----------------------|----------------------|------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Detached single-dwelling unit | Middle housing | Multiple dwelling unit | Manufactured home park or subdivision | Commercial, professional, mixed-use, and institutional | Industrial Park use | Light Industrial use | Heavy Industrial use | Parking lot with at least 5 spaces |
| Dwellings in RR, RS-10, RS-6.5, RS-5, HM, RM, HDR, MUR and RMA districts                                                                                                                                                                                                                                                                                                                                                                                               | 0'                            | 0'             | 10' (3)                | 0'                                    | 10' S (3)                                              | 30' S               | 30' S                | 40' S                | 10' S                              |
| Manufactured home park or subdivision in any district                                                                                                                                                                                                                                                                                                                                                                                                                  | 0'                            | 0'             | 0'                     | 0'                                    | 10'S                                                   | 30'S                | 30'S                 | 40'S                 | 10'S                               |
| Any arterial street (2)                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10'                           | 10' (4)        | 10' (4)                | 10' S (1)                             | 10' (4)                                                | 10'                 | 10'                  | 10'                  | 10'                                |
| Commercial, professional, mixed-use, and institutional                                                                                                                                                                                                                                                                                                                                                                                                                 | 10'                           | 10' (4)        | 10' (4)                | 10' S                                 | 0'                                                     | 20'                 | 0'                   | 20' S                | 0'                                 |
| Industrial Park District                                                                                                                                                                                                                                                                                                                                                                                                                                               | 20'                           | 20'            | 20'                    | 20'S                                  | 0'                                                     | 0'                  | 0'                   | 5'                   | 0'                                 |
| Light Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                              | 30' S                         | 30' S          | 30' S                  | 30' S                                 | 0'                                                     | 20'                 | 0'                   | 0'                   | 0'                                 |
| Heavy Industrial District                                                                                                                                                                                                                                                                                                                                                                                                                                              | 40' S                         | 40' S          | 40' S                  | 40' S                                 | 20'                                                    | 20'                 | 0'                   | 0'                   | 0'                                 |
| Any parking lot with at least 5 spaces                                                                                                                                                                                                                                                                                                                                                                                                                                 | 10' S                         | 5' S           | 5' S                   | 5' S                                  | 0'                                                     | 0'                  | 0'                   | 0'                   | 0'                                 |
| <p>"S" indicates screening required. (1) See Section 10.270(3)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. (3) The required buffer does not apply abutting the MUR district and the buffer and screening do not apply abutting the HDR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.</p> |                               |                |                        |                                       |                                                        |                     |                      |                      |                                    |

[Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6024, 12/29/23]

**\*\*\* No changes are proposed to Sections 9.360 to 9.500, so those sections are not provided. \*\*\***

# ARTICLE 11

## LAND DIVISIONS AND PLANNED DEVELOPMENTS

**Staff Comments:** Changes to this article refer to block length standards that apply in CFA overlay districts in Article 14, modify the block length measurement to be from curb to curb rather than from street center lines, and clarify process when language is not clear and objective.

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

The following is a list of the main headings in this article.

- General Provisions
- Lot and Block Arrangement
- Property Line Adjustments
- Subdivisions and Partitions
- Planned Developments
- Condominiums
- Cluster Development
- Expedited and Middle Housing Land Divisions

[Ord. 5668, 4/11/07; Ord. 5968, 1/14/22]

**\*\*\* No changes are proposed to Sections 11.010 to 11.080, so those sections are not provided. \*\*\***

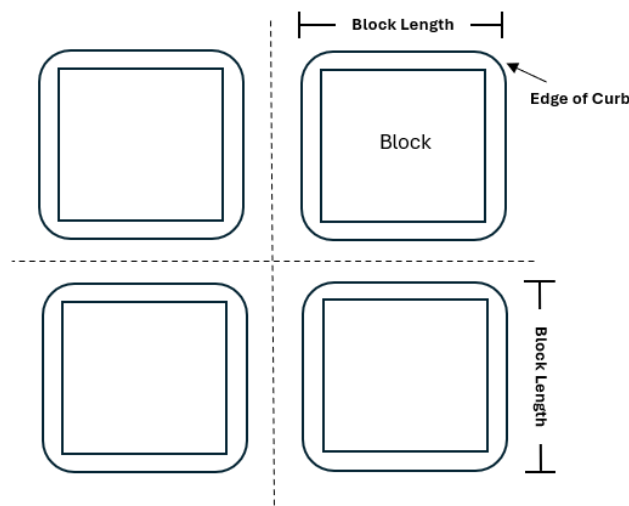
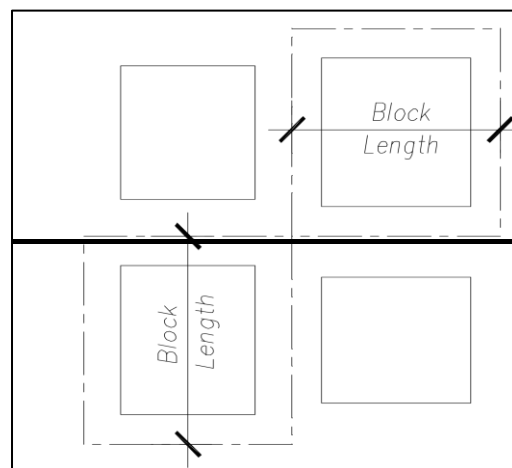
### LOT AND BLOCK ARRANGEMENT

11.090 Lot and Block Arrangements. In any land division for single-dwelling unit residential or middle housing development, lots and blocks ~~shall~~ must conform to the following standards in this Article and other applicable provisions of this Code. Land divisions proposed within a Climate Friendly Area overlay zone must meet the maximum block length standards in Article 14. ÷

- (1) Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code except for lots designated Open Space.
- (2) Lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the zoning district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan is required in conjunction with submittal of tentative subdivision or partition plat.
- (3) Double frontage lots ~~shall~~ must be avoided except when necessary to provide separation of residential developments from ~~streets of~~ collector and arterial streets ~~status~~ or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary for several adjoining lots, those lots must be served by a combined access driveway to limit possible traffic hazards on such streets. The driveway ~~shall~~ must be designed and arranged to avoid requiring vehicles to back into traffic on arterials. An access control strip ~~shall~~ must be placed along all lots abutting arterial streets requiring access onto the lesser class streets where possible.
- (4) Side property lines ~~shall~~ must run at right angles to the street the property faces through the front setback line or 10 feet, ~~whichever is greater,~~ except that on a curved street frontage the side property line ~~shall~~ must be radial to the curve through the front setback line or 10 feet, whichever is greater.

- (5) Block Length. The average block length shall must not exceed 600 feet and no individual block length shall may exceed 800 feet. Block length is defined as the distance along a street between the centerline of two intersecting through streets measured from curb to curb (Figure 11.090-1). The City Engineer may grant an exception to the average and maximum block length standards ~~based on~~ when one or more of the conditions in subsections (a) through (c) below exist on a development site as part of a discretionary review process.
- (a) Physical conditions preclude an average block length of 600 feet or less or a maximum block length greater than 800 feet. Such conditions may include permanent barriers ~~steep slopes~~ or the existence of physical features, including, but not limited to steep slopes, wetlands, riparian corridors, rivers, mature tree groves, or a resource under protection by State or Federal law.
  - (b) Existing transportation or utility facilities such as railroads or highways, buildings, or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude an average block length of 600 feet or less or a maximum block length greater than 800 feet, considering the potential for redevelopment.
  - (c) An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet or are situated such that the extension of the street(s) into the development site would create a block length exceeding 800 feet. In such cases, the average block length shall must be as close to 600 feet as practicable.

**FIGURE 11.090-1. Block Length**



- (6) ~~Pedestrian/Bicycle Connectivity. When approving an exception in (5) above, the City Engineer may require.~~ Off-street pedestrian pathways ~~shall be~~ that connected to the street network ~~and used to~~ provide pedestrian and bicycle access in situations where a public street connection is not feasible.
- (7) With the exception of townhouse development, the minimum frontage of a lot on a cul-de-sac ~~shall~~ must be 22 feet as measured perpendicular to the radius.
- (8) Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The minimum width for a flag is 22 feet, except when access is shared by an access and maintenance agreement in which case each lot ~~shall~~ must have a minimum width of 12 feet and a combined minimum of 24 feet.
- (9) At all street intersections, an arc along the property lines ~~shall~~ must be established so that construction of the street at maximum allowable width, centered in the right-of-way, ~~shall~~ must require of the curb line not less than the table below:

| Intersection                        | Curb Radius |
|-------------------------------------|-------------|
| Residential - Residential           | 15 feet     |
| Residential – Collector or Arterial | 20 feet     |
| Collector – Collector or Arterial   | 30 feet     |
| Arterial - Arterial                 | 30 feet     |

[Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5912, 7/11/18; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6042, 7/12/24]

**\*\*\* No changes are proposed to Sections 11.1000 to 11.630, so those sections are not provided. \*\*\***

## ARTICLE 12

### PUBLIC IMPROVEMENTS

**Staff Comments:** Changes proposed in this Article primarily relate to ensuring connectivity and compliance with the CFA rules in state law and providing clear and objective language. In addition, the city is proposing local street designs be approved by the City Engineer to allow for a little more flexibility to deviate from the city's standard street designs when warranted without having to submit a variance or other land use application.

- 12.000 Overview. This article provides public improvement standards to address the City's concerns ~~relative~~related to public health, safety, and welfare as it relates to the management of public transportation systems and utilities. These standards are used with the procedural and design requirements contained in other articles of the Albany Development Code. [Ord. 5947, 1/01/21]

The following is a list of the main headings in this article.

- General Provisions
- Streets
- Sidewalks
- Street Trees
- Bikeways
- Utilities—General
- Water
- Sanitary Sewer
- Storm Drainage
- Improvement Assurances
- Addresses and Street Names

[Ord. 5673, 6/27/07]

### GENERAL PROVISIONS

- 12.010 Authority. The City has jurisdiction and exercises regulatory management over all City right-of-way, franchise utility use of right-of-way, city utilities, and easements benefiting the City of Albany for provision of utility and transportation services. The City is both a service provider and property owner/manager. These responsibilities require decisions to be made in a way that protects the public health, safety, and welfare; and provides for efficient extensions of services. Right-of-way under state or county jurisdiction is also located within the city limits. In those instances, the standards in Article 12 still apply; however, the City may deviate from the standards provided herein as necessary to comply with each agency's requirements.

- (1) As a property owner and service provider, the City has sole discretion over all aspects of managing its utilities, rights-of-way, and related easements. This includes, but is not limited to, access and connection requirements; construction, modification, or alteration of public infrastructure; franchise utility requirements, required extensions of service; and frontage improvements.
- (2) The standards in Article 12 are one mechanism used by the City, as a landowner and service provider, to regulate access and connection to public rights-of-way, easements, transportation systems, and utilities, including required extensions of services and frontage improvements with development. Applying these standards requires discretion and professional judgement for the protection of public health, safety, and welfare, and for overall efficient provision of urban services. These standards are not subject to the limitations of ORS 197.307(4). [Ord. 5947, 1/01/21]

- 12.020 Relationship to Other Local Regulations. This article supplements other municipal ordinances. If a provision of this article conflicts with another City ordinance, the ordinance that most specifically deals with the issue in question ~~shall control~~s. Whenever possible, the two provisions ~~shall~~must be interpreted in a manner that renders the provisions of both ordinances consistent. Only when such interpretation is

impossible will one provision be deemed to supersede the other.

12.030 Relationship to Specialty Codes or State Law. This article supplements other existing state and local codes. Examples of these codes include, but are not limited to, the adopted building, fire, and plumbing codes. If any provision of this article conflicts with a specialty code, the specialty code ~~shall~~ controls.

12.040 Conditions of Approval. Development approval may be conditioned upon the provision and/or guarantee of public improvements called for in an adopted public facilities master plan, or any other public improvements necessitated by the development. Development approval may likewise be conditioned when private facilities are proposed to be shared by two or more parcels. Construction of off-site improvements may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.

All development decisions ~~shall~~ must be consistent with constitutional limitations concerning the taking of private property for public use.

To provide an adequate transportation system, development approvals may include conditions that require facilities for safe and convenient pedestrian and bicycle access within and from new subdivisions, multiple dwelling unit developments, planned developments, shopping centers and commercial districts to adjacent residential areas ~~and~~ transit stops, and to neighborhood activity centers and key destinations within one-half mile of the development. [Ord.

6004, 12/28/22]

(1) “Neighborhood activity centers” and/or “key destinations” includes, but ~~is~~ are not limited to, existing or planned schools, colleges, parks, recreation centers, libraries, post offices, civic or government offices, grocers and farmers markets, shopping areas, transit stops and stations, medical offices and clinics, hospitals, climate-friendly areas, ~~or~~ and employment centers.;

(2) “Safe, convenient and adequate” means bicycle and pedestrian routes, facilities, and improvements that:

- (a) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;
- (b) Provide a reasonably direct route of travel between destinations, such as between a transit stop and a store; and
- (c) Meet needs of cyclists and pedestrians, considering destination and length of trip, and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

[Ord. 5281, 3/26/1997; Ord. 5339, 1/28/1998]

~~Section 12.045 Repealed by Ordinance 5947, 1/01/21.~~

12.050 Relationship to Construction Standards. Public improvements ~~shall~~ must be designed to comply with adopted facility master plans as much as possible. Unless otherwise approved by the City Engineer, public improvements ~~shall~~ must be constructed according to the standard construction specifications. The standard specifications for construction, reconstruction or repair of streets, sidewalks, curbs, gutters and other public improvements within the City are contained in the City’s “Standard Construction Specifications.” The City Engineer may make changes to the standard specifications consistent with the application of engineering principles to the conditions. [Ord. 5339, 1/28/1998]

## STREETS

12.060 General Provisions. No development may occur unless it has frontage on or approved access to an improved public street or alley ~~currently~~ open to traffic. A currently non-open public right-of-way may be opened by improving it to City standards.

(1) Streets ~~shall~~ must be connected to reduce travel distance, provide multiple travel routes, and promote the use of alternative modes. Street patterns have a greater long-range effect on land use patterns; than do parcel patterns or building location.

- (2) Streets (including alleys) within and adjacent to a development ~~shall~~ must be improved in accordance with the ~~city's Standard Construction Specifications in this Article~~. In addition, any new street or additional street width planned as a portion of an approved street plan ~~shall~~ must be dedicated and improved in accordance with ~~this Article~~ the city's Standard Construction Specifications.
- (3) When the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district. [Ord. 5445, 4/12/2000]
- (4) The City Engineer may approve modifications to the required street right-of-way and planter widths when necessary to accommodate approved street-side post-construction stormwater quality facilities, multi-use paths, or natural resources.

[Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]

12.070 Creation of Streets. Streets are usually created by approval of a subdivision or partition plat. However, the City Council may ~~also~~ approve the creation of a street by acceptance of a deed. If creating a street unintentionally results in a land partition, the owner is not required to apply for partition approval ~~as long as if~~ the resulting parcels comply with Code standards.

12.080 Classification of Streets. Arterial and collector streets are designated in the Transportation System Plan. [Ord. 5445, 4/12/2000]

12.090 Creation of Access Easements. Except for lots created by a middle housing land division, creation of easements to provide access to the public street system ~~shall~~ must be approved when the applicant has demonstrated that all of the following criteria have been met:

- (1) No more than two residentially zoned parcels or uses will be served by the proposed access easement;
- ~~(2)~~ The City Engineer has determined that the creation of a flag is infeasible.
- ~~(2)(3)~~ There is not enough room for a public street or alley ~~right-of-way~~ due to topography, lot configuration, or placement of existing buildings; and
- ~~(4)~~ The City Engineer has determined that there is no need for a public street in this location.
- ~~(3)(5)~~ All created easements must include a maintenance agreement assigning monetary responsibility for maintenance.

[Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

12.100 Access to Public Streets. With the exceptions noted in Section 1.105, the location and improvement of an access point onto a public street must be included in the review of a development proposal. In addition, the following specific requirements ~~shall~~ apply to all access points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications. Driveways serving more than one property ~~shall~~ must be paved the full length of the shared portion.
- (2) Driveways for single-dwelling units ~~and middle housing~~, and driveways to individual units in multiple dwelling unit developments must have a minimum width of 10 feet and a maximum width of 24 feet (not to exceed the width of the driveway curb cut) and minimum separation of 5 feet. See ~~also~~ the additional driveway standards in ADC Section 8.14~~60~~. Spacing between driveways is measured along the front property line.

Driveways provided to Triplexes and fourplexes are also subject to the driveway design standards in ADC Section 8.16~~05~~. Townhouses are also subject to the driveway design standards in ADC Section 8.16~~70~~(5). Where the standards in Sections 8.16~~5~~ 160 ~~or 8.170~~ conflict with this subsection (2), the Article 8 standards control.

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. Three-lane driveways must have

designated lanes and turning movements. Industrial driveways must have a width of 24-48 feet. There must be a minimum separation of 22 feet between all driveways except for single- and two-unit dwellings, and middle housing of four units or less. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer.

- (3) All driveways must be located as far as practical from a street intersection, and in no instance may the distance from an intersection be less than the following, as measured from the nearest curb return radius:

|                  |         |
|------------------|---------|
| Arterial Street  | 40 feet |
| Collector Street | 20 feet |
| Local Street     | 10 feet |

At intersections with bulb-outs or post-construction stormwater quality curb extensions incorporated into the curb return the measurement will be made from the nearest curb return radius. When different classes of streets intersect, the distance required is between an access point and the intersection of the street type that requires the greater distance.

- (4) The location, width, and number of accesses to a public street may be limited for developments that are subject to land use review.
- (5) Access points to a public street must be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street.
- (6) Properties with frontage on more than one street may be restricted to access on the street(s) of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and may be required ~~in order~~ to reduce the number of access points to streets. Construction of common access points must be preceded by the recording of joint access and maintenance easements.
- (8) Driveways must comply with applicable fire and building codes. Approach grades must not exceed a 10 percent slope within 20 feet of a public street, except as specified below.
- (a) Residential driveways serving four (4) or fewer units may exceed the maximum slope specified above.
- (9) Access to designated state highways is subject to the provisions of this Article in addition to requirements of the State Highway Division and State Department of Transportation. When regulations of the City and State conflict, the more restrictive requirements apply.
- (10) For developments on property larger than five acres in contiguous ownership, fronting on an arterial street or limited access highway, a frontage road may be required ~~in order~~ to provide a single access determined by the review body to be the most appropriate location for safety and convenience.
- (11) When access is allowed on an arterial street, efforts must be made to locate it adjacent to the interior property line where it could be shared by the adjacent property.

[Ord. 5338, 1/28/1998; Ord. 5445, 4/12/2000; Ord. 5720, 8/12/2009; Ord. 5842, 1/01/15; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6059, 3/14/25]

- 12.110 Street Location, Width and Grade. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. When location of a street is not shown in an approved street plan, the arrangement of streets in a development ~~shall~~ must either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance of or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the

location of new streets in a development or street plan, consideration ~~shall~~ must be given to maximizing available solar access for adjoining development sites.

Street grades must be approved by the City Engineer, who will consider drainage and traffic safety.

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

**TABLE 12.120-1. Standard Street Right-of-Way and Roadway Widths requirements.**

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

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

[Ord. 5445, 4/12/2000; Ord. 5842, 1/01/15; Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

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

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

- (1) Minor Local Streets. The minor local street design is intended to be the predominant street type in residential neighborhoods. A minor local street will have fewer than 1,000 average trips per day (ADT) when all future street connections are made. The standard design is ~~a 30-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 54-foot right-of-way~~ is provided in Table 12.122-1. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure 12.122-1.

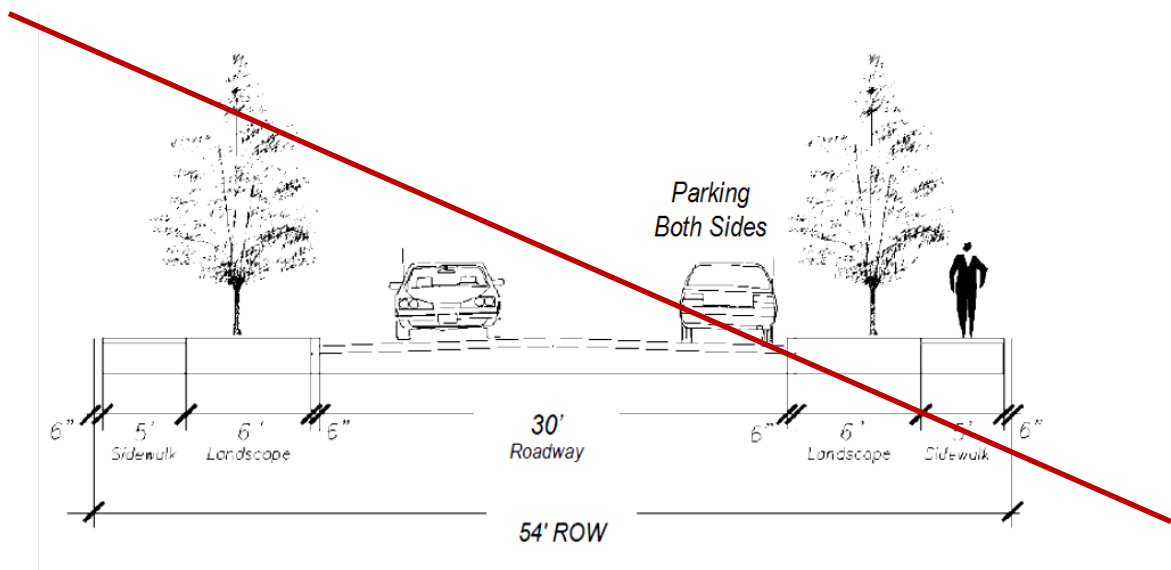


**Figure 12.122-1: Minor Local Street**

[-Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

- (2) Network Local Streets. A network local street will have more than 1,000 ADT. The standard design is provided in Table 12.122-1 a 32-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 56-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure 12.122-2.

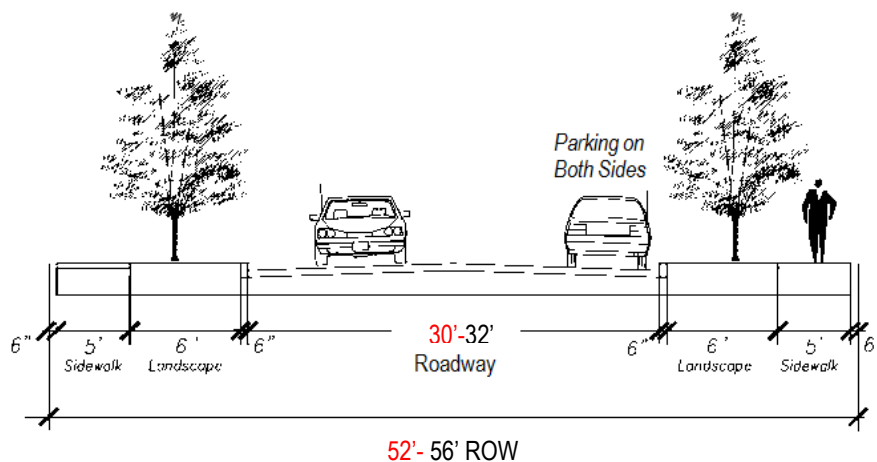


**Figure 12.122-12: Network Local Street Typical Cross Section**

[Alley Option removed by Ord. 5886, 1/6/17]

- (3) Narrow Network Local Street Option. The City Engineer may approve a narrow network local street with the standard design provided in Table 12.122-1 with a 28-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure 12.122-3.

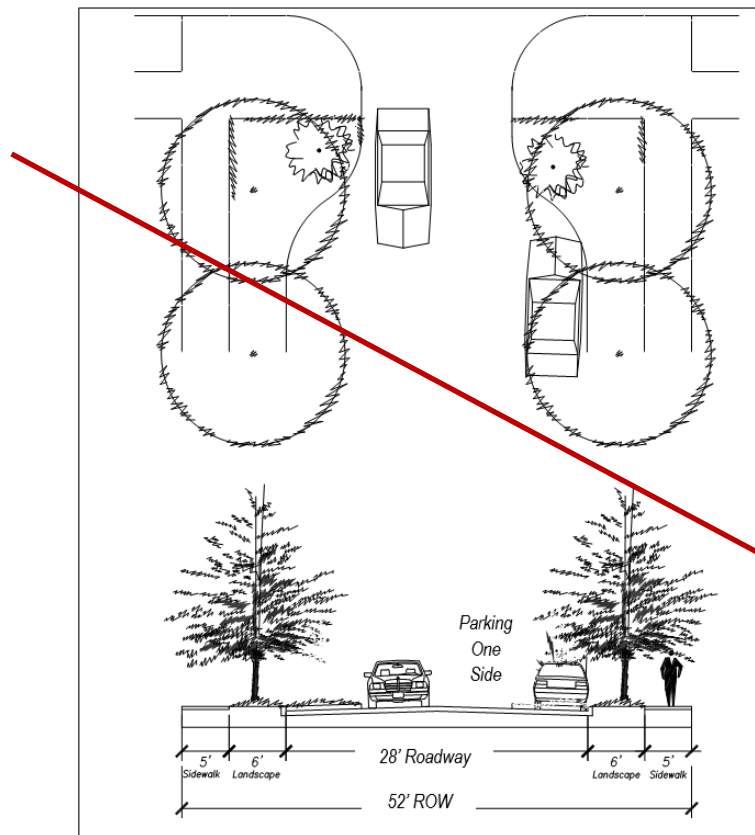


**Figure 12.122-3: Narrow Network Local Street Option**

- (4) Residential Street Design for Constrained Sites. Natural features may constrain the standard local street design. Examples of such natural features include floodplains, steep slopes, drainageways, wetlands, riparian corridors, and tree groves. Through the subdivision or planned development review process, the City **Engineer** will consider a narrower street section that does not compromise the goals for street design in a great neighborhood **connectivity and walkability**. For example, the sidewalks may be placed curbside and parking may be removed from the street in order to narrow the street paving and preserve natural areas. See Figure 12.122-24.

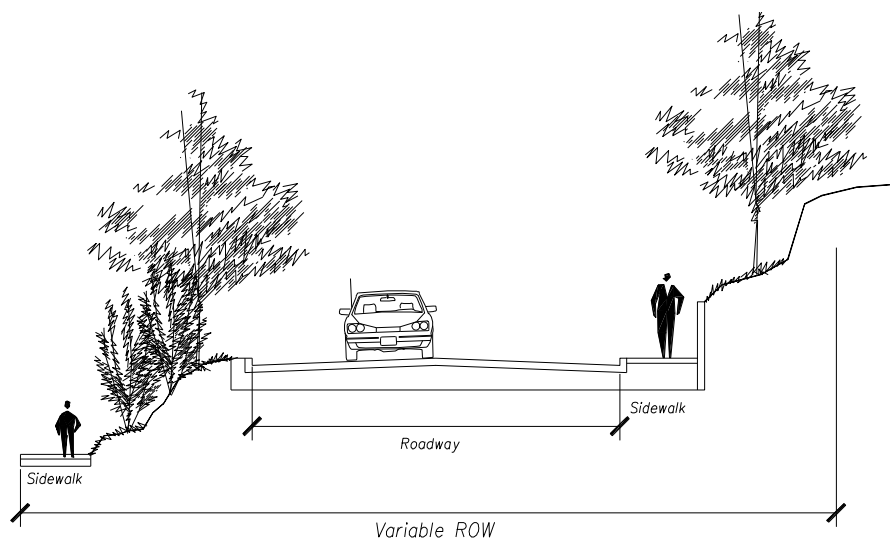


**Figure 12.122-24: Residential Street Design (Constrained)**

- (5) ~~Alternative Street Standard for Cluster Development. (Reserved)~~ Alleys. Alleys are encouraged in residential development and required in Climate Friendly Area overlay districts to improve walkability and preserve streets for parking. Alleys must be constructed to the city's Standard Construction Specifications. A typical alley width is 20 feet of unobstructed width to accommodate emergency vehicles, and a roadway width of 16 feet for two-way travel. Utilities may be located in the alley when approved by the City Engineer. The City Engineer may approve private alleys constructed to city standards when a shared public access and maintenance easement is recorded, and the alley is in a privately owned tract.
- (a) Maintenance responsibilities for private alleys must be identified in deed restrictions filed with the Final Plat or prior to the issuance of final occupancy permits in cases where there is no plat to be filed.
- (b) Alleys must be clearly marked to prohibit parking, unless designed to accommodate it.
- (c) Where alleys provide required emergency access to a structure(s) and/or will have garbage pick-up services and/or loading facilities from alleys, the alley must be a minimum of 20 feet wide and have adequate turning radii on curves, T's and L's to accommodate these vehicles and services.

**TABLE 12.122-1. ~~Summary of Standard Local Street Designs standards.~~**

| SUMMARY OF <del>STANDARD</del><br>STREET DESIGN STANDARDS | SINGLE-DWELLING UNIT AND MIDDLE HOUSING<br>DEVELOPMENT |                             |                                 | MULTIPLE<br>DWELLING UNIT<br>DEVELOPMENT<br>ON LOCAL<br>STREETS |
|-----------------------------------------------------------|--------------------------------------------------------|-----------------------------|---------------------------------|-----------------------------------------------------------------|
|                                                           | MINOR<br>LOCAL<br>STREETS                              | NETWORK<br>LOCAL<br>STREETS | NARROW NETWORK LOCAL<br>STREETS |                                                                 |
| Right-of-way                                              | 54'                                                    | 56'                         | 52'                             | 56'                                                             |
| Pavement width                                            | 30'                                                    | 32'                         | 28'                             | 32'                                                             |
| On-street parking                                         | Both<br>sides                                          | Both sides                  | One side                        | Both sides                                                      |
| Bike lanes                                                | No                                                     | No                          | No                              | No                                                              |
| Curb & gutter                                             | Yes                                                    | Yes                         | Yes                             | Yes                                                             |
| Sidewalks                                                 | 5' setback                                             | 5' setback                  | 5' setback                      | 5' setback                                                      |
| Planter strip                                             | 6' planter                                             | 6' planter                  | 6' planter                      | 6' planter                                                      |

[Ord. 5445, 4/12/2000; Ord. 5562, 10/10/2003; Ord. 5842, 1/01/15; Ord. 5886, 1/6/17; Ord. 5947, 1/01/21;  
Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

12.130 ~~Mini-Subdivision and Partition Street and Rights-of-Way Standards. The standards in this section are intended for use in developing residential infill parcels. The review body will~~ City Engineer may approve variations to the standard street designs listed in Section 12.120 above to allow a mini-street, when the following criteria are met:

- (1) The property to be divided is less than two acres and no more than eight lots will be created or served by the street; and
- (2) The proposed land division, ~~as a whole,~~ meets the standards for lot size and configuration for the zoning district; ~~and~~
- (3) Surrounding parcels are developed or are physically incapable of being developed so that combining the proposed land division with adjoining properties in a conventional land division is not feasible; ~~and~~
- (4) The street length is 400 feet or less; and
- (5) The property is not needed for continuing the adjacent public street pattern. However, pedestrian connections may be required for continuing the pedestrian circulation system.

The review body may also modify other standards in this Code as indicated in Table 12.130-1 below:

**TABLE 12.130-1. Standard Mini-subdivision sStreet Design and rights-of-way standards.**

| Dedication & Maintenance | Paved Width <del>(b)</del><br>Street/Cul-de-sac | On-Street |          | Rights-of-Way <del>(b)</del> |                    |
|--------------------------|-------------------------------------------------|-----------|----------|------------------------------|--------------------|
|                          |                                                 | Curbs     | Parking  | Sidewalk                     | Street/Cul-de-sac  |
| Public (a)               | 22' / 25' (radius)                              | Yes       | no       | 4' (1 side)                  | 30' / 36' (radius) |
| Public (a)               | 28' / NA                                        | Yes       | one side | 4' (1 side)                  | 36' / NA           |

- (a) A 7-foot public utility easement may be required on each side of the right-of-way.  
 (b) ~~Maximum street length is 400 feet.~~  
 (c) A “hammerhead” turnaround may be allowed only if no more than four residential lots are created, and the City Engineer determines that no other options exist, and no traffic hazards will be created.

[Ord. 5445, 4/12/2000; Ord. 5947, 1/01/21]

**\*\*\* No changes are proposed to Sections 12.140 to 12.180, so those sections are not provided. \*\*\***

12.190 ~~Cul-de-sacs. The street pattern may include e~~Cul-de-sacs and bulbs are prohibited except as provided by this section and only if connectivity and block length standards have been met. ~~A cul-de-sac must not exceed 400 feet. A cul-de-sac must end in a circular turnaround, except as provided in 12.130 (4)(c).~~ Dead-end streets longer than 400 feet may be approved by the City Engineer through a discretionary review process if no other means is available for development of the property.

- (1) A cul-de-sac must not exceed 400 feet and must end in a circular turnaround, except as provided in 12.130 (4)(c).  
 (2) A 150-foot-wide lighted concrete bikeway/bicycle/pedestrian accessway shall must be dedicated and constructed from the end of each cul-de-sac or dead-end street to the nearest street or multi-use path or trail within a public access easement or the right-of-way property line of adjacent property, except where the cul-de-sac abuts developed property and/or the City Engineer determines there is no need for a connection. An 8-foot wide concrete or asphalt walkway with a maximum longitudinal slope of 15 percent, centered within the public access easement must be constructed.  
 (3) Landscaped planters must be provided between the walkway and the edge of the public access easement on both sides of the walkway and extending the length of the public access easement.  
 (4) The walkway and public access easement must be maintained by the property owner(s).

[Ord. 5338, 1/28/1998; Ord. 5445, 4/12/2000]

**\*\*\* No changes are proposed to Sections 12.200 to 12.280, so those sections are not provided. \*\*\***

## SIDEWALKS

- 12.290 Requirement. All development for which land use applications are required, and all expedited and middle housing land divisions, must include sidewalks adjacent to public streets. This requirement also applies to new single-dwelling units and middle housing units if they are located on arterial or collector streets or on curbed local streets, if there is an existing sidewalk within 500 feet on the same side of the street.

Sidewalks must be built when arterial and collector streets are constructed and at the discretion of the City Engineer during their reconstruction. This provision ~~shall also apply~~<sup>ies</sup> to local streets that serve commercial and multiple dwelling unit development. Sidewalks are required on both sides of all streets. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians must be provided by paved roadway shoulders at least 8 feet wide on arterials and 6 feet on other streets. ~~Provision of sidewalks may be waived when the street serves a use or combination of uses that generate fewer than 50 trips a day (based on ITE standards) and cannot be continued or extended to other properties.~~

[Ord. 5445, 4/12/2000; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6059, 3/14/25]

- 12.300 Design, Width, and Location. All sidewalks must be constructed, replaced or repaired in accordance with the Standard Construction Specifications. The required width and location of sidewalks is as follows:

- (1) The required width for a sidewalk on an arterial or collector street is 7 feet. This may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. When there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to 5 feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be at least 5 feet wide. A planter strip at least 6 feet wide ~~shall~~<sup>must</sup> separate the sidewalk from the street. Curbside sidewalks ~~is~~<sup>are</sup> allowed on cul-de-sac bulbs. Street trees ~~shall~~<sup>must</sup> be selected from the list of approved street trees established by the City. The planter strip ~~shall~~<sup>must</sup> be of permeable materials. Locating approved street-side post-construction stormwater quality facilities in the planter strip is encouraged.
- (3) In the Historic Downtown and Central Business districts, as defined on the zoning map, sidewalks must be at least 10 feet wide and be installed adjacent to the curb.
- (4) Regardless of other provisions contained in this article, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) When obstructions exist or are proposed (including, but not limited to, mailboxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, post-construction stormwater quality facilities, etc.), provisions must be made to maintain a minimum of 4 feet of unobstructed sidewalk width on local streets, 5 feet on collector and arterial streets, and 6 feet in the Historic Downtown (HD) and Central Business (CB) districts.
- (6) Clustered mailboxes ~~shall~~<sup>must</sup> be on an accessible path and ~~shall~~<sup>must</sup> include a 72" minimum accessible turning space. Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction ~~shall~~<sup>must</sup> be in accordance with the Standard Construction Specifications.
- (7) Maintenance of sidewalks and planter strips ~~shall~~<sup>must</sup> be the continuing obligation of the adjacent property owner except for approved post-construction stormwater quality facilities located in planter strips or when a double frontage single- or two-dwelling unit lot backs onto an arterial. Other than approved post-construction stormwater quality facilities, planter strips ~~shall~~<sup>must</sup> be landscaped and maintained in like manner to the front yard setback requirements of Article 9.

(8) Sidewalks ~~shall~~must be designed to parallel streets in line and grade and ~~shall~~must avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.

(9) Public paths not adjacent to a public street ~~shall~~must be a minimum of 10 feet wide.

[Ord. 5445, 4/12/2000; Ord. 5780, 5/09/12; Ord. 5842, 1/01/15; Ord. 5947, 1/01/21; Ord. 6004, 12/28/22]

***\*\*\* No changes are proposed to Sections 12.310 to 12.520, so those sections are not provided. \*\*\****

## ARTICLE 22

### USE CATEGORIES AND DEFINITIONS

The following is a list of content in this article.

- Use Categories 22.030 – 22.370
- Definitions 22.400
- Natural Resource Definitions 22.500

### USE CATEGORIES

\*\*\*No changes are proposed to the Use Categories, so these sections are not shown\*\*\*

**Staff Comments:** Adding new definitions and updating/clarifying existing to reflect changes to the ADC. Only new or changing definitions are provided or definitions that provide additional context to other definitions.

### DEFINITIONS

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

Accessway/Connector, Pedestrian and Bicycle: An unobstructed paved path or walkway that is designed and constructed to provide public access for pedestrians and bicyclists and that connects to a public street. The accessway may provide mid-block connectivity for maximum block length standards or where such routes and connectivity are not otherwise provided by the street system.

Access-way, Vehicular: An unobstructed drive or roadway that provides vehicular access and connects to a public street.

Alley: A public accessway not over 30 feet wide that provides a means of access to private property. Alleys may be privately owned when approved by the City Engineer. An alley is not considered a “street” as used in this Code. [Ord. 5742, 7/14/10; Ord. 6042, 7/12/24]

Auto-oriented Land Uses. Auto-oriented land uses include uses related to the operation, sale, maintenance, or fueling of motor vehicles, and uses where the use of a motor vehicle is accessory to the primary use, including drive-through uses.

Block: An area of land containing one or more lots or parcels surrounded by a connecting network of streets, railroad rights-of-way, tracts and/or easements, unsubdivided acreage, or a combination thereof. A block may be bound by accessways without streets along one or more of its edges. The total distance around a block is referred to as Block Perimeter.

Block Length: The distance along a block between the edge of curb at either end of the block.

Block Perimeter: The total distance around the outside perimeter of a block. For vehicle block perimeter, the distance is measured along the outside edges of the street or sidewalk rights-of-way, tracts and/or easements that abut the block. For pedestrian block perimeter, the distance is measured along the centerlines of the sidewalks or multiuse paths that form the block.

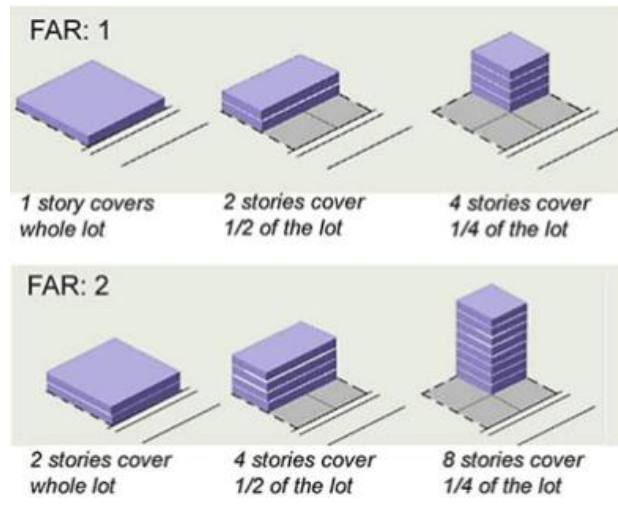
Climate-Friendly Area (CFA): An urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within

climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options. [Ord. 6018, 6/30/23]

~~Gross Floor Area, Gross:~~ The combined floor area of each level or story of a building as measured within the exterior walls of such building.

Floor Area, Net: The combined floor area of each level or story of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, rooms designed and used for the purpose of storage and operation of maintenance equipment and enclosed or covered parking area.

Floor Area Ratio: The ratio of gross floor area of all ~~structures~~ buildings on a lot or development site divided by the net area of a lot or development site on which the buildings are located. A floor area ratio of 2.0 would indicate the gross floor area of the building is twice the area of the site.



[Ord. 5742, 7/14/10]

Frontage: That portion of a property that abuts a street right-of-way or private street.

Infill: 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. To be considered infill, such land must be less than 0.5 acres in size for residentially designated lands or less than one acre in size for non-residential lands. [Ord. 5742, 7/14/10]

Key Destination/Neighborhood Activity Center: A land use or place that is expected to attract a higher-than-average rate of pedestrian, bicycle, transit and/or vehicle trips. Key destinations may include, but are not limited to: Climate-friendly areas; pedestrian-oriented commercial areas outside of climate-friendly areas; transit stations, stops, and terminals; retail and service establishments, including grocery stores; Childcare facilities, schools, and colleges; parks, recreation centers, paths, trails, and open spaces; farmers markets; libraries, government offices, community centers, arts facilities, post offices, social service centers, and other civic destinations; and medical or dental clinics and hospitals.

Main Entrance: The entrance to a building that most pedestrians or customers are expected to use, typically the door faces the street or is visible from the street or right-of-way. Generally, each building has one main entrance, but if design features make it difficult to discern which entrance is the main entrance, all similar entrances will be treated as main entrances. [Ord. 5742; 7/14/10, Ord. 6042, 7/12/24]

Middle Housing Zoning District: A zoning district in which residential dwellings are the primary use and single-dwelling units are permitted, and which implements a residential comprehensive plan map designation in accordance with OAR 660-046-0020. In the City of Albany that includes the following zoning districts:

- RR Residential Reserve District
- R-10 Residential ~~Single Dwelling Unit~~ District
- R-6.5 Residential ~~Single Dwelling Unit~~ District

- R-5 Residential ~~Single Dwelling Unit~~ District
- HM Hackleman-Monteith District
- RM Residential Medium Density District
- MUR Mixed Use Residential District

Neighborhood Activity Center: See Key Destination definition.

Pedestrian Amenity Space: A publicly accessible space such as a plaza, terrace, courtyard or small park, which abuts or is connected to the street and is provided and maintained by a private party.

Pedestrian and Bicycle Accessway/Connector: See Accessway/Connector, Pedestrian and Bicycle definition.

~~Pedestrian Way/Walkway: Any paved public or private route intended to provide pedestrian connections throughout a site to building entrances, access to adjacent streets, and properties.~~ [Ord. 5742, 7/14/10]

~~Garage, Public Parking~~ **Structure**: A publicly or privately owned structure having one or more levels, used for parking vehicles and open for use by the general public either free or for remuneration. Public parking garages may include parking spaces for customers, patrons, or clients provided said parking spaces are clearly identified as free parking space(s) for the building or use. Parking on top of a structure where there is gross building area below the parking but nothing above it is also structured parking. See also Structured Parking. [Ord. 6042, 7/12/24]

Street **Lot** Line: A property line abutting a street.

~~Two Detached Primary Units (also “2 Detached Units”):~~ When referring to a permitted use, this means two ~~detached~~ buildings on a lot, each containing one primary dwelling unit. This use is distinct from a single-dwelling unit with an accessory dwelling unit.

# Staff Report Findings

## Climate Friendly Areas and Walkability Albany Comprehensive Plan and Development Code Amendments

Planning Files: CP-01-25, ZC-01-25, DC-02-25

March 31, 2025

### Application Information

|            |                                                                                                                                                                                                                                                                                                                                                |
|------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proposal:  | Legislative amendments to the Albany Comprehensive Plan and Map, the Albany Zoning Map, and the Albany Development Code to adopt climate friendly area (CFA) overlay zoning districts and standards to ensure these areas are walkable, accessible and vibrant mixed-use centers that provide a mix of housing, services, jobs, and amenities. |
| Applicant: | Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321                                                                                                                                                                                                                                                            |
| Location:  | Create six CFA overlay districts and rezone four properties in two of the CFAs                                                                                                                                                                                                                                                                 |

### Overview

Climate Friendly Equitable Communities (CFEC) rules were adopted by the Oregon Land Conservation and Development Commission in July 2022 after two years of public input and rulemaking following Governor Brown's Executive Order 20-04, which directed state agencies to take urgent action to meet Oregon's climate pollution reduction targets while ensuring equitable outcomes for underserved populations. The CFEC rules require cities over 5,000 people in metropolitan areas to amend land use and transportation plans to reform parking, support electric vehicle charging, add walkable design standards, and designate one or more walkable urban mixed-use areas called Climate Friendly Areas (CFAs) that can accommodate 30 percent of current and future housing needs. CFAs are intended to provide residents with more housing and transportation choices close to services to create opportunities to reduce reliance on driving.

These legislative code, plan and map amendments will adopt Albany's CFAs to comply with the Oregon Administrative Rules (OARs) as described in **Phase 3** below and will include updates to the Albany Development Code (ADC) to adopt some of the walkable design standards required in **Phase 4**.

Phase 1: Amend the ADC and Comprehensive Plan (CP) to reform parking requirements by June 30, 2023.

Phase 2: Identify and evaluate potential candidate CFAs that could accommodate Albany's needed housing to the year 2040 (based on the City's most recently adopted and approved housing needs analysis) and submit the study to DLCD by December 31, 2023. Candidate areas were identified that are zoned to allow for mixed uses and on transit routes throughout the city and then analyzed for residential capacity. The number and size of candidate areas were reduced after considering public input gathered through three community events and two surveys.

Phase 3: Adopt Climate Friendly Areas that comply with OAR 660-012-0315, -0320, and -0325 by December 31, 2024, unless an extension is granted. Albany received an extension to April 30, 2025. The City held four open houses in September and October of 2024 to get input on proposed changes from property owners in the CFAs.

Phase 4: Adopt Walkable Design Standards before a city's next Transportation Systems Plan (TSP): the City received support from DLCD who hired consultants to prepare an audit of the Albany Development Code and gather public input on potential code changes to comply with the rules. (Four focus groups were held in December 2024.) The audit includes recommended amendments to comply with the rules (OAR 660-012-0330). Staff incorporated many of the simpler changes supported by the public into the CFA adoption package.

Phase 5: Update the City's TSP to comply with OAR 660 Division 12 Transportation and Division 44 Metropolitan Greenhouse Gas Reduction Targets rules, scheduled for 2025-2026.

## Summary of Proposed Changes

The City of Albany is proposing to amend the Albany Comprehensive Plan (CP), Zoning Map and Albany Development Code (ADC) to designate Climate Friendly Areas and adopt walkable design standards to comply with the CFEC rules in Oregon Administrative Rules (OAR) Chapter 660, Division 12; specifically, OAR 660-012-0310, -0315, -0320, and -0330.

The specific proposed amendments are attached as Exhibits and summarized below. In the exhibits, proposed new text is shown in red underline print and proposed deleted text is ~~in black strike-out font~~.

*Commentary boxes in the attached exhibits provide context for the proposed amendments. Should the proposed amendments be approved, the text boxes with the explanations will be removed and the approved amendments made part of the ADC.*

### Exhibit A: Albany Comprehensive Plan Text and Map

- Chapter 8, Goal 14 Urbanization – update to reference Climate Friendly Areas (CFAs)
- Chapter 9, Land Use Planning - update to reference the CFA overlay districts
- Comprehensive Plan Map –Add the CFA Overlay District designation to the map and change the comprehensive plan designation for one property located in the South Albany CFA to better align with the proposed CFA standards.

### Exhibit B: Albany Zoning Map

- Update map to add the CFA Overlay Zoning District to the map and change the zoning of four properties located within two of the CFA districts to better align with the intent and purpose of the CFA standards.

### Exhibit B: Albany Development Code

- Article 2, Review Criteria – clarify parking for middle housing does not require a land use application.
- Article 3, Residential Zoning Districts – update the Schedule of permitted uses to include uses allowed in CFAs.
- Article 4, Commercial and Industrial Zoning Districts - update the Schedule of Permitted Uses to include uses allowed in CFAs.
- Article 5, Mixed Use Zoning Districts - update the Schedule of Permitted Uses to comply with the CFEC rules.
- Article 8, Design Standards – limit vehicle access for residential development in CFAs and apply village center design standards to development in CFAs and update walkable design standards.
- Article 9, On-Site Development and Environmental Standards – updating to include walkable design standards and to comply with CFEC rules.
- Article 11, Land Divisions and Planned Developments – updating to refer to block length standards in CFA overlay districts and to modify block length to be curb to curb.
- Article 12, Transportation – Add alley description and change local street designs to be approved by the City Engineer.
- Article 14, Climate Friendly Area Overlay Districts (CFAs) – add new chapter to specify the uses, heights, density, and development standards that apply in Albany's CFAs.
- Article 22, Use Categories and Definitions – update existing and add new definitions needed to support changes related to adopting the CFA overlay zones and complying with the CFEC rules in the OARs.

## Notice Information

Public notice was issued in accordance with legislative amendment requirements in state law and the ADC Section 1.260. Specifically,

- Notice was mailed to all property owners within the proposed CFA boundaries on February 25, 2025, at least 20 days before the March 17 Planning Commission public hearing.

- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on February 7, 2025, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC.
- Notice of the proposed amendments was emailed on February 26, 2025, to Linn County, Benton County, and the North Albany Neighborhood Association.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on March 1, 2025, two weeks before the first public hearing on March 17, 2025.

As of the date of this report, the Community Development Department has received two pieces of written testimony, one in support and one not in support of the changes. Three North Albany residents testified at the Planning Commission hearing requesting that the North Albany CFA, Site C, not be included in the overlay district.

## Analysis of Development Code Criteria

The ADC includes the following review criteria in Section 2.220 and 2.290, which must be met for these legislative amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

### Comprehensive Plan Amendment Review Criteria (ADC 2.220)

***Criterion 1: A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.***

#### FINDINGS OF FACT

- 1.1 The Comprehensive Plan defines a goal as, “a general statement indicating a desired end, or the direction the city will follow to achieve that end.”
- 1.2 The Comprehensive Plan defines a policy as, “a statement identifying a course of action or City position.”
- 1.3 The Comprehensive Plan describes the City’s obligation regarding policies as follows: “The City must follow relevant policy statements in making a land use decision or show cause why the Comprehensive Plan should be amended consistent with statewide goals. Such an amendment must take place following prescribed procedures prior to taking a land use action that would otherwise violate a Plan policy. However, in instances where specific Plan policies appear to be conflicting, the City must seek solutions that maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. In this weighing process, the City must consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage).”
- 1.4 The applicable Albany Comprehensive Plan and Statewide Planning goals and policies are provided below in **bold** print and are followed by findings of fact and conclusions.
- 1.5 The proposed legislative amendments would amend the Albany Comprehensive Plan text and map, the Zoning Map and Albany Development Code to comply with the Climate Friendly and Equitable Communities rules added to the OARs and existing Division 12: Transportation rules.

**Statewide Planning Goal 1: Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

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

**Policies include involving the public in the evaluation and update of the Plan; seek input from citizens, agencies, and interested parties; and ensuring information is made available to the public.**

- 1.6 Community engagement for Phase 3 and 4 of the CFEC rules adoption included four open houses, a mailing to property owners, and one-on-one meetings. Five open houses were held on September 11, 17, October 1, 30, and November 12, 2024, and four focus groups were held in December 2024, to get input on walkable design standards.
- 1.7 A project website has been maintained throughout the CFEC project phases ([albanyoregon.gov/cd/cfec](http://albanyoregon.gov/cd/cfec)) with public meeting information and project documents.
- 1.8 A “CFA interested parties” email list has been maintained. Interested parties were emailed about open houses and public hearings.
- 1.9 Public notice regarding the Planning Commission and City Council hearings was provided in accordance with ADC Section 1.260. Specifically, notice was sent to DLCD on February 7, 2025; notice was published in the Albany Democrat Herald on March 1, 2025; and the hearings notice was emailed to Linn County, Benton County and the North Albany Neighborhood Association on February 26, 2025. A “Ballot Measure 56” notice was mailed to all property owners within the proposed CFA boundaries on February 25, 2025, at least 20 days before the March 17 Planning Commission public hearing.
- 1.10 Public hearings are part of the public involvement process. Two public hearings are scheduled – March 17, 2025 (planning commission), and April 9, 2025 (city council).

**Statewide Planning Goal 2: Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions. (CP Chapter 9: Land Use Planning)**

**Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:**

1. Remains current and responsive to community needs.
2. Retains long-range reliability.
3. Incorporates the most recent and reliable information.
4. Remains consistent with state laws and administrative rules.

**Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:**

- Conformance with goals and policies of the Plan,
  - Citizen review and comment,
  - Applicable Statewide Planning Goals,
  - Input from affected governmental units and other agencies,
  - Short - and long-term impacts of the proposed change,
  - Public need for the change, and
  - The amendments will best meet the identified public need versus other available alternatives.
- 1.11 The proposed CFEC related amendments to the CP, Zoning map and ADC are needed to comply with state administrative rules and to ensure the plan remains responsive to community needs and retains long term reliability.
  - 1.12 Modifying the CP, the Zoning map, and ADC to designate CFAs in six locations in the city and to add walkable design standards will support applicable statewide and CP goals to support compact, mixed-use and walkable development patterns that may offer more housing and transportation choices.
  - 1.13 The proposed legislative amendments will have short and long-term impacts on the built environment by allowing higher intensity development in areas supported by transit and public infrastructure and where existing and planned services are located.
  - 1.14 Cascades West Council of Governments supported Phase 3 work to help identify and evaluate candidate CFAs throughout the city in areas that could support increased development.
  - 1.15 The CFA identification process involved evaluation of infrastructure, available land, existing zoning, and proximity to transit to ensure infrastructure can support multi-modal connectivity, more housing, commercial,

and employment opportunities to create vibrant and compact walkable CFAs.

- 1.16 The cost of housing and transportation impact resident livability and economic mobility. Transportation accounts for 38 percent of Oregon's greenhouse gas emissions. Climate change from greenhouse gas emissions impacts many aspects of daily life – from hotter weather, increased air pollution, for example. The CFEC rules and the proposed legislative amendments to comply with the related OARs are an effort to reduce pollution from the transportation system by helping cities plan for a future that reduces the need to drive while improving access to jobs, housing, and services. The proposed amendments will allow more housing options in the CFAs than the currently allowed in the base zones.
- 1.17 The Albany Comprehensive plan contains many relevant goals and policies relating to Natural Resources and are followed by findings

**Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.** (CP Chapter 2: Special Areas)

- 1.18 The proposed legislative amendments to the CP, Zoning map and ADC to create CFAs support the following CP goals and policies relating to Goal 5:
- **Balance compact development patterns with natural resource protection.**
  - **Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.**
- 1.19 The CFA districts provide standards to support compact development patterns away from Albany's natural resources, especially riparian corridors. The city proposes designating CFAs in five areas of the city along transit lines to encourage compact mixed uses in more areas of the city and to include CFAs with vacant land that is not within a natural or historic overlay district.
- 1.20 A portion of Albany's central Albany downtown area is proposed to be within a CFA to support the Albany Town Center Plan and Central Albany Revitalization Area Urban Renewal Plan objectives to preserve historic resources, create a unique and vibrant downtown core with a mix of uses, and increase residential development and new forms of housing and home ownership.
- 1.21 The downtown CFA is a walkable district that provides mostly commercial uses, with limited residential uses. The proposed downtown CFA (Site A) encompasses the Downtown Commercial Historic District.
- 1.22 The CFA overlay district will further foster compact mixed-use development and more housing opportunities on vacant lots and parking lots, redevelopment or additions to newer buildings, upper floor rehabilitation and reuse of existing historic buildings, and compatible additions to historic buildings that meet the historic district standards, will enhance the health and vitality of the area for residents and visitors.
- 1.23 The existing zoning standards and historic overlay district standards support development in the downtown historic district support the preservation and adaptive reuse of Albany's unique historic resources and character.

**Statewide Planning Goal 6: Air, Water, and Land Resource Quality: To maintain and improve the quality of the air, water and land resources of the state.** (CP Chapter 1: Natural Resources)

- 1.24 The CP contains a few relevant goals that support the need to amend the Plan and ADC to create CFAs:
- **Reduce water pollution and ensure that future land use activities enhance or at least maintain water quality.**
  - **Reduce air pollution and ensure that existing and future land use activities maintain air quality standards.**
- 1.25 The proposed CFA and walkable design related legislative changes to CP and ADC will support compact and efficient land use patterns that may reduce vehicle miles traveled and reduce air pollution and reduce sprawl.
- 1.26 The proposed changes will support the redevelopment of existing parking lots and infill development which may improve water quality with controlled runoff.

**Statewide Planning Goal 9, Economic Development: To provide adequate opportunities throughout the state**

for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

(CP Chapter 3: Economic Development)

- 1.27 The proposed CFA and walkable design standards amendments support the following economic development goals:
- **Create a readily identifiable downtown core that is unique and vibrant with a mixture of entertainment, housing, specialty shops, offices, and other commercial uses.**
  - **Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.**
- 1.28 A secondary CFA overlay district is proposed in the downtown core for properties zoned HD, CB, and LE. Downtown is an existing mixed-use area that exemplifies the purpose of CFEC rules. Including some of the downtown core in a CFA overlay district will provide opportunities for more housing, which will support a vibrant and healthy downtown and healthy mixed-use districts throughout the city.
- 1.29 Adopting CFA overlay districts will add more variety and parcel sizes for commercial and mixed-use development, including workforce housing.

**Statewide Planning Goal 10: Housing: To provide for the housing needs of residents of Oregon.** (CP Chapter 4: Housing)

- 1.30 The proposed CFA and walkability and connectivity related amendments to the CP and ADC support the following CP goals and policies related to meeting the city's housing needs:
- **Create a city of diverse neighborhoods where residents can find and afford the values they seek.**
  - **Encourage residential development that conserves energy and water, uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services.**
  - **Provide opportunities for higher density residential and mixed-use developments within a quarter mile of public transportation.**
- 1.31 On November 2, 2020, the Albany City Council passed Ordinance 5951, which adopted the 2020 Buildable Land Inventory (BLI) and the 2020 Housing and Residential Land Needs Analysis (HNA). The HNA analysis reflects the coordinated population forecast prepared by the Oregon Population Forecast Program at the Population Research Center at Portland State University (PSU) in 2017 that projects Albany will experience an annual average growth rate (AAGR) of 1.27 percent to 2040. The HNA was based on the 20-year need assessment requirements of ORS and OAR 660 Division 8 for statewide planning Goal 10, Housing. It projected the number and types of units by tenure and cost based on the PSU population projections to 2040 and compares housing demand to residential land supply.
- 1.32 The HNA found Albany is projected to add between 6,700 and 9,300 new households between 2020 and 2040. The analysis concluded Albany will need 1,328 acres to accommodate projections to 2040 in a mix of low-, medium- and high-density housing types and zoning districts. The 2020 BLI estimated the city had 1,397 buildable acres for residential development within the city limits and 1,278 acres in the urban growth boundary for residential development.
- 1.33 The CFEC rules require the City to designate climate friendly areas that have the capacity to accommodate 30 percent of Albany's current and future housing needs in 2040 in CFAs, amounting to 8,861 units based on the 2020 HNA's projected total households in 2040. Six CFAs are proposed to be designated in the city that will have the projected capacity of between 12,223 and 16,269 units at full build-out to maximum allowable heights. The low estimate formula used a higher allowance for parking and landscaping on each site and is the figure Albany has selected to ensure the city designates enough area to accommodate additional residential development. The city estimates there are 903 existing dwellings in the CFA districts.

| CFA    | Description   | Total Acres | Net Acres | Low Estimate | High Estimate | Existing Dwellings |
|--------|---------------|-------------|-----------|--------------|---------------|--------------------|
| Site A | Downtown Area | 79.4        | 26.2      | 1,447        | 1,861         | 107                |

|                                   |                             |       |      |               |               |            |
|-----------------------------------|-----------------------------|-------|------|---------------|---------------|------------|
| Site B                            | East Albany Area            | 110.6 | 58.6 | 2,344         | 3,125         | 264        |
| Site C                            | North Albany Area           | 72.4  | 36.2 | 1,865         | 2,487         | 41         |
| Site D                            | 14th Ave Heritage Mall Area | 146.4 | 82.1 | 4,637         | 6,224         | 131        |
| Site E                            | Queen/Geary Area            | 34.4  | 17.7 | 573           | 764           | 358        |
| Site F                            | 99E/South Albany Area       | 69.9  | 27.8 | 1,357         | 1,809         | 2          |
| <b>Estimated Capacity Numbers</b> |                             |       |      | <b>12,223</b> | <b>16,269</b> | <b>903</b> |

- 1.34 The CFA overlay districts allow residential development with minimum densities of 25 units per net acre within the Primary CFA with heights up to 85 feet and 15 units per net acre in buildings up to 50 feet tall in the secondary CFAs. The CFA overlay districts will increase opportunities for residential development with increased height allowances from some of the base zone, will allow residential development in the RC zone in the Primary CFA where none is currently permitted, and will allow more opportunities for residential development in zones that currently require it be above or attached to a business.
- 1.35 The CFA overlay districts are proposed in areas served by or proposed to be served by transit and quality pedestrian and bicycle facilities. CFAs are intended to promote the development of compact mixed-use areas for the efficient use of land and infrastructure.
- 1.36 The CFA districts will support a pattern of higher density residential and housing choices near goods and services, and employment with access to transportation choices.

**Statewide Planning Goal 12, Transportation: To provide and encourage a safe, convenient, and economic transportation system.** (CP Chapter 5: Transportation)

- 1.37 The proposed legislative amendments to comply with the CFA and walkable development standards in the OARs support the following transportation Comprehensive Plan goals and policies.
- **Provide an efficient and safe transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.**
  - **Develop bicycle and pedestrian facilities that encourage non-vehicular travel to and from home, school, work, and other activity centers.**
  - **Provide direct off-roadway pedestrian and bicycle routes and connections.**
  - **Encourage redevelopment of existing parking facilities to foster more efficient use of land within the city.**
- 1.38 One of the primary purposes of these legislative amendments and the CFEC rules is to provide more opportunities for residents to meet their daily needs without needing to drive through compact, mixed-use and walkable development as provided in CFAs.
- 1.39 Highway Impact Studies (HIS) completed for five of the six CFA districts found that the proposed legislative amendments to create mixed use areas will improve traffic in all CFAs over time, due to less trip generation by mixed-use developments ranging from 16 to 33 percent fewer trips. (The HIS reports are included in the additional findings by CFA attached to the staff report.)

**Statewide Planning Goal 13, Energy Conservation: Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.** (CP Chapter 8: Urbanization)

- 1.40 The proposed legislative amendments to designate CFAs support the following Comprehensive Plan energy conservation policies.
- **Promote development and use of comprehensive energy conservation and management programs that provide opportunities for efficient energy use and subsequent cost savings associated with:**
    - a. **Existing and future residential, commercial, and industrial uses.**

**b. Transportation management and planning programs that are directed at transportation efficiency such as reducing dependence on the private automobile.**

- 1.41 The Comprehensive Plan amendments propose adding this energy conservation goal: Transition to a compact land use pattern along transit lines that conserves natural resources and minimizes environmental impacts.
- 1.42 Designating CFAs and adding walkable design standards will encourage a compact land use pattern along transit lines that will conserve natural resources and reduce dependence on the private automobile.

**Statewide Planning Goal 14, Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. (CP Chapter 8: Urbanization)**

- 1.43 The designation of CFAs and proposed walkable design standards support the following urbanization goals and policies.
- Achieve stable land use growth that results in a desirable and efficient land use pattern.
  - Designate climate friendly areas to encourage compact, walkable neighborhoods with a mix of residential and commercial uses with access to transit and to provide opportunities to meet daily needs within the neighborhood and reduce the reliance on vehicle travel.
  - Promote infill development and redevelopment throughout the city.
  - Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse and redevelopment.
  - Support the conversion of surplus parking into other compatible uses.
  - Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.
  - Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems.
  - Encourage compact, mixed use, and multi-story developments that support walkability, reduce auto-dependency for access to goods and services, and promote efficient use of land and public infrastructure.
  - Discourage strip commercial development and promote clustered commercial and mixed-use opportunities to foster efficient utilization and extension of public facilities and services, and a variety of accessible and pedestrian friendly shopping.
  - Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.
  - Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans, and carpools as alternatives to single-occupancy vehicle commuting.

- 1.44 Legislative amendments to adopt six CFAs in the city will increase housing and employment opportunities in mixed-use areas supported by multiple transportation modes will foster connectivity throughout the CFA and to key destinations. The CFA uses and standards will result in more efficient land use patterns that use existing infrastructure to reduce reliance on autos, support the conversion of surplus parking and underutilized sites to active uses, and will discourage strip commercial development.
- 1.45 Creating CFAs and updating standards to ensure safe non-vehicular connectivity is provided in new development will provide more opportunities for people to meet their daily needs without needing to drive.

## **CONCLUSIONS**

- 1.1 **Goal 1, Citizen Involvement.** The City provided engagement opportunities to property owners within the CFAs and interested residents to participate in the development of the legislative amendments. The City followed the required public participation process. The proposed amendments comply with Goal 1.

- 1.2 Goal 2, Land Use Planning. The proposed amendments to the CP, Zoning map and ADC are needed to remain current and responsive to community needs and comply with state rules. The amendments are consistent with statewide planning goals and the CP goals and policies.
- 1.3 Goal 6, Natural Resources. The proposed CFA standards will provide more opportunities for infill development that may reduce sprawl and support better water and air quality.
- 1.4 Goal 9, Economy. Creating CFAs will support mixed-use and vibrant centers that include employment and workforce housing opportunities.
- 1.5 Goal 10, Housing. The proposed CFA overlay district amendments will provide more opportunities for housing and housing choices in locations near transit and may reduce costs related to vehicle ownership and housing. The proposed CFA overlay district boundaries have the capacity to accommodate 30 percent of Albany's future housing needs in 2040.
- 1.6 Goal 12, Transportation. CFA districts will allow higher intensity development near public transit which will support public transportation and the need for safe and efficient bicycle and pedestrian networks.
- 1.7 Goal 13, Energy Conservation. Adopting CFA districts will support more efficient land use and transportation development patterns and redevelopment and will support transportation system efficiencies and reliance on autos.
- 1.8 Goal 14, Urbanization. The proposed amendments to create CFA districts and improve walkability and connectivity standards will result in more efficient land use and travel patterns, which may improve the livability of the city while reducing dependency on automobiles.
- 1.9 In summary, the proposed CFEC related amendments are consistent with and supportive of Albany's Comprehensive Plan policies and statewide planning goals.
- 1.10 This review criterion is met.

***Criterion 2: A legislative amendment is needed to meet changing conditions or new laws.***

**FINDINGS OF FACT**

- 2.1 In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution by 80 percent by 2050. That's what science called for at the time to avoid catastrophic impacts on Oregon's environment, communities, and economy.
- 2.2 In 2000, Governor Brown issued Executive Order 20-04 that directed state agencies to take actions to reduce climate pollution. The Land Conservation and Development Commission (LCDC) launched the CFEC rulemaking in response to reduce greenhouse gas emissions and pollution from transportation. The new CFEC rules were adopted into the OARs by LCDC on July 21, 2022.
- 2.3 The OARs require communities to change their land use and transportation plans to do more to ensure Oregonians have safer and more comfortable ways to get around and don't have to drive long distances to meet their daily needs. The rules aim to improve equity in access to transportation and housing choices.
- 2.4 More diversity in housing choices and locations is needed to address Albany's current housing needs and needs to 2040.
- 2.5 The proposed legislative amendments to the CP and map, the Zoning map, and the ADC to comply with the CFEC rules to create CFAs and improve walkability and connectivity will help address changing community needs and conditions that include reducing greenhouse gas emissions from transportation and providing more housing choices near transit, goods and services.

CONCLUSIONS

- 2.1 The proposed legislative amendments to the CP text and map, Zoning map and ADC are needed to meet the new CFEC rules and to address changing conditions.
- 2.2 Based on the above analysis, this criterion is satisfied.

**Zoning Map Amendments Review Criteria (ADC 2.740)**

The requests may be approved if the review body finds that the application meets the following criteria.

***Criterion 1: The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.***

***Criterion 2: Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.***

***Criterion 3: Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.***

***Criterion 4: The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.***

***Criterion 5: The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.***

FINDINGS OF FACT (combined for all criteria and site based)

- Z.1 Proposed Climate Friendly Area Overlay Districts: The zoning map is proposed to be amended to identify the boundaries of Albany's CFA overlay districts.
- The base zoning of property within the CFA districts is not changing except as noted below for four properties. The base zoning and the CFA overlay district zoning are consistent with the Comp Plan map, which is proposed to be amended to show the CFA boundaries.
  - The CFAs were identified in areas where existing or anticipated transportation facilities are adequate for uses permitted in the CFA overlay districts.
  - The CFAs were identified in areas where existing or anticipated public utilities and services can accommodate future development without impacting the affected service areas.
  - The CFA overlay districts purpose is to encourage compact, mixed-use developments near transit. The zoning map amendments identify areas where the city anticipates future mixed-use development.
  - The proposed CFA overlay districts will result in a more efficient land use and transportation pattern and each CFA was evaluated against all relevant transportation related planning documents and when a highway is included within or abutting a CFA district, a Highway Impact Study (HIS) was completed.
  - Transportation gap analysis and HIS findings for each proposed climate friendly area (Sites A through F) are attached to this staff report.
- Z.2 1533 Geary Street Zone Change from RM to RMA: The property is in the Primary CFA overlay district, which allows buildings up to 85 feet tall. This property is proposed to be rezoned from RM to RMA.
- The proposed change to the base zone from RM to RMA is consistent with the Comp Plan map designation of Residential-Medium Density. The RMA zone is more compatible with the CFA overlay district purpose to provide opportunities for higher density housing in CFAs near transit and services.
  - Transportation facilities are adequate for uses permitted in the proposed RMA zone.
  - Public utilities and services can accommodate any redevelopment of the property with higher intensity development without impacting the affected service areas.
  - The purpose of the CFA overlay districts is to encourage compact, mixed-use developments near transit. The zoning map amendments identify areas where the city anticipates future mixed-use development.

- e. The proposed RMA zoning supports a more efficient land use and transportation pattern that locates higher density housing near areas served by transit and multiple modes of transportation.

**Z.3 Pacific Boulevard Property (tax lot 11S03W19 00500) Zone Change from RC to MUC:** This property is in the South Albany/99E Secondary CFA.

- a. The proposed change to the base zone from RC (Regional Commercial) to MUC (Mixed Use Commercial) is consistent with the proposed change to the Comprehensive Plan map designation for the property from Commercial-General to Village Center. The RC zone was originally intended for large scale commercial developments and allows limited noncommercial uses. The MUC zone is more compatible with the purpose of the CFA overlay districts to provide opportunities for compact and walkable mixed-use areas with higher density housing near transit and services.
- b. Transportation facilities are adequate for uses permitted in the proposed MUC zone.
- c. Public utilities and services can accommodate higher intensity development without impacting the affected service areas.
- d. The purpose of the CFA overlay districts is to encourage compact, mixed-use developments near transit and employment. The subject property is a key property intended to provide a variety of housing, commercial and employment opportunities to serve the South Albany area. The proposed MUC zone will enable efficient use of the land with a mix of uses that are needed in this area of the city.
- e. The proposed MUC zone supports a more efficient land use and transportation pattern that locates higher density housing near areas served by transit and multiple modes of transportation.

**Z.4 6011 and 6123 Pacific Boulevard Zone Change from NC to CC:** These properties are in the South Albany/99E Secondary CFA.

- a. The proposed change to the base zone from NC (Neighborhood Commercial) to CC (Community Commercial) is consistent with the Comprehensive Plan map designation of Commercial - General. The NC zone is intended to for smaller scale retail to serve nearby residents' frequent needs in convenient locations, typically at intersections with residential development nearby. The CC zone's purpose is for medium to larger scale and intensity commercial uses along arterials and highways. The subject properties are on Oregon Highway 99E and abut a railroad.
- b. The CC zone is more compatible with the CFA overlay district purpose to provide opportunities for higher density housing and employment near transit.
- a. Transportation facilities are adequate for uses permitted in the proposed CC zone.
- b. Public utilities and services can accommodate any redevelopment of the properties with higher intensity development without impacting the affected service areas.
- c. The purpose of the CFA overlay district is to encourage compact, mixed-use developments near transit and employment.
- d. The proposed CC zoning supports a more efficient land use and transportation pattern that locates higher intensity development near areas served by transit and multiple modes of transportation.

## CONCLUSIONS

- Z1.** The proposed zoning map amendments satisfy the review criteria.

## Development Code Amendments Review Criteria (ADC 2.290)

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

### FINDINGS OF FACT

- 1.1 The Albany Development Code serves as the principal vehicle for implementing the Comprehensive Plan.
- 1.2 Amendments are proposed to the Albany Development Code (ADC) to create CFA districts that allow a mix of uses and standards to support compact and accessible developments.
- 1.3 Findings of fact provided for Comprehensive Plan Amendment review criterion 1 assess the proposed amendments against the CP goals and policies and are hereby incorporated as findings in support of this review criterion.
- 1.4 The proposed ADC amendments will better achieve the goals and policies of the Albany Comprehensive Plan than the existing code and are needed to comply with state laws.

### CONCLUSIONS

- 1.1 The proposed ADC amendments are consistent with the applicable Albany Comprehensive Plan goals and policies related to public involvement, land use planning, housing, economic development, energy conservation, transportation, and urbanization.
- 1.2 This review criterion is met.

***Criterion 2: The proposed amendments are consistent with Development Code policies on purpose and with the purpose statements for the base zone, special purpose districts, or development regulation where the amendment is proposed.***

### Findings of Fact

- 2.1 The ADC amendments proposed to comply with the CFEC rules in the OARs are in numerous articles of the ADC. The city will use an overlay zoning district to designate CFAs and is proposing a new section in the ADC, Article 14, Climate Friendly Area Overlay Districts, is the primary chapter that will implement the CFA OARs.

Article 14 Climate Friendly Area Overlay Districts. This article outlines the additional uses and standards that apply within the city's designated Primary and Secondary Climate Friendly Area overlay districts in addition to the uses allowed in the base zoning districts and requirements of the base zone and other sections of the Albany Development Code and applicable Albany ordinances.

The CFA related amendments and amendments to incorporate more walkable design standards are intended to foster quality developments that promote safety and connectivity for vehicles, pedestrians and cyclists to support changing community needs.

- 2.2 Article 2 Review Criteria. Amendments are minor and will clarify that parking areas for middle housing development are exempt from Site Plan Review.
- 2.3 Article 3 Residential Zoning Districts. Amendments identify the additional uses permitted in the RM, RMA and HDR zones for development located within a CFA overlay district.
- 2.4 Article 4 Commercial and Industrial Zoning Districts. Amendments identify the additional uses and standards that apply to development located within a CFA overlay district and to reduce front yard setbacks in NC and OP zones and clarify maximum building footprints where applicable.
- 2.5 Article 5 Mixed Use Zoning Districts. This article establishes Albany's mixed-use zones originally concentrated in the downtown area, but that have been established in other areas of the city where compact mixed-use

developments are desired. These districts should be easily accessible to nearby residences and are pedestrian friendly.

2.6 Article 5 amendments identify the additional uses and standards that apply to development located within a CFA overlay district and walkability standards consistent with the purpose of the mixed-use zones.

2.7 Article 8 Design Standards. Amendments in this article include updates to existing design standards to promote walkability and connectivity, and to specify the design standards that apply in the proposed CFA districts. Some specific standards include establishing maximum building setback standards for development in CFAs, limiting residential driveways between the front façade and the street by requiring access to be from the rear (townhouses and apartments are permitted in the CFAs). The proposed amendments are consistent with the purpose of the article provided below.

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

2.8 Article 9, On-Site Development and Environmental Standards. This article's purpose is to establish standards for on-site improvements and environmental protection to foster high-quality development. Amendments are needed to comply with the walkable standards in the OARs and include ensuring walkways provide direct and safe connectivity throughout a site and from the streets to building entrances.

2.9 Article 11 Land Divisions and Planned Developments. Amendments relate to lot and block arrangement and references Article 14 for block length standards that apply in CFAs.

2.10 Article 12 Public Improvements. The purpose of this article is to provide public improvement standards to address safety concerns for management of public transportation systems and utilities.

2.11 Changes proposed in Article 12 relate to ensuring connectivity and compliance with the CFA rules in state law. In addition, the city is proposing local street designs be approved by the City Engineer to allow for a little more flexibility to deviate from the city's standard street designs when warranted without having to submit a variance or other land use application.

2.12 Article 22, Use Categories and Definitions. New definitions are needed for terms being added to the ADC and revisions to existing definitions are proposed to address CFEC rules related to connectivity and walkability requirements.

## Conclusions: Development Code Amendment Criterion 2

2.1 The proposed Development Code amendments are consistent with applicable purpose statements, special purpose districts, or development regulations where amendments are proposed in Articles 2, 3, 4, 5, 8, 9, 11, 12 and 22 and new Article 14.

2.2 Based on the above analysis, this criterion is satisfied.

## Planning Commission Recommendation

On March 17, 2025, the Albany Planning Commission voted unanimously in favor of the motion to recommend the City Council approve the proposed legislative amendments to the Comprehensive Plan, Zoning Map, and Development Code as detailed in planning files CP-01-25, ZC-01-25, and DC-02-25 as presented.

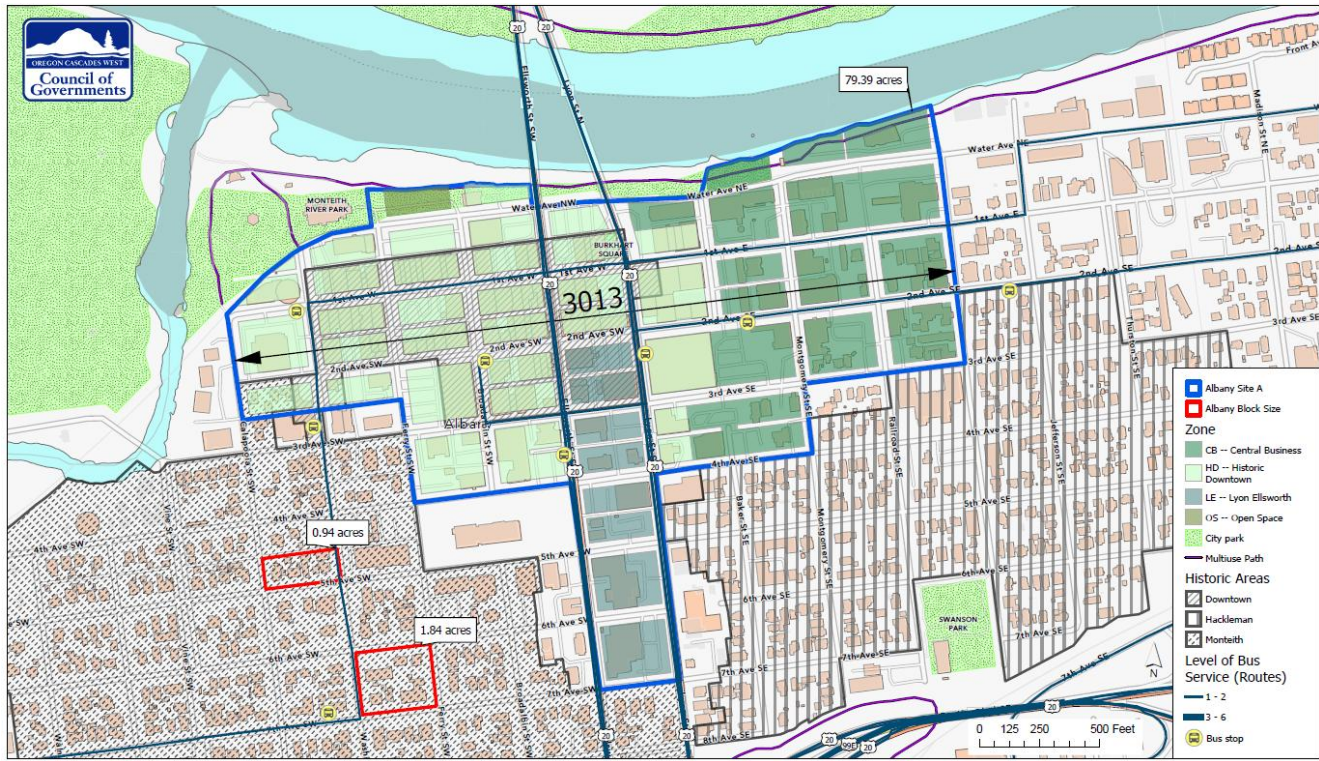
The motion was based on the findings and conclusions of the staff report dated March 7, 2025, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

## Acronyms

|      |                                                        |
|------|--------------------------------------------------------|
| ADC  | Albany Development Code                                |
| CFA  | Climate Friendly Area                                  |
| CFEC | Climate Friendly and Equitable Communities             |
| CP   | Comprehensive Plan Amendment File Designation          |
| DC   | Development Code Text Amendment File Designation       |
| DLCD | Oregon Department of Land Conservation and Development |
| LUBA | Oregon Land Use Board of Appeals                       |
| OAR  | Oregon Administrative Rule                             |
| ORS  | Oregon Revised Statutes                                |

## CFA Site A: Downtown Secondary Climate Friendly Area

### 1. Climate Friendly Area Requirements, OAR 660-012-0310



#### 0310 Findings:

- 1.1 0310(1): This CFA is located within Albany's city limits.
- 1.2 (2)(f): The width and depth of the Downtown CFA Site A complies with the 750-foot minimum dimensional requirement in the OARs.
- 1.3 (2)(a) and (b): The Downtown Secondary CFA Site A is in the heart of the city just south of the Willamette River and east of the Calapooia River, where the city was founded. This area was identified as a CFA because it is an existing mixed-use "Main Street" area with compact development and mix of uses that includes numerous civic and government services, entertainment, restaurants, nightlife, specialty shops, a riverfront park and community center, transit stops, and residential.
  - a. Existing Zoning and Capacity: This CFA includes the HD, CB, and LE zoning districts, all of which are mixed-use districts. The area contains development opportunities with surface parking lots and some vacant properties.
  - b. The CFA also includes the Downtown Commercial Historic District, which is an overlay zone that limits height to 65 feet in the district and requires historic review for new construction and exterior alterations. The overlay zone ensures new development is compatible with the historic character of the district.
  - c. Key Destinations and Services: Downtown is a destination for residents and visitors due to the restaurants, shopping and services, and has a high concentration of jobs due to the many government and service sector jobs. The area includes a library, city and county offices, Monteith Riverfront Park, a carousel, and the Dave Clark Path.
- 1.4 (2)(c): The Downtown CFA is served by one of Albany's transit lines and the Linn Benton Loop bus. The area is a short walk to the Albany Train Station, Amtrak and regional bus services. The area is served by high quality pedestrian facilities, and a study has been completed to provide options to improve bicycle facilities, which

currently share the road on Lyon and Ellsworth streets (U.S. 20 Highway couplet). See Section 4, the Transportation Multimodal Gap Summary that follows.

- 1.5 (2)(d): Presence of natural hazards (floods, steep slopes/landslides, wildfires): According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, the Downtown CFA does not have land within the floodplain. There are no steep slopes, and this area of the Willamette Valley is not near forested lands or resources subject to wildfires.
- 1.6 (3): Public utilities are available and sized to accommodate urban level development in this CFA.
- 1.7 (4): The city will use an overlay zoning district to designate the CFAs that will specify the additional permitted uses from the base zone, set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.

## 2. Designation of CFAs, OAR 660-012-0315

### 0315 Findings for Downtown CFA Site A:

- 2.1 (2): The Downtown Albany CFA is proposed to be a Secondary CFA. Height allowances in the base zones range from 60 to 85 feet and were used to project development capacity.
- 2.2 (2): The Downtown CFA is projected to have capacity to accommodate between 1,447 units (low estimate factoring for more parking on site) to 1,861 units. The higher estimate represents between 16 to 21 percent of Albany's required capacity of 8,861 units by 2040.
- 2.3 (3): The Downtown CFA is 79.4 total gross acres, and 26.2 net acres.
- 2.4 (4 & 5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCD by the December 2023 deadline.
- 2.5 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.
- 2.6 (6)(b): Total existing dwelling units: 107 units, plus 40 additional in abutting high intensity residential development per 0315(3).

Total Accessible units: 4 in the CFA, and 40 additional accessible units abutting the CFA per 0315(3).

Total income-restricted units: None in the CFA. Per 0315(3), 40 units of income-restricted senior housing property owned by Linn Benton Housing Authority, River View Place, abuts the eastern edge of the CFA on the NW corner Washington and 3rd Avenue.

### 0315(6)(d) Housing Production Strategies Findings:

- 2.7 Housing strategies and state requirements the City has implemented to encourage housing include:
  - a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.
- 2.8 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
  - a. Adopted: Allow lower cost housing types – The City increased flexibility for ADUs and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - b. Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.

- c. Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the City now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).
  - d. With CFA Adoption: The CFA overlay district will enable ground level dwellings in the HD zone, where they are currently not permitted or must be above or attached to ground level commercial uses.
  - e. With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - f. Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.
- 2.9 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes. There are very few one-story developments in the Downtown CFA. It's possible some of the one- and two-story developments may redevelop or see additional stories added over time to add more capacity.

### 3. Land Use Requirements in CFAs per OAR 660-012-0320

Requirement: CFA zoning can support development consistent with OAR 660-012-0320.

#### 0320 Findings:

- 3.1 (2): Existing Zoning in the CFA includes Historic District (HD), Lyons Ellsworth (LE), and Central Business (CB). These zones are mixed use zones that allow for a mix of residential, commercial, and civic uses.
- 3.2 (2): Required Permitted Uses. In addition to the uses allowed in the base zones, ADC Article 14, CFA Overlay Districts, specifies the additional uses that must be permitted per OAR 660-012-0320(2) and includes allowing additional residential housing types the HD zone.
- 3.3 (2): Per Article 14, the required permitted uses are either allowed outright or through clear and objective standards (Site Plan review). See ADC Article 14.
- 3.4 (4): The following government services and facilities are provided in the CFA: City Hall, Linn County Courthouse, Department of Human Services, Community Services Consortium, Workforce Oregon, Albany Carousel, Post office, Carnegie Library, Dave Clark Path, Albany waterfront park, Riverfront Recreation Center, and transit stops.
- 3.5 (5): Maximum block length standards of 350 feet in CFAs are in ADC Article 14, CFA Overlay Districts, in accordance with OAR 660-012-0320(5).
- 3.6 (6): There are no maximum density requirements in the HD, CB and LE base zones currently.
- 3.7 (8): Minimum Density Requirements Established. ADC Article 14 standards require developments within the Secondary CFA to have a minimum density of 15 units a net acre.
- 3.8 (8): Building Height Allowances by zone. HD – 85 feet/ 65 feet in Downtown historic overlay, CB – 65 feet, LE – 60 feet. The Secondary CFA overlay zoning district allows heights up to 50 feet. The base zone height allowances exceed 50 feet.
- 3.9 (7): The “0330 walkable design standards” audit of Albany's development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC “0330”, such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.
- 3.10 (7): Albany's development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The

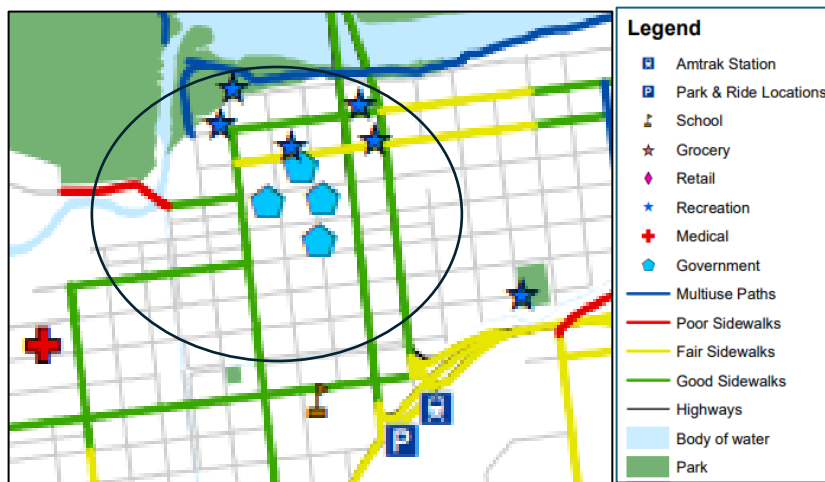
city does not require parking and established maximum parking standards in Section 9.020. The City updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.

3.11 (7): ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

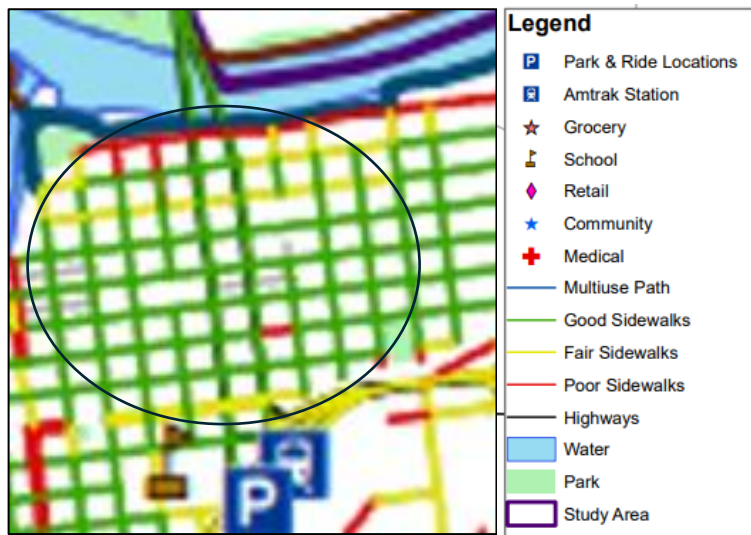
#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

##### 0325 Findings:

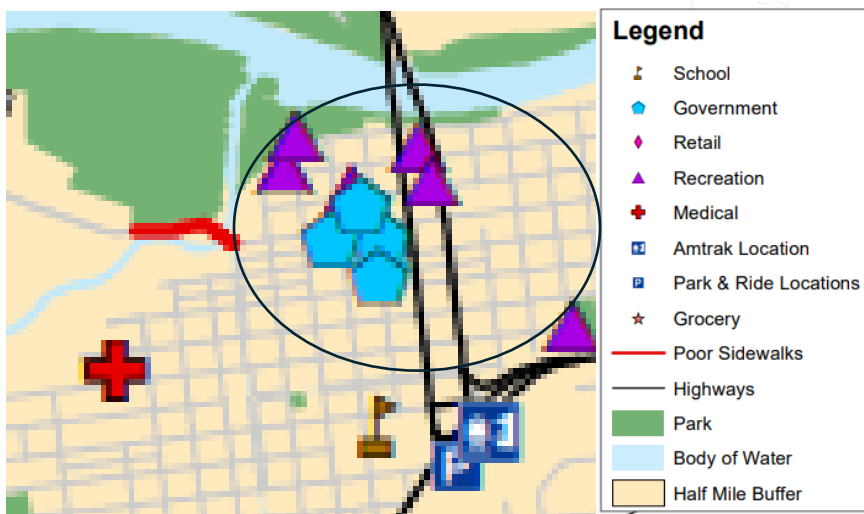
- 4.1 The Highway Impact Summary is attached to these findings following the multimodal gap summary.
- 4.2 Summary of the existing multimodal transportation network in the Downtown Albany CFA Site A:
  - a. Highways: The U.S. Highway 20 couplet (ODOT Highway No. 31) runs through the downtown CFA between the Willamette River on the northern boundary and 7th Avenue in the south. The western edge is formed by Calapooia Street and Jackson Street forms the eastern edge of the CFA.
  - b. Rail: The Portland & Western rail line generally follows the northern boundary of the CFA, with the Willamette River. There are four at-grade crossings at the intersections of Water Avenue and Washington, Ferry, Broadalbin, and Jackson Streets.
  - c. Freight: Highway OR 99E which runs through the CFA as a couplet is identified as a reduction review route in the Oregon Highway Plan.
- 4.3 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:
  - [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
  - [Albany Transit System Implementation Strategy](#) and Maps
  - 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
  - [2010 Transportation Systems Plan](#) (2010 TSP)
- 4.4 GAPS in the pedestrian network/sidewalk condition per AAMPO 2020 MMNC. The following maps indicate sidewalks and street crossings are in generally good condition in the Downtown CFA. There are crosswalks at all traffic signals throughout downtown on 1st, 2nd and 3rd Avenues when they intersect with the 99E couplet (Lyon and Ellsworth streets).



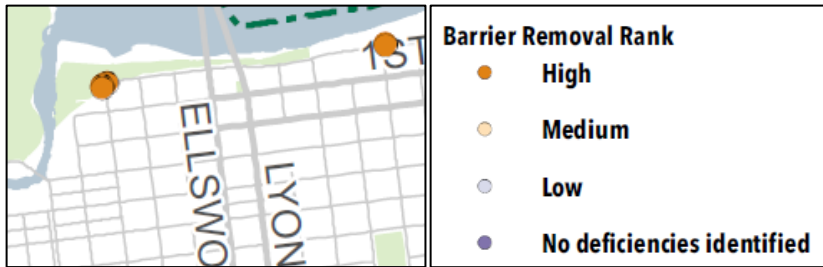
**Map 9: Albany Area Neighborhood Sidewalk Rating**



**Map 5: Regional Community Destinations with Poor Sidewalk Segments**

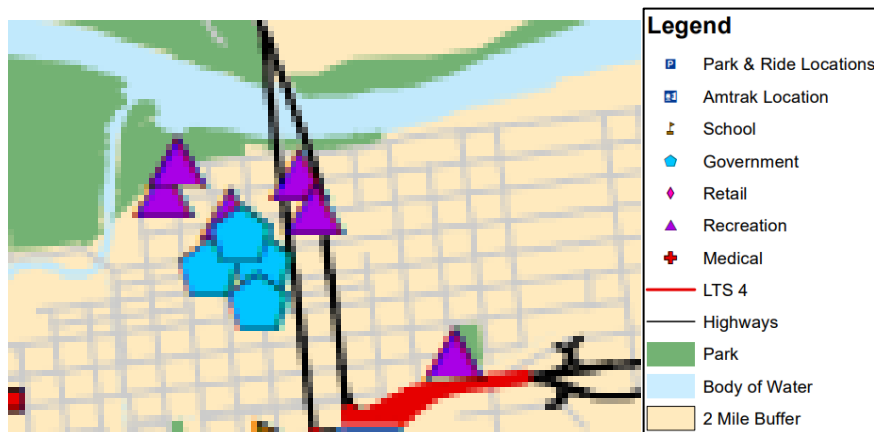


- 4.5 Pedestrian Access Barrier Removal Projects, Railroad Crossings: According to the ADA Plan, there are a few railroad crossings in the Downtown CFA that have high priority barriers to remove at the intersection of Washington and Water streets by the Riverview Community Center. These barriers have been removed with the Water Avenue and waterfront project.

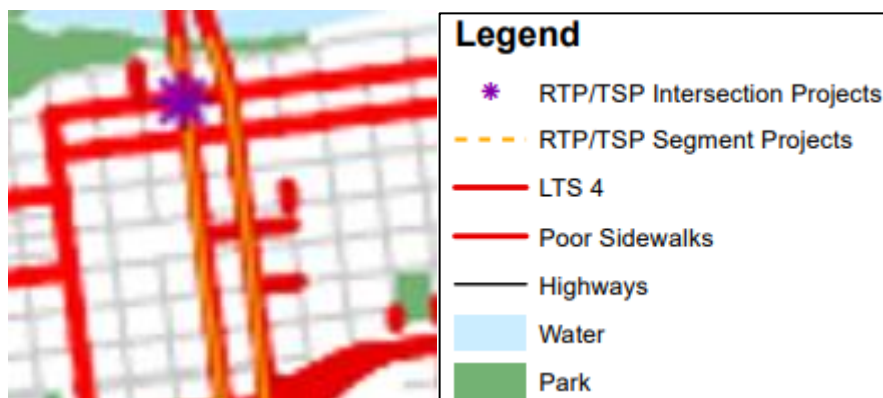


- 4.6 Bicycle Network and Gaps. Per the 2020 MMNC, Level of Stress (LTS) refers to bicycle facilities interaction with traffic. LTS 4 (Red) indicates locations where cyclists may interact with higher speed traffic or close proximity to high-speed traffic, which only “strong and fearless” riders are willing to bike. Map 6 that follows indicates there are no LTS 4 sections within the Downtown CFA. Map 8 indicates there are some poor sidewalk conditions on 1st and 2nd Avenues, and Lyon and Ellsworth Streets within the Downtown CFA. Projects are identified in the TSP and RTP for the Lyon/Ellsworth one-way couplet.

**Map 6: Regional Community Destinations with LTS 4 Segments**

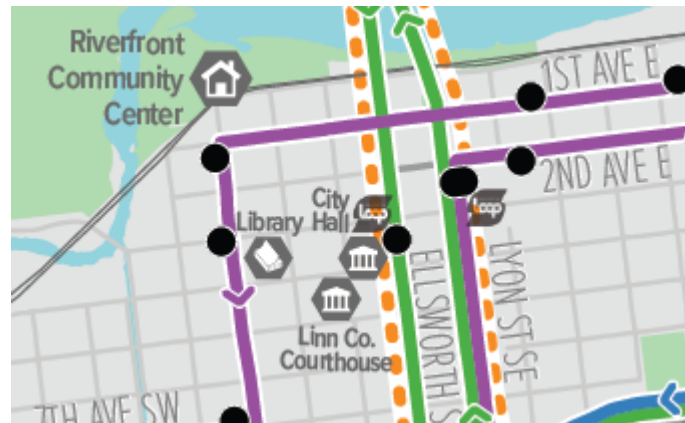


**Map 8: Regional LTS 4 and Poor Sidewalk Segments with RTP Projects**

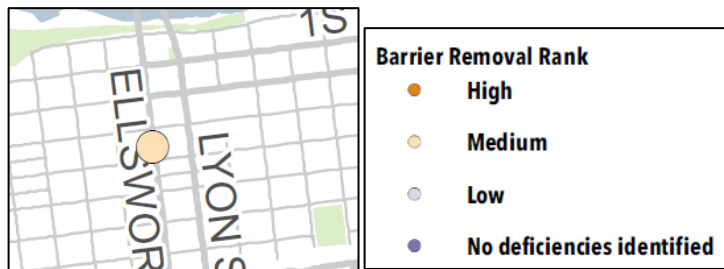


- 4.7 Bicycle Network and Gaps. Currently, bicycles must share the road with traffic on Lyon and Ellsworth streets, the 99E couplet. The recently completed 2024 US 20 Plan proposes an alternative route for cyclists on a parallel street to the east, Montgomery Street.

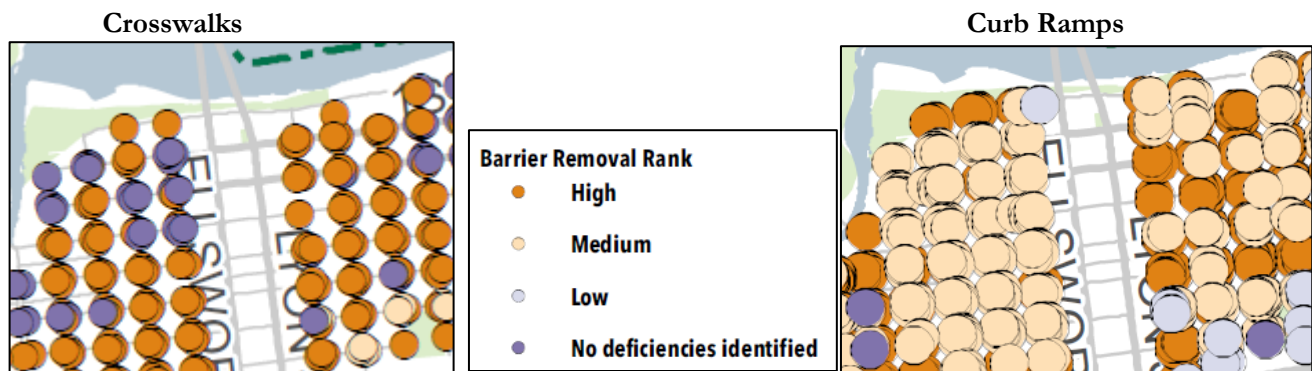
- 4.8 Transit Network and Gaps. Downtown CFA is served by two of Albany's four transit lines and the Linn Benton Loop bus. The Amtrak train station is also three blocks south of the district. No gaps are identified.



- 4.9 Accessibility GAPS. The ADA Plan identified one Transit Stop Barrier Removal Project in the CFA.



- 4.10 Access Barrier Removal Projects, Crosswalks and Curb Ramps: According to the ADA Plan, there are numerous crosswalks and curb ramp projects in the Downtown CFA that pose medium and high priority barriers that should be removed to be fully ADA accessible.



- 4.11 2010 TSP Projects were identified within the Downtown CFA related to multimodal network gaps. The attached Highway Impact Summary report details these projects and their status. One intersection and lane safety projects are complete.
- Most of the projects include adding lanes to intersections interfacing with U.S. 20 (Lyon and Ellsworth couplet).
  - Two bicycle network projects are proposed to add painted sharrows on Lyon and Ellsworth Streets. The recent 2024 US 20 Plan evaluates alternatives to these projects.
- 4.12 Future Transportation Planning Processes. AAMPO will be looking into what planning options the MPO has for encouraging improved bicycle/pedestrian networks within the AAMPO region along Federal Functional Class (FFC) roads in a future RTP update (tentatively scheduled for 2026). The MPO is looking at these areas specifically as MPO STBG/SHF money is limited to work along FFC roads. The city will be updating the 2010 TSP in 2025 and 2026 to identify current and future needs for all transportation modes and systems.

DOWNTOWN CFA 2023 AERIAL PHOTO:



## Highway Impacts Summary: City of Albany Climate-Friendly Area Site A

### Planning Context

#### Location Description

This secondary climate friendly area (CFA) is in downtown Albany. The core of the CFA runs along the U.S. 20 highway couplet (ODOT Highway No. 31) between the rail line and waterfront in the north and 7<sup>th</sup> Avenue in the south. The westernmost edge is at Calapooia Street and the easternmost edge is Jackson Street.

#### CFA Acreage

79.4 gross acres; 26.2 net acres

Figure 1. Albany CFA Site A



Highway Impacts Summary Trigger  
Highway U.S. 20 traverses the CFA.

#### Key Destinations and Services

Downtown core, including Historic District; transit stops; diverse mixed uses, restaurants, theater, hotels; government services and post office; Albany Carousel; adjacent to waterfront park. Some residential uses. Multi-use path along waterfront.

#### Existing Land Uses

Primarily commercial development

#### Rail Crossings within 500 ft of the CFA

The Portland & Western Railroad rail line generally follows the northern boundary of the CFA, with four at-grade crossings at the intersections of Water Street and Washington Street, Ferry Street, Broadalbin Street, and Jackson Street.

Figure 2a. At-Grade Rail Crossing at Intersection of Water Street & Washington Street



Source: Google Street View, Image capture November 2024

Figure 2b. At-Grade Rail Crossing at Intersection of Water Street & Ferry Street



Source: Google Street View, Image capture November 2024

Figure 2c. At-Grade Rail Crossing at Intersection of Water Street & Broadalbin Street



Source: Google Street View, Image capture November 2024

Figure 2d. At-Grade Rail Crossing at Intersection of Water Street & Jackson Street



Source: Google Street View, Image capture November 2024

#### Freight Routes

Highway U.S. 20, which traverses the CFA as a couplet, is a reduction review route in the Oregon Highway Plan.

## Land Use Changes

#### Existing Zoning

- Central Business (CB), Historic District (HD), and Lyon Ellsworth (LE)

#### Proposed Zoning

- No Change; will remain CB, HD, and LE

#### Existing and Proposed Allowed Building Height by Land Use Zone

- Site A is a secondary CFA so the existing heights exceed the required 50 feet minimum described below. HD 85 feet/65 feet in downtown historic overlay; no change
- CB 65 feet; no change
- LE 60 feet; no change

#### Proposed Land Use Regulations Changes

The city proposes to continue existing zoning with a CFA overlay that includes the following modifications:

1. The existing HD and LE zones do not allow attached single-unit dwellings (townhomes). Amend Code to allow single attached dwellings. Townhomes would need to meet the minimum density standard of 15 units/acre, or 25 units/acre in primary CFAs.
2. The LE zone does not allow childcare. Update to allow childcare (daycare).
3. The existing zones all require a conditional use permit or do not allow educational facilities (schools). Update to allow educational facilities outright.
4. Adopt a minimum Floor Area Ratio of 2.0 for mixed used buildings or the minimum residential density requirement.
5. The allowed building height must be 85 feet for a primary CFA and 50 feet for a secondary CFA.
6. Reduce block length standards to meet CFA requirements. The current code has a block length standard where the average block length shall not exceed 600 feet. Development sites smaller than 5.5 acres would have a maximum block length of 500 feet or less and sites exceeding 5.5 acres would have a maximum block length of 350 feet or less.
7. The requirements do not call for a specific allowed lot coverage requirement. However, many mixed-use areas allow for full lot build out. The City may consider increasing the allowed lot coverage to at least 80 percent for all CFAs.

#### Estimated Existing Dwelling Units

106 dwelling units (upper floor apartments, single-dwelling homes, quadplex, and apartments)

#### Projected Housing Capacity

The project housing capacity is expected to increase from 106 to at least 1,447 dwelling units due to changes to development standards that increases allowances and opportunities for redevelopment.

- Low – 1,447 units
- High – 1,861 units (estimate used in this analysis)

## Development Capacity

Table 1. Existing Development Capacity (sq ft)

| Land Use Zone          | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Central Business (CB)  | 15.51                        | 675,703                      | 0.1                                    | 608,133                    | 65                      | 5                        | 3,040,664                    | 2.4%                               | 2,968,664                                           |
| Historic District (HD) | 6.11                         | 266,186                      | 0.1                                    | 239,567                    | 85                      | 7                        | 1,676,972                    | 1.4%                               | 1,653,572                                           |
| Lyon Ellsworth (LE)    | 4.49                         | 195,604                      | 0.1                                    | 176,044                    | 60                      | 5                        | 880,218                      | 0.1%                               | 879,318                                             |

Table 2. Proposed Development Capacity (sq ft)

| Land Use Zone          | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Central Business (CB)  | 15.51                        | 675,703                      | 0.1                                    | 608,133                    | 65                      | 5                        | 3,040,664                    | 30%                                | 2,128,464                                           |
| Historic District (HD) | 6.11                         | 266,186                      | 0.1                                    | 239,567                    | 85                      | 7                        | 1,676,972                    | 31%                                | 1,184,230                                           |
| Lyon Ellsworth (LE)    | 4.49                         | 195,604                      | 0.1                                    | 176,044                    | 60                      | 5                        | 880,218                      | 30%                                | 616,153                                             |

## Motor Vehicle Trip Generation

Table 3. Existing Trip Generation (weekday average daily trips)

| Land Use Zone | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                               | Average Daily Trip Generation Rate | Average Daily Trips |
|---------------|------------|----------------------------------------------------------|----------------------------------------|------------------------------------|---------------------|
| CB, HD, LE    | 100%       | 5,501,554                                                | 822 Strip Retail Plaza (<40k)          | 54.45                              | 299,560             |
| Residential   |            | 53                                                       | 210 Single-family detached residential | 9.43                               | 500                 |
| Residential   |            | 53                                                       | 220 Multifamily                        | 6.74                               | 364                 |
| <b>Total</b>  |            |                                                          |                                        |                                    | <b>300,424</b>      |

Table 4. Proposed Trip Generation (weekday average daily trips)

| Land Use Zone | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                           | Average Daily Trip Generation Rate | Average Daily Trips with 10% Internal Capture Reduction |
|---------------|------------|----------------------------------------------------------|------------------------------------|------------------------------------|---------------------------------------------------------|
| CB, HD, LE    | 100%       | 3,928,847                                                | 822 Strip Retail Plaza (<40k)      | 54.45                              | 192,533                                                 |
| Residential   |            | 1,861                                                    | 221 Multifamily Housing (Mid-Rise) | 4.54                               | 7,604                                                   |
| <b>Total</b>  |            |                                                          |                                    |                                    | <b>200,137</b>                                          |

Table 5. Difference Between Existing and Proposed Trip Generation (weekday average daily trips)

| Existing Average Daily Trips | Proposed Average Daily Trips | Difference in Average Daily Trips | Percent Change |
|------------------------------|------------------------------|-----------------------------------|----------------|
| 300,424                      | 200,137                      | (100,287)                         | (33%)          |

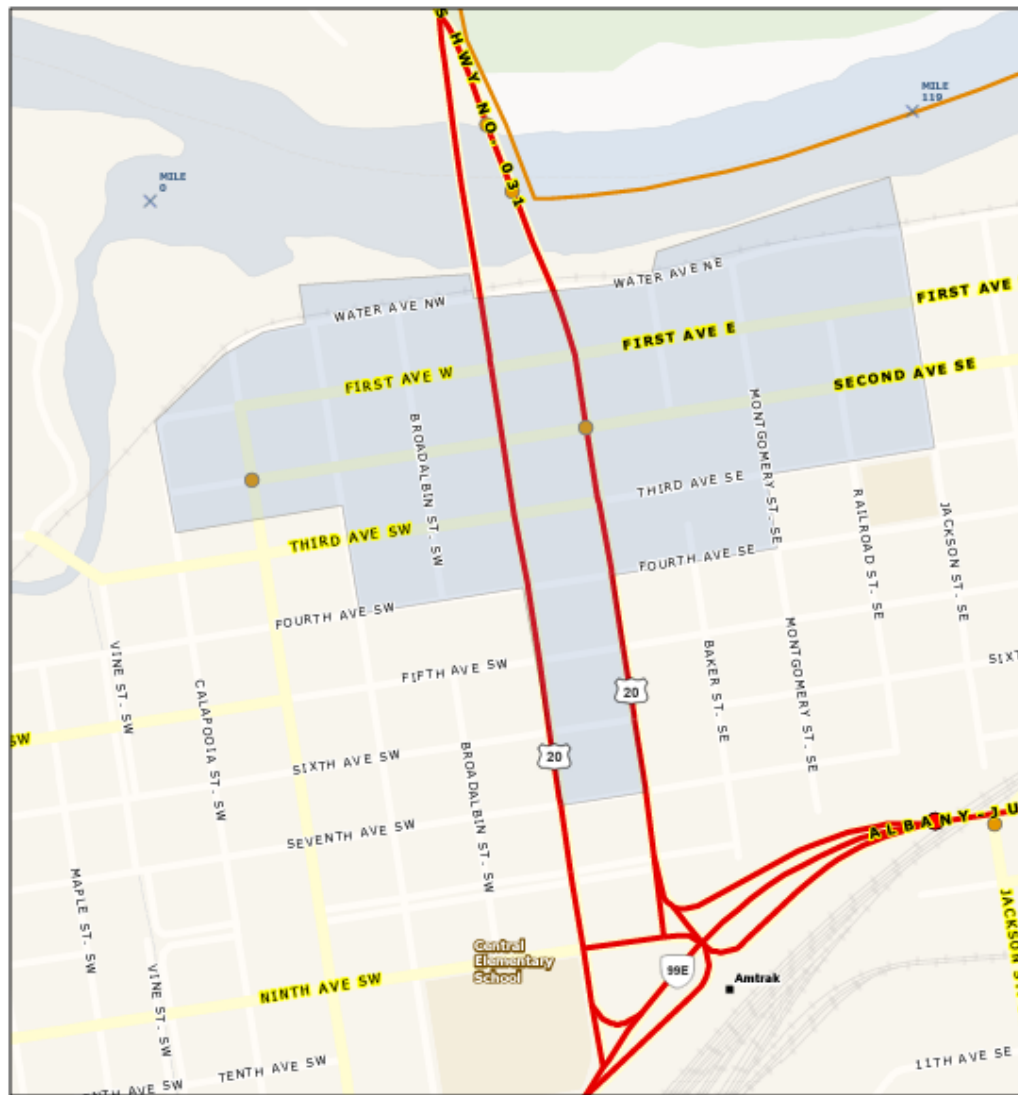
The lower non-residential development capacity in combination with the internal capture of proposed trips results in 33% less trip generation in the long term. A higher percentage of trips in the future may take place internal to the CFA due to improved accessibility of destinations by walking, biking, and transit.

## Safety

Within the past five years of reported data (between January 1, 2016 and December 31, 2021), there have been two serious injury crashes along 2<sup>nd</sup> Avenue within the CFA.

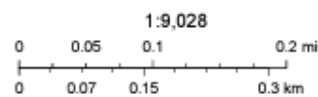
Fatal & Serious Injury Crashes

Figure 3. Fatal and Serious Injury Crashes, 2016-2021



9/20/2024, 10:41:50 AM

- Site\_A
- Serious Injury
- Fatal
- Highway Network
- City Limits



Oregon Department of Transportation

Table 6. Fatal &amp; Serious Injury Crashes in the CFA, 2016-2021

| <b>Date &amp; Hour</b> | <b>Location</b>           | <b>Crash Type</b>              | <b>Collision Type</b> | <b>Weather &amp; Condition</b> | <b>Traffic Control Device</b> | <b>Crash Cause(s)</b>                              | <b>Highest Injury Severity</b> |
|------------------------|---------------------------|--------------------------------|-----------------------|--------------------------------|-------------------------------|----------------------------------------------------|--------------------------------|
| 5/2/2019, 10:00 AM     | Washington St. & 2nd Ave. | Entering at angle - all others | Angle                 | Clear & dry                    | Stop Sign                     | Careless Driving<br><br>Did not yield right-of-way | Suspected Serious Injury (A)   |
| 11/12/2020, 8:00 AM    | Lyon St. & 2nd Ave.       | Pedestrian                     | Pedestrian            | Clear & dry                    | Traffic Signals               | Did not yield right-of-way                         | Suspected Serious Injury (A)   |

#### Safety Priority Index System (SPIS)

This data includes the most recent crash data available (currently 2015-2021) for the top 10% (90%-100%) of sites in Oregon. SPIS sites in CFA Site A are concentrated along highway U.S. 20 (SW Lyon Street) between Water Street and 7<sup>th</sup> Avenue SW.

- a. 2022: Mileposts 10.60-10.62 (5%); 10.59 (10%)
- b. 2021: Mileposts 10.59-10.62 (5%)
- c. 2020: Mileposts none in top 10%
- d. 2019: Mileposts 10.54-10.59 (10%)
- e. 2018: Milepost: 10.59 (10%)

#### Safety Narrative

Highway U.S. 20 near Lyon and 1<sup>st</sup> Avenue intersection handles some of the highest volumes of traffic in downtown Albany. The prevalence of common stop and go traffic, turning movements on and off the Lyons Street bridge, and high pedestrian volumes may create the conditions for the high number of crashes.

#### Financially Constrained Projects

The Albany TSP (2010) lists projects as short- (red), medium- (orange), and long-term (purple). The assumed financially constrained project list includes short-term and medium-term projects. Auto improvements are focused on adding capacity, reducing traffic delay, and urban upgrades. The bike improvements clarify that bikes may use the full lanes of the couplet through downtown. Some projects, such as the sharrows, have already been implemented.

Table 7. Short- and Medium-Term Projects Within or Abutting the CFA

| <b>Project &amp; Location</b>                                                  | <b>Description</b>                                                                                                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I12 Intersection Add Lanes: U.S. 20 (Lyon Street)/ 2 <sup>nd</sup> Avenue      | Restripe for a new 100-foot eastbound exclusive left-turn lane, removing a portion of on-street parking on 2 <sup>nd</sup> Avenue. Extend cycle length to 70 seconds, and develop timing plans with offsets that facilitate northbound and eastbound progression.                                                                                                                                    |
| I21 Intersection Add Lanes: U.S. 20 (Lyon Street)/1 <sup>st</sup> Avenue       | Convert northern westbound through lane to a shared through-right lane on 1 <sup>st</sup> Avenue.                                                                                                                                                                                                                                                                                                    |
| I22 Intersection Add Lanes: U.S. 20 (Lyon Street)/ 1 <sup>st</sup> Avenue      | Close crosswalk on north leg of intersection. Restripe for a new 100-foot northbound exclusive left-turn lane, removing a portion of on-street parking on west side of Lyon Street. Extend cycle length to 70 seconds and develop timing plans with offsets that facilitate northbound and westbound progression.                                                                                    |
| I23 Intersection Add Lanes: U.S. 20 (Ellsworth Street)/ 2 <sup>nd</sup> Avenue | Restripe for a new southbound exclusive left-turn lane on Ellsworth Street, removing a portion of on-street parking on east side of Ellsworth Street. Initially restripe only 100 feet from intersection but may need to extend to 250 feet due to projected queueing. Extend cycle length to 70 seconds and develop timing plans with offsets that facilitate southbound and westbound progression. |
| L59 Urban Upgrade: Water Avenue                                                | The Water Avenue project has a Plaza section (Washington & Lyon) and a green street section (Lyon to Main). The green street section from Baker to Main is needed for development to occur on the north side of the road. This project is almost complete.                                                                                                                                           |
| B20 Lyon Street: Sharrows                                                      | Install painted sharrows in the bike lane gaps on Lyon Street from 9 <sup>th</sup> Avenue to Willamette River (no sharrows needed on bridge due to shoulder).                                                                                                                                                                                                                                        |
| B21 Ellsworth Street: Sharrows                                                 | Install painted sharrows in the bike lane gaps on Ellsworth Street from 9 <sup>th</sup> Avenue to Springhill Drive, including Ellsworth Street bridge.                                                                                                                                                                                                                                               |
| <b>Completed</b>                                                               |                                                                                                                                                                                                                                                                                                                                                                                                      |
| I20 Intersection Add Lanes: U.S. 20 (Ellsworth Street)/ 1 <sup>st</sup> Avenue | Implement actuated coordinated signal control. Shorten pedestrian crossing distance across Ellsworth Street. Extend cycle length to 70 seconds and develop timing plans with offsets that Facilitate southbound and westbound progression.                                                                                                                                                           |
| L3 Safety: Washington/ Calapooia/1 <sup>st</sup> /2 <sup>nd</sup>              | Eliminate a through lane on 1 <sup>st</sup> Avenue, Calapooia Street and add diagonal parking along one side of each street resulting in 36 additional parking spaces. This project will also add an all-way stop at Washington Street and 2 <sup>nd</sup> Avenue.                                                                                                                                   |

Figure 4. Motor vehicle projects in vicinity of the CFA

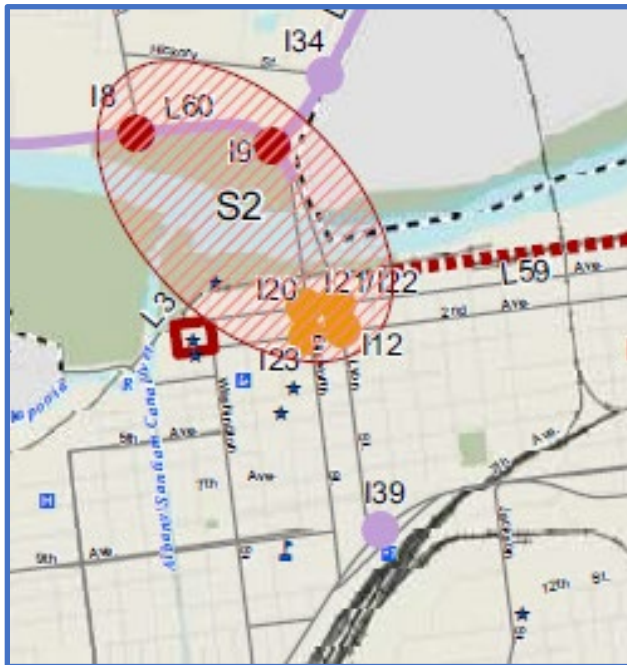


Figure 5. Bike &amp; pedestrian projects in vicinity of the CFA



## CFA Site B: East Albany Secondary Climate Friendly Area

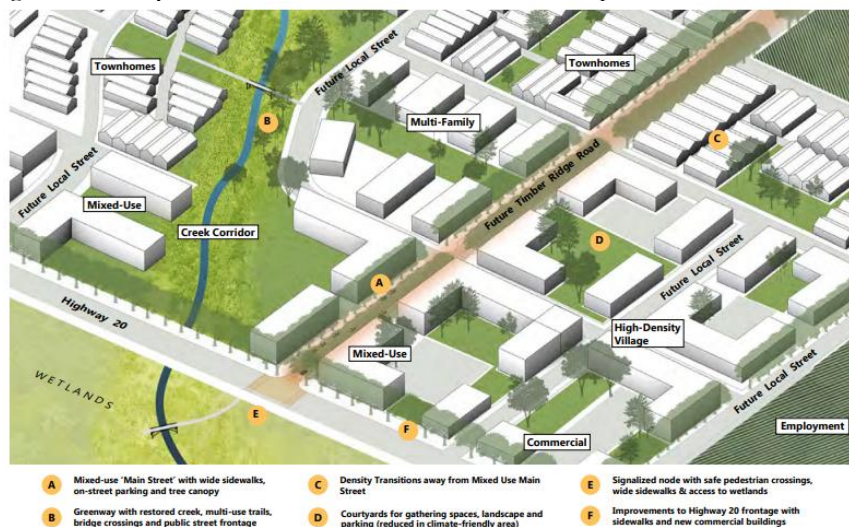
### 1. Climate Friendly Area Requirements, OAR 660-012-0310



- 1.1 This CFA is located within Albany's city limits in compliance with OAR 660-012-0310(2)(e).
- 1.2 A 750-foot radius fits within the CFA and meets the minimum dimensional requirements.
- 1.3 The City will use an overlay zoning district to permit additional uses than permitted in the base zone, when necessary and to set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.
- 1.4 East Albany Secondary CFA Site B is within the East Albany Plan area and includes areas planned for high density and an urban mixed use village center. The CFA is served by transit and contains open space along riparian corridors, a future mixed use village center at the future intersection of Timber Ridge and U.S. 20, and a high concentration of employment opportunities to the east of the CFA along U.S. 20 (the Periwinkle colored zone on the map).
  - a. This CFA is east of Interstate 5, in "east" Albany where there is a lack of services and amenities for existing and future residents. This CFA is planned to be east Albany's primary shopping, services and employment destination.
  - b. This area was identified as a CFA due to the amount of vacant and underdeveloped land and the East Albany Plan visions for the area to become a walkable and connected village center with high density residential development.

- c. Key Destinations and Services in Site B CFA: Two public schools and a park are just north of Knox Butte adjacent to the CFA. Timber Linn Park is within a half mile west of the CFA. The CFA contains Burkhardt Creek, and future recreation and commercial uses are envisioned as noted above.
- d. The East Albany CFA is adjacent to dense residential development north of Knox Butte Road, low-density development to the west of Timber Ridge, and contains high density residential development.

- 1.5 The East Albany CFA Site B is planned to be served by high quality pedestrian, bicycle and transit services. See Section 5. Transportation Multimodal Gap Summary that follows.
- 1.6 Presence of any natural hazards (floods, steep slopes/landslides, wildfires) in East Albany CFA: According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, the East Albany CFA Site B contains some floodplain, but most are contained within the significant riparian corridors and significant wetlands. The area also contains nonsignificant wetlands. There are no steep slopes, and this area of the Willamette Valley is not near forested lands or resources subject to wildfires.
- 1.7 Urban services are available in the north section of this CFA. Utilities will be extended with growth. The City is upgrading the sewer system in this area to enable new development on the vacant land in this CFA.



## 2. Designating CFAs, OAR 660-012-0315

### 0315 Findings for East Albany CFA Site B:

- 2.1 0315(2): The East Albany CFA is proposed to as a Secondary CFA. Base zone height allowances range from 50 to 85 feet and meet the minimum height allowance requirement and were used to project development capacity.
- 2.2 (2)(d): The East Albany CFA is projected to have capacity to accommodate between 2,344 (low estimate factoring for more parking) to 3,125 units, which represents 26 to 35 percent of Albany's required capacity of 8,861 units by 2040.
- 2.3 (3): The East Albany CFA Size: 110.6 total acres, 58.6 net acres.
- 2.4 (4&5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCD by the December 2023 deadline.
- 2.5 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.
- 2.6 (6)(b): Total existing dwelling units: 264 within the CFA.

Total Accessible units: 72 in the CFA.

Total income-restricted units: none in the CFA.

- 2.7 0315(3) Provides the option to include high Intensity residential areas within half mile that are included as part of the CFA housing calculations. There are 264 units just north of Knox Butte Road on the east side of Timber Ridge Road, including roughly 80 accessible units.

0315(6)(d) Housing Production Strategies Findings:

- 2.7 Housing strategies and state requirements the City has implemented to encourage housing include:
- a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.
- 2.8 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
- a. Adopted: Allow lower cost housing types – The City increased flexibility for ADUs and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - b. Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.
  - c. Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the city now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).
  - d. With CFA Adoption: The CFA overlay district will enable ground level dwellings in several zones where they are currently not permitted or where they are only permitted above or attached to ground level commercial uses.
  - e. With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - f. Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.
- 2.9 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes.

The residential dwellings in the East Albany CFA are recently constructed three-story developments. These units are market rate and are unlikely to be redeveloped with current market conditions and building codes. The allowable height in the Secondary CFAs is compatible with the allowable heights in the base zones, so redevelopment resulting in displacement is unlikely.

### 3. Land Use Requirements in CFAs per OAR 660-012-0320

#### 0320 Findings:

- 3.1 Existing Zoning: Mixed Use Commercial (MUC), Residential Medium Density (RM), High Density Residential (HDR). The East Albany CFA zoning can support development consistent with OAR 660-012-0320
- 3.2 Uses Permitted: In addition to the uses allowed in the base zones, ADC Article 14 specifies the additional uses that must be permitted per OAR 660-012-0320(2) which include some non-residential uses in the RM zone. The base zones MUC and HDR already allow most of the required permitted uses.
- 3.3 Per Article 14, the required permitted uses are either allowed outright or through clear and objective standards (Site Plan review). See ADC Article 14, CFA Overlay Districts.

#### 0320(4) Findings: Prioritize locating government facilities and amenities in CFAs

- 3.4 Government facilities and amenities such as parks and plazas are permitted in the CFA overlay district.
- 3.5 Albany's East Albany Plan and Parks Master Plan identify future park facilities in the CFA.

#### 0320 (5) Maximum Block Length Standards:

- 3.6 The city is adding maximum block length standards in accordance with OAR 660-012-0320(5) to ADC Article 14, CFA Overlay Districts.

#### 0320(6) and (8) Findings:

- 3.7 Building Height Allowance by zone: MUC – 85 feet, RM – 45 feet HDR – 75 feet. The Secondary CFA overlay zoning district allows heights up to 50 feet. This will raise the allowable height in the RM zone to 50 feet consistent with -0320(8)(a). See ADC Article 14.
- 3.8 Minimum and Maximum Density: The base zone HDR has a minimum density of 25 units and MUC has a minimum density of 10 units an acre. RM currently has a maximum density of 25 units, but this is proposed for removal with code changes anticipated to be adopted February 12, 2025.
- 3.9 Minimum Density Requirements Established: ADC Article 14 standards require developments within the Secondary CFA to have a minimum density of 15 units a net acre. The HDR zone requires a higher minimum net density than the CFA rules require at 25 units/net acre.

#### 0320(7) Findings:

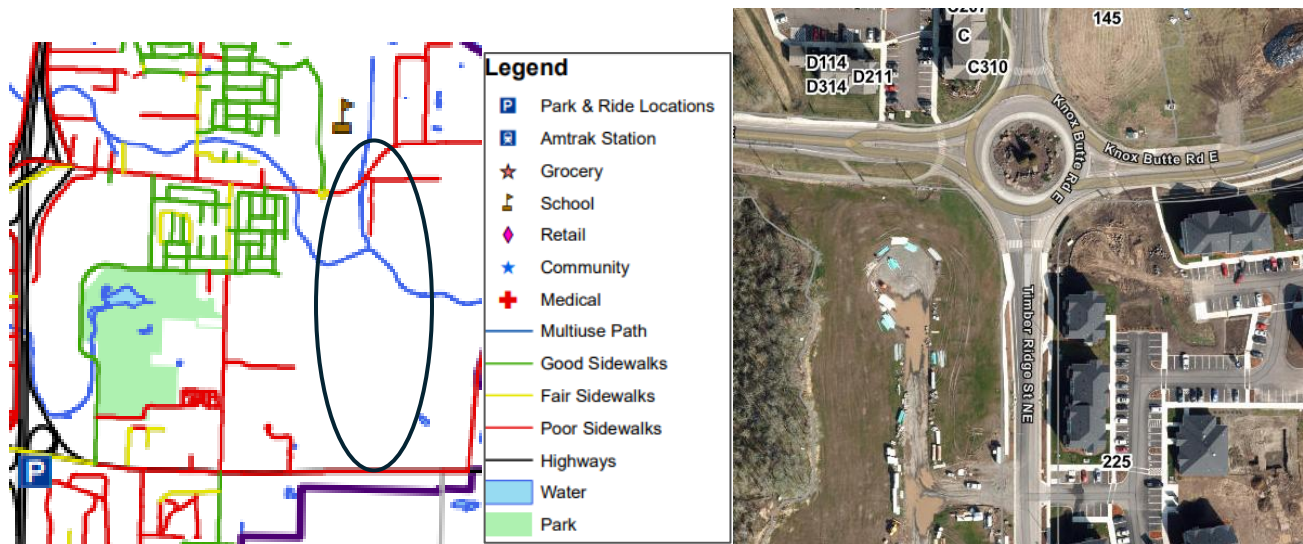
- 3.10 The multimodal gap summary is provided in Section 5 and Highway Impact Summary is attached to these findings.
- 3.11 The “0330” audit of Albany's development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC “0330”, such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.
- 3.12 Albany's development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The city does not require parking and established maximum parking standards in Section 9.020. The city updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.
- 3.13 ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

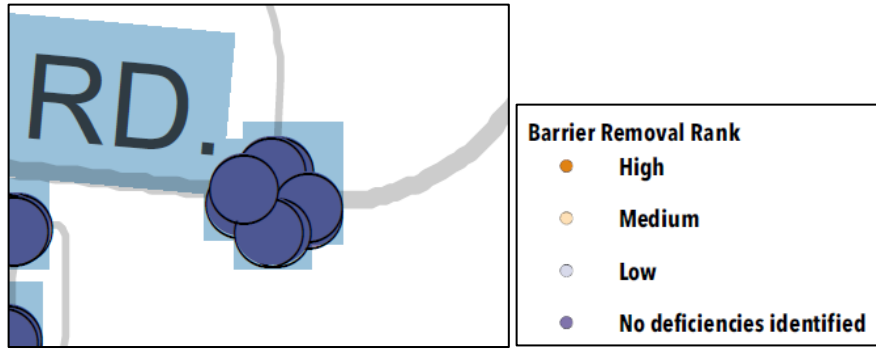
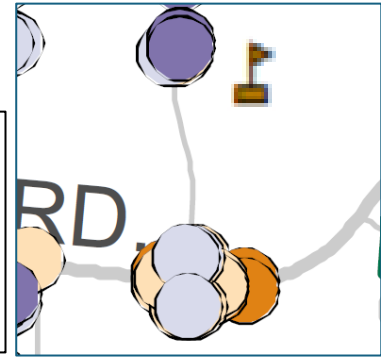
##### 0325 Findings:

- 4.1 Summary of the existing multimodal transportation network within the East Albany CFA Site B:
- U.S. 20 Santiam Highway (ODOT Highway No. 31) forms the southern boundary of the CFA where Timber Ridge St will eventually connect and dead end into U.S. 20. Knox Butte Road serves as the northern boundary. Timber Ridge Street is the primary arterial that runs through the CFA, with development mostly to the east of Timber Ridge.
  - Rail: No rail lines are located within or adjacent to the CFA boundary and no rail crossing barriers.
  - Freight: U.S. 20 is a reduction review route in the Oregon Highway Plan.
- 4.2 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:
- [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
  - [Albany Transit System Implementation Strategy](#) and Maps
  - 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
  - [2010 Transportation Systems Plan](#) (2010 TSP)
- 4.3 GAPS in the pedestrian network/sidewalk conditions. The AAMPO 2020 MMNC maps that follow identify sidewalks and street crossings conditions in the East Albany CFA back in 2020. Since 2020, development has occurred that has provided sidewalks and street crossings on Knox Butte Road and Timber Ridge Street. See the aerial image below and those that follow the findings.

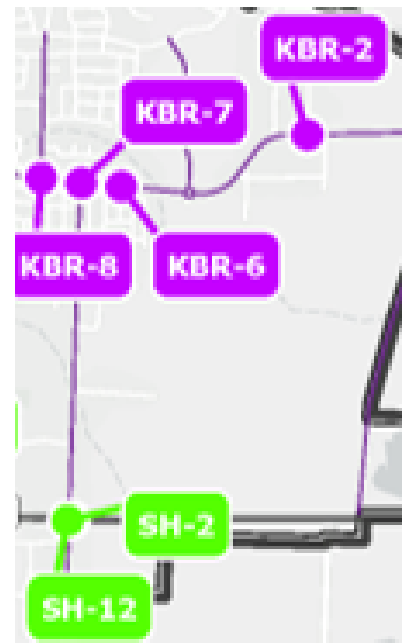
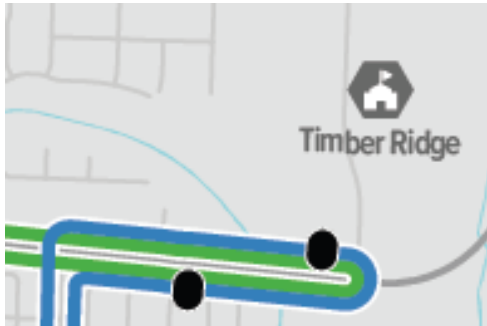
**Map 9: Albany Area Neighborhood Sidewalk Rating:**



- 4.4 Pedestrian Access Barrier Removal Projects - Crosswalks and Curb Ramps: According to the 2022 ADA Plan, the crosswalks in the developed area of this CFA in the Knox Butte roundabout no deficiencies or barriers need to be removed for crosswalks, which are new since the 2020 MMNC plan. Some barriers were identified for curb ramps, but most curb ramps ranked low or medium as noted in the image below. Curb ramps crossing Timber Ridge to the schools.

**Crosswalk Conditions:****Curb Ramp Conditions:**

- 4.5 Accessibility Barriers. The 2020 ADA Plan does not identify any pedestrian barrier removal projects in this area for audible pushbuttons. As noted in finding 5.4, there are some curb ramps
- 4.6 Bicycle networks – Knox Butte Road, Timber Ridge Street, and U.S. 20 contain dedicated bike lanes as shown in the aerial images that follow.
- 4.7 Transit network – The East Albany CFA is served by two of Albany’s four transit lines that loop down Knox Butte to the roundabout.



- 4.8 Intersection Improvements: The 2010 TSP does not identify any projects within the East Albany CFA boundaries. The relatively recently constructed roundabout at Knox Butte Road and Timber Ridge streets was not in the 2010 TSP.
- 4.9 Multimodal Gaps: The 2023 RTP does not identify any projects within the East Albany CFA boundary that are needed to fill identified multimodal network gaps. Adjacent projects provided below include KBR-2, KBR-6, KBR-7, SH-2, and SH-12.

|              |                                      |                                                                                                                            |                                                                                                                                                     |                   |             |
|--------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-------------|
| <b>SH-2</b>  | US-20 (Santiam Highway), east of 99E | East of Goldfish Farm Road SE                                                                                              | Provide enhanced pedestrian crossing.                                                                                                               | Enhanced Crossing | \$560,000   |
| <b>SH-12</b> | US-20 (Santiam Highway), east of 99E | Signalized intersections with Goldfish Farm Road SE, Airport Road SE, Waverly Drive SE, SE Clay Street, Burkhard Street SE | Evaluate opportunities to implement transit priority treatments.                                                                                    | Transit Priority  | \$1,600,000 |
| <b>KBR-2</b> | Knox Butte Road                      | Marilyn Street                                                                                                             | If a path is only provided on one side of the road, provide an enhanced pedestrian crossing at Marilyn Street to allow people walking and biking to | Enhanced Crossing | \$560,000   |

## EXHIBIT E

|              |                 |                                                                          |                                                                                                    |                   |           |
|--------------|-----------------|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------|-----------|
|              |                 |                                                                          | access the bike lanes, sidewalks, and destinations on both sides of the road.                      |                   |           |
| <b>KBR-6</b> | Knox Butte Road | Intersection with Bridle Spring Street SE (Thoroughbred Ave SE entrance) | Provide enhanced pedestrian crossing                                                               | Enhanced Crossing | \$560,000 |
| <b>KBR-7</b> | Knox Butte Road | Intersection with Goldfish Farm Road SE                                  | Perform an intersection control evaluation to understand if intersection upgrades need to be made. | Study - ICE       | \$50,000  |

## 2023 AERIAL IMAGES

Knox Butte Roundabout and Timber Ridge Street improvements:



Bike Lanes:



## Highway Impacts Summary: City of Albany Climate-Friendly Area Site B

### Planning Context

#### Location Description

This climate-friendly area (CFA) is in east Albany. The CFA has a long and narrow shape running from Somerset Drive in the north to U.S. 20 Santiam Highway (ODOT Highway No. 31) in the south with Burkhart Creek and Knox Butte Road running through the center. The western edge is near Stormy Street and Canterbury Street at Calapooia Street and the eastern edge is along and near the eastern city limits.

#### CFA Acreage

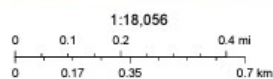
144.4 gross acres; 56.27 net acres

Figure 1. Albany CFA Site B



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- Site\_B
- Highway Network
- City Limits



GeoTerra, Maxar, Esri Community Maps Contributors, Oregon State Parks, State of Oregon GEO, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc., METRIS, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS

#### Highway Impacts Summary Trigger

Highway U.S. 20 borders the southern edge of the CFA.

#### Key Destinations and Services

Public schools (adjacent) and Burkhart Creek, future commercial uses envisioned

#### Existing Land Uses

Vacant land and apartments

#### Rail Crossings within 500 ft of the CFA

No rail lines traverse or run adjacent to the CFA.

#### Freight Routes

Highway U.S. 20 is a reduction review route in the Oregon Highway Plan.

## Land Use Changes

#### Existing Zoning

- Mixed Use Commercial (MUC), High Density Residential (HDR), Residential Medium Density (RM), and Residential Single-Dwelling (RS-5)

#### Proposed Zoning

- No Change: MUC, HDR, RM, and RS-5

#### Existing and Proposed Allowed Building Height by Land Use Zone

Site B is a primary CFA.

- Existing & Proposed: MUC 85 feet
- Existing & Proposed: HDR 75 feet
- Existing: RM 45 feet, Proposed: RM 50 feet
- Existing: RS-5 30 feet, Proposed: RS-5 50feet

#### Proposed Land Use Regulations Changes

The city proposes to continue existing zoning with a Climate Friendly Area overlay that includes the following modifications:

1. The RM zone does not allow single-use commercial or office development. Update to allow single-use office, and commercial development.
2. The RM zone does not allow mixed-use development. Update to allow mixed-use development outright.
3. The RM zone does not allow non-auto dependent retail, services, and other commercial uses. Update to allow non-auto dependent retail, services and other commercial uses.
4. The RM zone does not allow office type uses. Update to allow office type uses.
5. The RM zone does not allow childcare. Update to allow childcare (daycare).

6. The existing zones all require a conditional use permit or do not allow educational facilities (schools). Update to allow educational facilities outright.
7. The MUC and RM zones do not allow community facilities outright. Update to allow public-serving government facilities outright.
8. The RM zone has a residential density maximum. The code should make clear that there is no maximum residential density allowed in CFAs.
9. Adopt a minimum Floor Area Ratio of 2.0 for mixed used buildings or the minimum residential density requirement.
10. The allowed building height must be 85 feet for a primary CFA and 50 feet for secondary CFA.
11. Reduce block length standards to meet CFA requirements. The current code has a block length standard where the average block length shall not exceed 600 feet. Development sites smaller than 5.5 acres would have a maximum block length of 500 feet or less and sites exceeding 5.5 acres would have a maximum block length of 350 feet or less.
12. The requirements do not call for a specific allowed lot coverage requirement. However, many mixed-use areas allow for full lot build out. The City may consider increasing the allowed lot coverage to at least 80 percent for all CFAs.

#### Estimated Existing Dwelling Units

548 dwelling units (townhomes and apartments) including area north of Knox Butte.

**Note: The CITY REVISED this CFA boundary to exclude land north of Knox Butte after this HIS was completed.**

#### Projected Housing Capacity

The project housing capacity is expected to increase from 264 to at least 2,143 dwelling units due to changes to development standards that increases allowances and opportunities for redevelopment.

- Low – 2,876 units including land north of Knox Butte
- High – 3,834 units including land north of Knox Butte (estimate used in this analysis)

## Development Capacity

Table 1. Existing Development Capacity (sq ft)

| Land Use Zone                           | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|-----------------------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Residential Single-Dwelling Unit (RS-5) | 2.25                         | 98,080                       | 0.2                                    | 78,464                     | 30                      | 2                        | 156,928                      | 0%                                 | 156,928                                             |
| Residential Medium Density (RM)         | 13.74                        | 598,649                      | 0.2                                    | 478,919                    | 45                      | 3                        | 1,436,757                    | 17.8%                              | 1,181,157                                           |
| Mixed Use Commercial (MUC)              | 24.49                        | 1,066,723                    | 0.2                                    | 853,378                    | 85                      | 7                        | 5,973,646                    | 4.0%                               | 5,736,046                                           |
| High Density Residential (HDR)          | 15.78                        | 687,468                      | 0.2                                    | 549,975                    | 75                      | 6                        | 3,299,847                    | 0%                                 | 3,299,847                                           |

Table 2. Proposed Development Capacity (sq ft)

| <b>Land Use Zone</b>                    | <b>Net Developable Area (acres)</b> | <b>Net Developable Area (sq ft)</b> | <b>Development Standards Reduction Factor</b> | <b>Total Net Developable Area</b> | <b>Allowed Building Height</b> | <b>Maximum Number of Floors</b> | <b>Development Capacity (Sq ft)</b> | <b>Percent Residential Dwelling Units</b> | <b>Development Capacity without Dwelling Units (sq ft)</b> |
|-----------------------------------------|-------------------------------------|-------------------------------------|-----------------------------------------------|-----------------------------------|--------------------------------|---------------------------------|-------------------------------------|-------------------------------------------|------------------------------------------------------------|
| Residential Single-Dwelling Unit (RS-5) | 2.25                                | 98,080                              | 0.2                                           | 78,464                            | 50                             | 4                               | 313,856                             | 30%                                       | 219,699                                                    |
| Residential Medium Density (RM)         | 13.74                               | 598,649                             | 0.2                                           | 478,919                           | 50                             | 4                               | 1,915,676                           | 30%                                       | 1,340,973                                                  |
| Mixed Use Commercial (MUC)              | 24.49                               | 1,066,723                           | 0.2                                           | 853,378                           | 85                             | 7                               | 5,973,646                           | 30%                                       | 4,181,552                                                  |
| High Density Residential (HDR)          | 15.78                               | 687,468                             | 0.2                                           | 549,975                           | 75                             | 6                               | 3,299,847                           | 30%                                       | 2,309,893                                                  |

## Motor Vehicle Trip Generation

Table 3. Existing Trip Generation (weekday average daily trips)

| Land Use Zone      | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code            | Average Daily Trip Generation Rate | Average Daily Trips |
|--------------------|------------|----------------------------------------------------------|---------------------|------------------------------------|---------------------|
| RS-5, RM, MUC, HDR | 100%       | 9,310,978                                                | 820 Shopping Center | 37.01                              | 344,599             |
| Residential        |            | 548                                                      | 220 Multifamily     | 6.74                               | 3,694               |
| <b>Total</b>       |            |                                                          |                     |                                    | <b>348,293</b>      |

Table 4. Proposed Trip Generation (weekday average daily trips)

| Land Use Zone      | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                           | Average Daily Trip Generation Rate | Average Daily Trips with 10% Internal Capture Reduction |
|--------------------|------------|----------------------------------------------------------|------------------------------------|------------------------------------|---------------------------------------------------------|
| RS-5, RM, MUC, HDR | 100%       | 8,052,117                                                | 820 Shopping Center                | 37.01                              | 268,208                                                 |
| Residential        |            | 3,834                                                    | 221 Multifamily Housing (Mid-Rise) | 4.54                               | 15,666                                                  |
| <b>Total</b>       |            |                                                          |                                    |                                    | <b>283,874</b>                                          |

Table 5. Difference Between Existing and Proposed Trip Generation (weekday average daily trips)

| Existing Average Daily Trips | Proposed Average Daily Trips | Difference in Average Daily Trips | Percent Change |
|------------------------------|------------------------------|-----------------------------------|----------------|
| 348,293                      | 283,874                      | (64,419)                          | (18%)          |

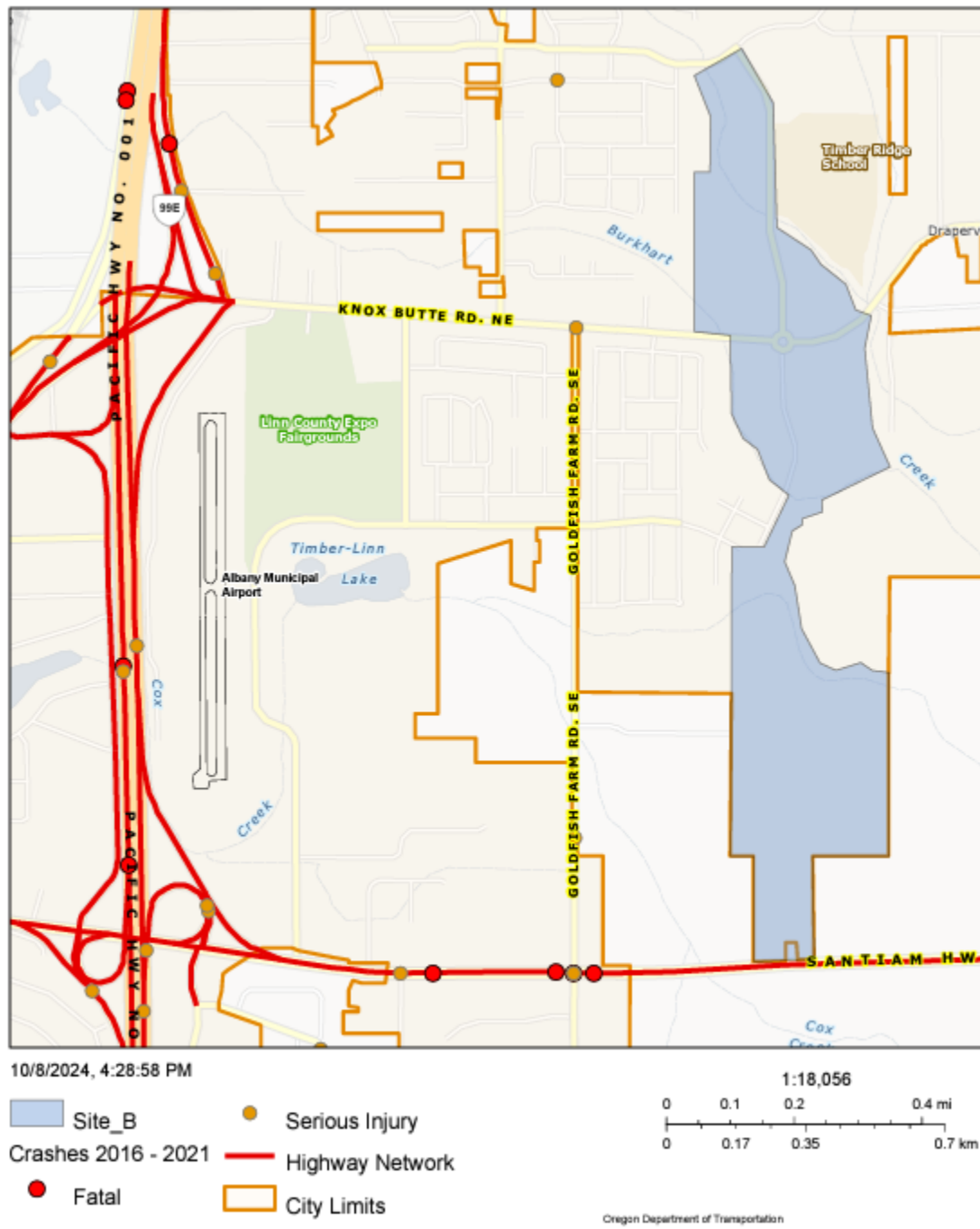
The lower non-residential development capacity in combination with the internal capture of proposed trips results in 18% less trip generation in the long term. A higher percentage of trips in the future may take place internal to the CFA due to improved accessibility of destinations by walking, biking, and transit.

## Safety

Within the past five years of reported data (between January 1, 2016 and December 31, 2021), there have been no crashes within the CFA.

### Fatal & Serious Injury Crashes

Figure 3. Fatal and Serious Injury Crashes, 2016-2021



#### Safety Priority Index System (SPIS)

The SPIS does not include any crash sites for the most recent crash data period (currently 2015-2021) in Oregon.

#### Safety Narrative

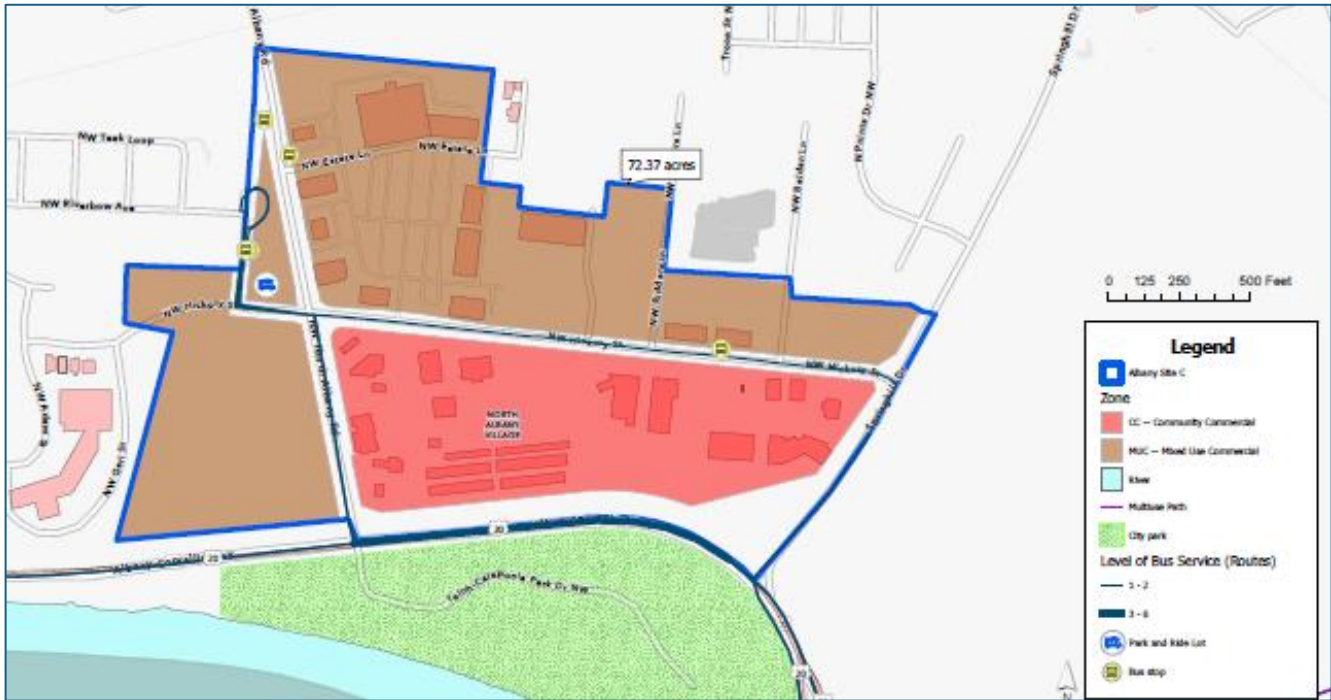
This CFA is mostly a mix of new residential development and vacant land with mostly lower speed residential streets and a roundabout slowing speeds on Knox Butte Road. The portion of the CFA that borders highway U.S. 20 is not a segment with a notable crash history.

#### Financially Constrained Projects

The Albany TSP (2010) lists projects as short-, medium-, and long-term. The assumed financially constrained project list would be based on short-term and medium-term projects but none are present in the project area.

## CFA Site C: North Albany Secondary Climate Friendly Area

### 1. Climate Friendly Area Requirements, OAR 660-012-0310



#### 0310 Findings:

- 1.1 This CFA is located within Albany's city limits in compliance with OAR 660-012-0310(2)(e).
- 1.2 The North Albany CFA complies with 750-foot minimum dimensional requirement.
- 1.3 The city will use an overlay zoning district to designate the CFAs that will specify the additional permitted uses from the base zone, set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.
- 1.4 The North Albany Secondary CFA is within the North Albany Refinement Plan area and includes commercial and residential uses. The CFA is served by transit, retail, services and housing.
  - a. This area was identified as a CFA due to existing development and vacant and redevelopable land. The city elected to designate a CFA in each area of the city to encourage compact urban development that provides needed housing, employment, and services to residents in the area.
  - b. Key Destinations and Services: Grocery store, medical offices, park and ride, restaurants, shopping, fitness, mail service, and transit stops. Commercial development is mostly one-story, but there are a few multi-story developments.
- 1.5 North Albany CFA Site C is served by high quality pedestrian, bicycle and transit services and includes a park and ride lot. See Section 5, the Transportation Multimodal Gap Summary that follows.
- 1.6 Presence of any natural hazards (floods, steep slopes/landslides, wildfires): According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, CFA Site C is in the floodplain – about half in the 1% zone and the other in the 500-year floodplain. There are no steep slopes, and this area of the Willamette Valley is not near forested lands or resources subject to wildfires.
- 1.7 Public utilities are available and sized to accommodate urban level development in this CFA.

## 2. Designation of CFAs, OAR 660-012-0315

### 0315 Findings:

- 2.1 (2): The North Albany CFA is proposed to be a Secondary CFA. Base zone heights 50 and 85 feet meet the minimum height allowances and were used to project development capacity.
- 2.2 (2): The North Albany CFA has projected build-out capacity to accommodate between 1,865 units (low estimate factoring for more parking) to 2,487 units, which represents between 21 to 28 percent of Albany's required capacity of 8,861 units by 2040.
- 2.3 (4 & 5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCD by the December 2023 deadline.
- 2.4 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.
- 2.5 (6)(b): Total existing dwelling units: 41 within CFA  
Total Accessible units: 12 units  
Total income-restricted: 40 units

### 0315(6)(d) Housing Production Strategies Findings:

- 2.6 Housing strategies and state requirements the city has implemented to encourage housing include:
  - a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.
- 2.7 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
  - a. Adopted: Allow lower cost housing types – The city increased flexibility for ADUs, and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - b. Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.
  - c. Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the city now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).
  - d. With CFA Adoption: The CFA overlay district will enable ground level residential the CC zone where residential uses are currently only permitted above or attached to ground level commercial uses.
  - e. With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - f. Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.
- 2.7 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes. The residential dwelling units located within the North Albany CFA Site C include a recently constructed three-story development. These units are subsidized,

providing long-term affordable housing and are unlikely to be redeveloped with current building codes. Additional capacity is available on the development site.

- 2.8 The allowable height in the Secondary CFAs is compatible with the height of the apartment development so displacement is highly unlikely.

### **3. Land Use Requirements in CFAs, OAR 660-012-0320**

CFA zoning can support development consistent with OAR 660-012-0320.

#### 0320 Findings:

- 3.1 (2): Base zones within the North Albany CFA are Mixed Use Commercial (MUC) and Community Commercial (CC).
- 3.2 (2): Uses Permitted: In addition to the uses allowed in the base zones, ADC Article 14 specifies the additional uses that must be permitted per OAR 660-012-0320(2) which include some residential uses in the CC zone. MUC allows the required permitted uses.
- 3.3 (2): Per Article 14, the required permitted uses are either allowed outright or through clear and objective standards (Site Plan review). See ADC Article 14.
- 3.4 (3): The North Albany CFA is 72.4 total acres; 36.2 net acres.
- 3.5 (4): Government facilities and amenities such as parks and plazas are permitted in the CFA overlay district.
- 3.6 (4): This CFA contains a park and ride lot for North Albany.
- 3.7 (5): The city is adding maximum block length standards in accordance with OAR 660-012-0320(5) to ADC Article 14.
- 3.8 (6): Minimum and Maximum Density. The MUC zone has a minimum density of 10 units an acre. CC and MUC do not have maximum density requirements.
- 3.9 (8): Minimum Density Requirements Established. ADC Article 14 standards require developments within the Secondary CFA to have a minimum density of 15 units a net acre, which will replace the MUC minimum density within Secondary CFAs.
- 3.10 (8): Building Height Allowances by zone. The Secondary CFA overlay zoning district allows heights up to 50 feet. The base zone height allowances meet the minimum height allowances' MUC allows 85 feet, CC allows 50 feet.
- 3.11 (7): The "0330 walkable design standards" audit of Albany's development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC "0330", such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.
- 3.12 (7): Albany's development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The city does not require parking and established maximum parking standards in Section 9.020. The city updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.
- 3.13 (7): ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

##### 0325 Findings:

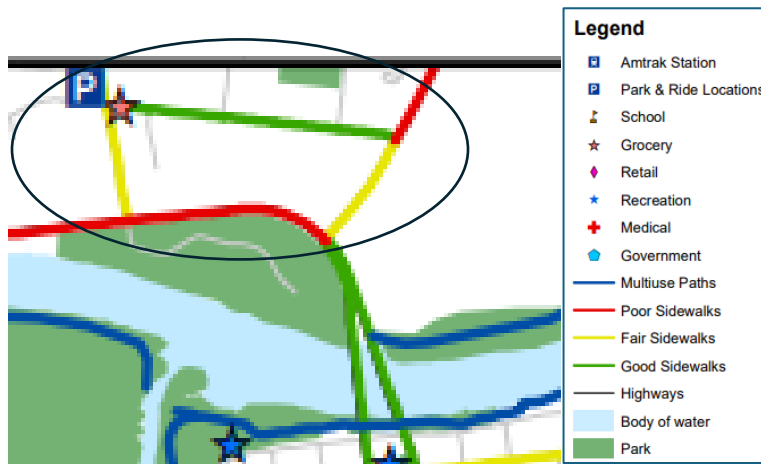
- 4.1 Summary of the existing multimodal transportation network within the North Albany Secondary CFA:
- CFA North Albany is between the Portland & Western rail line to the north and the U.S. 20 highway (ODOT Highway No. 31) forms the southern boundary. The CFA is north of downtown across the Willamette River. Hickory Street runs is the central collector street in the CFA running between Springhill to the east and a vacant property at the west end of the street.
  - Rail: The Portland & Western railroad line is about 100 feet of the northwest edge of the CFA with an at-grade rail crossing at North Albany Road.
  - Freight: U.S. 20 is a reduction review route in the Oregon Highway Plan.
- 4.2 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:
- [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
  - [Albany Transit System Implementation Strategy](#) and Maps
  - 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
  - [2010 Transportation Systems Plan](#) (2010 TSP)
- 4.3 Multimodal Gaps: The 2023 RTP identifies one project within the North Albany Site C CFA boundary that is needed to fill identified multimodal network gaps, SH-17, and two projects adjacent to the site, SH-16 and SH-19.



|       |                                           |                                        |                                                                                                                                                                                                                                                                                                                                      |                                        |             |
|-------|-------------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------|
| SH-16 | US-20 (Santiam Highway), northwest of 99E | From SE 1st Avenue to Springhill Drive | <b>Near-term:</b> Widen the sidewalk on N Lyon Street bridge to provide a protected shared-use path on the bridge. On the north side of the river, provide shared-use path connection and wayfinding to the bridge. On the south side of the river, extend the shared-use path to SE 1st Avenue.                                     | Wide Sidewalk                          | \$1,700,000 |
|       |                                           |                                        | <b>Long-term:</b> Study the opportunity to add a separate bicycle and pedestrian bridge across the Willamette River.                                                                                                                                                                                                                 | New bike/ped bridge - Willamette River |             |
| SH-17 | US-20 (Santiam Highway), northwest of 99E | Intersection with Springhill Drive     | Conduct a study to evaluate safety and comfort improvements. Consider constructing a protected intersection, raised pedestrian crossings on northeast leg, and/or converting the westbound right-turn lane to shared through/right-turn to reduce conflicts with people walking/biking along the proposed path along the north side. | Intersection Improvement               | \$250,000   |

|              |                                                    |                                      |                                                                                               |             |          |
|--------------|----------------------------------------------------|--------------------------------------|-----------------------------------------------------------------------------------------------|-------------|----------|
| <b>SH-19</b> | US-20<br>(Santiam Highway),<br>northwest<br>of 99E | Intersection<br>with Scenic<br>Drive | Conduct an Intersection Control Evaluation (ICE)<br>to consider construction of a roundabout. | Study - ICE | \$50,000 |
|--------------|----------------------------------------------------|--------------------------------------|-----------------------------------------------------------------------------------------------|-------------|----------|

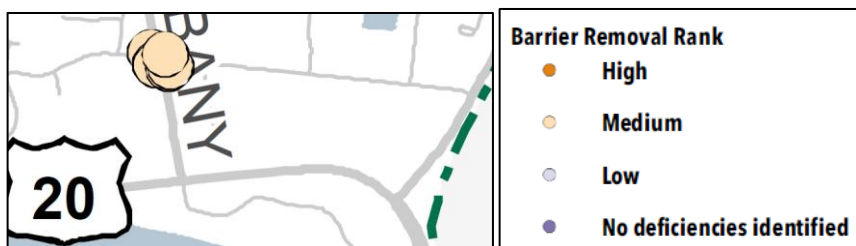
- 4.4 Gaps in the pedestrian network/sidewalk conditions per AAMPO 2020 MMNC. The following maps indicate sidewalks and street crossings are in generally good condition in the North Albany CFA. According to the ADA Plan, the crosswalks in this CFA have no deficiencies or barriers that need to be removed to be ADA accessible.



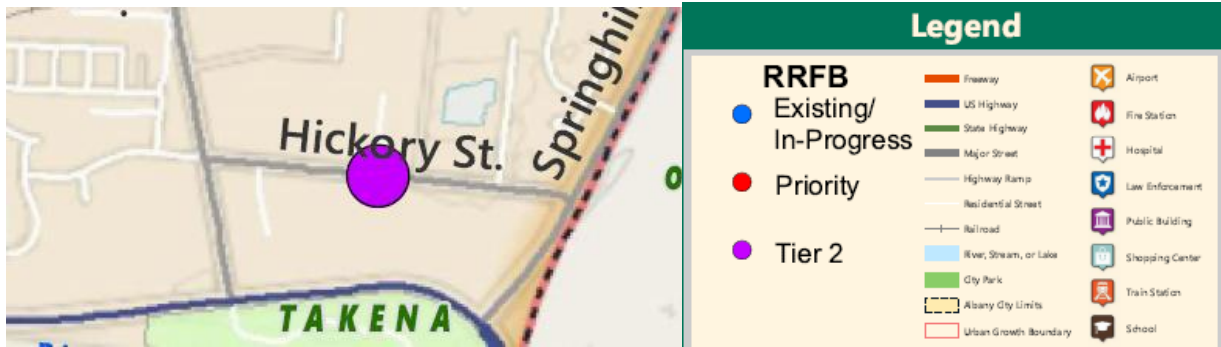
**Map 9: Albany Area Neighborhood Sidewalk Rating**



Pedestrian Access Barrier Removal Projects, Intersection Safety: Pushbuttons are identified as medium priority needs at the intersection of North Albany Road and Hickory Street.

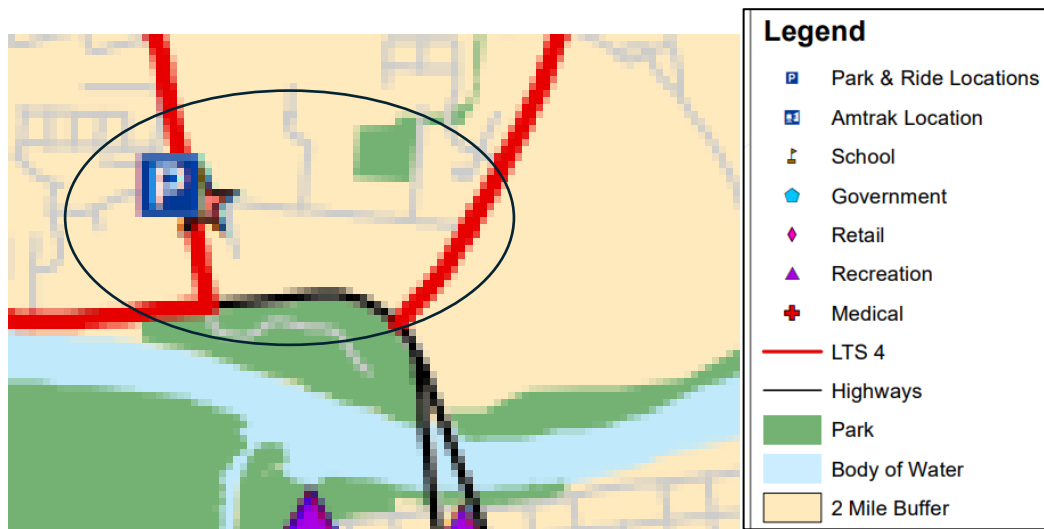


There is one tier 2 Rectangular Rapid Flashing Beacon (RRFB) Pedestrian Crossing planned in the North Albany CFA.

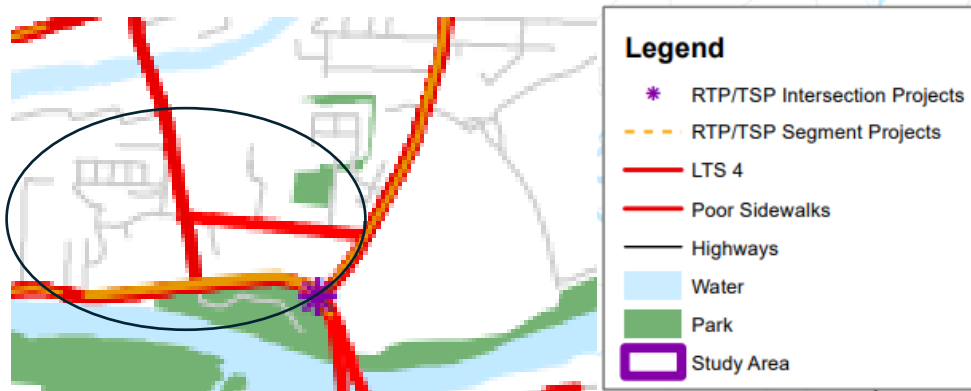


- 4.5 **Bicycle networks.** Springhill, Hickory Street and North Albany Road contain dedicated bike lanes. Per the 2020 MMNC, Level of Stress (LTS) refers to bicycle facilities interaction with traffic. LTS 4 (Red) indicates locations where cyclists may interact with higher speed traffic or close proximity to high-speed traffic, which only “strong and fearless” riders are willing to bike. Map 6 that follows indicates that Springhill and North Albany roads are rated LTS 4 sections within the North Albany CFA. Map 8 indicates Hickory Street an U.S. 20 sidewalks are poor. RTP and TSP segment and intersection projects are identified on U.S. 20.

**Map 6: Regional Community Destinations with LTS 4 Segments**



**Map 8: Regional LTS 4 and Poor Sidewalk Segments with RTP Projects**



- 4.6 Transit network. This area is served by one of Albany's four transit lines, the Linn Benton Loop, and contains a park and ride lot.

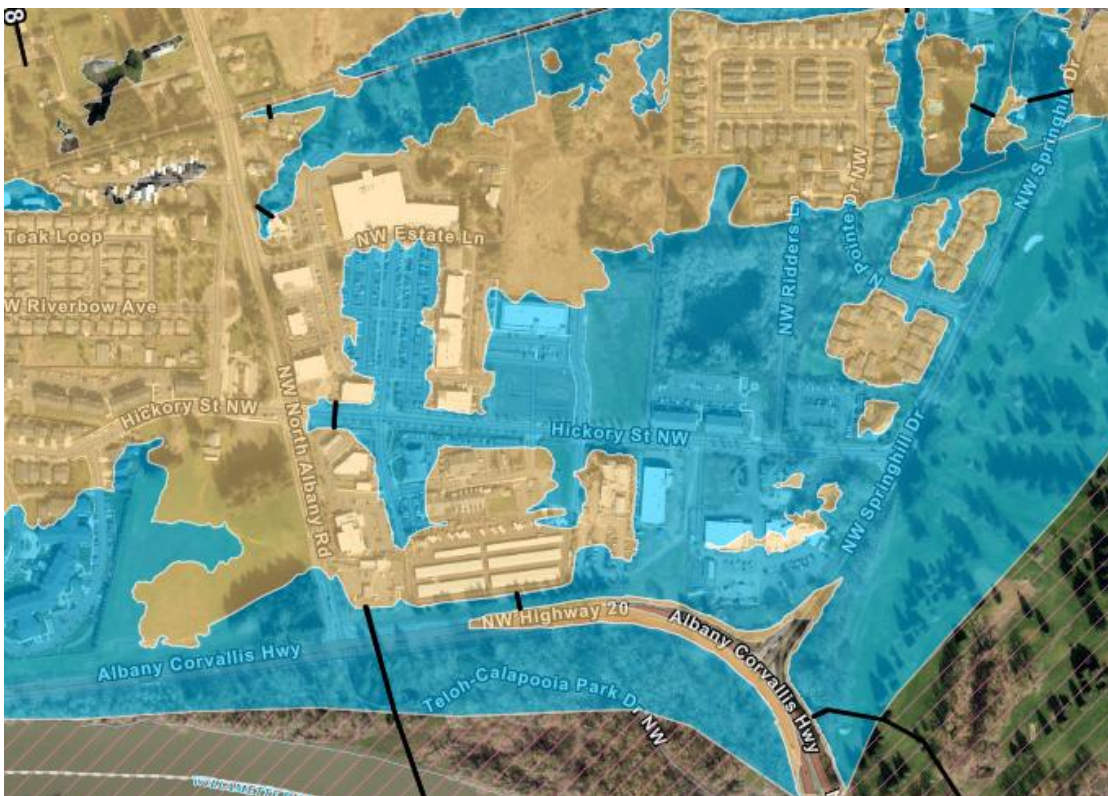


- 4.7 Projects identified to fill identified multimodal network gaps in the existing TSP and ADA Plan.
- Intersection Improvements: 2010 TSP projects I8 and I9 are partially completed – the signal timing part of both projects is complete.
  - The Highway 20 Corridor and Downtown Refinement Plan study of the bridge capacity, corridor and intersection needs is complete.
  - The bike/ped path along the existing railroad ROW north of the CFA, project M5, is not complete.
  - The Highway Impact Summary report is attached.
- 4.8 Future Transportation Planning Processes. AAMPO will be looking into what planning options the MPO has for encouraging improved bicycle/pedestrian networks within the AAMPO region along Federal Functional Class (FFC) roads in a future RTP update (tentatively scheduled for 2026). The MPO is looking at these areas specifically as MPO STBG/SHF money is limited to work along FFC roads. The city will be updating the 2010 TSP in 2025 and 2026 to identify current and future needs for all transportation modes and systems.

**2023 AERIAL PHOTOS:**



Floodplain – 1% chance of floods shown in blue and 500-year chance of flooding in golden highlight.



## Highway Impacts Summary: City of Albany Climate-Friendly Area Site C

### Planning Context

#### Location Description

This climate-friendly area (CFA) is in North Albany near downtown. The CFA is between the Portland & Western rail line to the north and U.S. 20 highway couplet (ODOT Highway No. 31) to the south. Hickory Avenue and a vacant parcel form the western edge while Springhill Drive is the easternmost boundary.

#### CFA Acreage

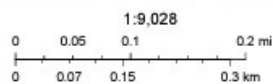
72.4 gross acres; 36.2 net acres

Figure 1. Albany CFA Site C



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- Site\_C
- Highway Network
- City Limits



Esri Community Maps Contributors, City of Albany, County of Benton, County of Linn, Oregon State Parks, State of Oregon GEO, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METV, NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, GeoTerra, Mapbox

#### Highway Impacts Summary Trigger

Highway U.S. 20 forms the southern edge of the CFA.

#### Key Destinations and Services

Grocery store, medical offices, park and ride, restaurants, shopping center, and transit stops.

#### Existing Land Uses

Current 'big box' development pattern with large parking lots, shopping center, offices, restaurants, storage and auto-oriented uses, single-dwelling residential, multi-dwelling residential, and vacant area.

#### Rail Crossings within 500 ft of the CFA

The Portland & Western Railroad rail line is within about 100 feet of the northwest edge of the CFA with an at-grade rail crossing at North Albany Road.

Figure 2. At-Grade Rail Crossing at North Albany Road



Source: Google Street View, Image capture Sep. 2024

#### Freight Routes

Highway U.S. 20, which forms the southern boundary of the CFA, is a reduction review route in the Oregon Highway Plan.

### Land Use Changes

#### Existing Zoning

- Community Commercial (CC) and Mixed Use Commercial (MUC)

#### Proposed Zoning

- No Change: CC and MUC

Existing and Proposed Allowed Building Height by Land Use Zone  
Site C is a primary CFA.

- MUC 85 feet
- CC 50 feet

#### Proposed Land Use Regulations Changes

The city proposes to continue MUC and CC zoning in the primary Climate Friendly Area overlay that includes the following modifications:

1. The CC zone only allows multi-dwelling residential above or attached to a business. Evaluate whether to allow multi-dwelling units in a stand-alone building.
2. The CC zone does not allow attached single-unit dwellings (townhomes). Amend Code to allow single attached dwellings.
3. The existing zones all require a Conditional Use permit or do not allow educational facilities (schools). Update to allow educational facilities outright.
4. The MUC and CC zones do not allow community facilities outright. Update to allow public-serving government facilities outright.
5. Adopt a minimum Floor Area Ratio of 2.0 for mixed used buildings or the minimum residential density requirement.
6. The allowed building height must be 85 feet for a primary CFA and 50 feet for secondary CFA.
7. Reduce block length standards to meet CFA requirements. The current code has a block length standard where the average block length shall not exceed 600 feet. Development sites smaller than 5.5 acres would have a maximum block length of 500 feet or less and sites exceeding 5.5 acres would have a maximum block length of 350 feet or less.
8. The requirements do not call for a specific allowed lot coverage requirement. However, many mixed-use areas allow for full lot build out. The City may consider increasing the allowed lot coverage to at least 80 percent for all CFAs.

#### Estimated Existing Dwelling Units

41 dwelling units (single-family residential and apartments)

#### Projected Housing Capacity

The project housing capacity is expected to increase from 41 to at least 1,865 dwelling units due to changes to development standards that increases allowances and opportunities for redevelopment.

- Low – 1,865 units
- High – 2,487 units (estimate used in this analysis)

## Development Capacity

Table 1. Existing Development Capacity (sq ft)

| Land Use Zone              | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|----------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Mixed Use Commercial (MUC) | 23.10                        | 1,006,220                    | 0.2                                    | 804,976                    | 85                      | 7                        | 5,634,834                    | 0.01%                              | 5,597,934                                           |
| Community Commercial (CC)  | 13.10                        | 570,623                      | 0.2                                    | 456,498                    | 50                      | 4                        | 1,825,993                    | 0%                                 | 1,825,993                                           |

Table 2. Proposed Development Capacity (sq ft)

| Land Use Zone              | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|----------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Mixed Use Commercial (MUC) | 23.10                        | 1,006,220                    | 0.2                                    | 804,976                    | 85                      | 7                        | 5,634,834                    | 30%                                | 3,944,384                                           |
| Community Commercial (CC)  | 13.10                        | 570,623                      | 0.2                                    | 456,498                    | 50                      | 4                        | 1,825,993                    | 30%                                | 1,277,893                                           |

## Motor Vehicle Trip Generation

Table 3. Existing Trip Generation (weekday average daily trips)

| Land Use Zone | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                               | Average Daily Trip Generation Rate | Average Daily Trips |
|---------------|------------|----------------------------------------------------------|----------------------------------------|------------------------------------|---------------------|
| CC, MUC       | 35%        | 2,598,374                                                | 820 Shopping Center                    | 37.01                              | 96,166              |
|               | 65%        | 4,825,553                                                | 822 Strip Retail (<40k)                | 54.45                              | 262,751             |
| Residential   |            | 21                                                       | 210 Single-family detached residential | 9.43                               | 198                 |
| Residential   |            | 20                                                       | 220 Multifamily                        | 6.74                               | 135                 |
| <b>Total</b>  |            |                                                          |                                        |                                    | <b>359,250</b>      |

Table 4. Proposed Trip Generation (weekday average daily trips)

| Land Use Zone | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                           | Average Daily Trip Generation Rate | Average Daily Trips with 10% Internal Capture Reduction |
|---------------|------------|----------------------------------------------------------|------------------------------------|------------------------------------|---------------------------------------------------------|
| CC, MUC       | 35%        | 1,827,797                                                | 820 Shopping Center                | 37.01                              | 67,647                                                  |
|               | 65%        | 3,394,480                                                | 822 Strip Retail (<40k)            | 54.45                              | 184,829                                                 |
| Residential   |            | 2,487                                                    | 221 Multifamily Housing (Mid-Rise) | 4.54                               | 10,162                                                  |
| <b>Total</b>  |            |                                                          |                                    |                                    | <b>262,638</b>                                          |

Table 5. Difference Between Existing and Proposed Trip Generation (weekday average daily trips)

| Existing Average Daily Trips | Proposed Average Daily Trips | Difference in Average Daily Trips | Percent Change |
|------------------------------|------------------------------|-----------------------------------|----------------|
| 359,250                      | 262,638                      | (96,612)                          | (27%)          |

The lower non-residential development capacity in combination with the internal capture of proposed trips results in 27% less trip generation in the long term. A higher percentage of trips in the future may take place internal to the CFA due to improved accessibility of destinations by walking, biking, and transit.

## Safety

Within the past five years of reported data (between January 1, 2016 and December 31, 2021), there have been two serious injury crashes along highway U.S. 20 within the CFA.

### Fatal & Serious Injury Crashes

Figure 3. Fatal and Serious Injury Crashes, 2016-2021



Table 6. Fatal &amp; Serious Injury Crashes in the CFA, 2016-2021

| <b>Date &amp; Hour</b> | <b>Location</b>             | <b>Crash Type</b>                             | <b>Collision Type</b> | <b>Weather &amp; Condition</b> | <b>Traffic Control Device</b> | <b>Crash Cause(s)</b>                                                             | <b>Highest Injury Severity</b> |
|------------------------|-----------------------------|-----------------------------------------------|-----------------------|--------------------------------|-------------------------------|-----------------------------------------------------------------------------------|--------------------------------|
| 1/23/2018,<br>1:00 PM  | U.S. 20 & Springhill Road   | From opposite direction – both going straight | Head-on               | Rain & wet                     | Unknown                       | Drove left of center on two-way road; straddling; curve present at crash location | Suspected Serious Injury (A)   |
| 5/23/2022,<br>6:00 PM  | U.S. 20 & North Albany Road | Overtaken                                     | Non-collision         | Clear & dry                    | Traffic signal                | Made improper turn; occupant fell, jumped or was ejected from moving vehicle      | Suspected Serious Injury (A)   |

#### Safety Priority Index System (SPIS)

The CFA does not include any SPIS sites during the previous 5 reporting years.

#### Safety Narrative

Crashes have been isolated to the higher volume and higher speed Highway U.S. 20 but not a sufficient number to include any SPIS sites.

#### Financially Constrained Projects

The Albany TSP (2010) lists projects as short- (red), medium- (orange), and long-term (purple). The assumed financially constrained project list includes short-term and medium-term projects. Auto improvements are focused on intersection upgrades. The bike improvement would facilitate walking and biking between downtown, North Albany, and Corvallis.

Table 7. Short- and Medium-Term Projects Within or Abutting the CFA

| Project & Location                     | Description                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| M5                                     | Construct bike/ped path along the existing railroad ROW from Springhill Road to the Albany UGB to provide multi-use path between Corvallis and Albany.                                                                                                                                                                                                                                                                                      |
| <b>Completed or Partially Complete</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| I8                                     | On North Albany Road: eliminate split-phasing, convert southbound right to shared through-right lane & convert southbound through-left to left-only lane, creating dual southbound left-turns. Install westbound right-turn overlap phasing. Implement actuated-coordinated signal control, and develop signal coordination between Springhill Road and North Albany Road for better traffic progression along U.S. 20 during peak periods. |
| I9                                     | Convert southbound right-turn to a shared left-right lane, creating dual-southbound lefts on Springhill Road. Relocate westbound stop bar on U.S. 20 of inside lane 10-20 feet east of current location. Lengthen cycle length to 120 seconds and develop coordination between North Albany Road and Springhill Road along U.S. 20. Design of the intersection should allow for right-turns on red for southbound vehicles if feasible.     |
| S2                                     | Conduct a Highway 20 Corridor and Downtown Refinement Plan that extends to I-5 to look at regional bridge capacity needs, potential bridge locations, other corridor and intersection needs, and continue through permitting process.                                                                                                                                                                                                       |

Figure 4. Motor vehicle projects in vicinity of the CFA

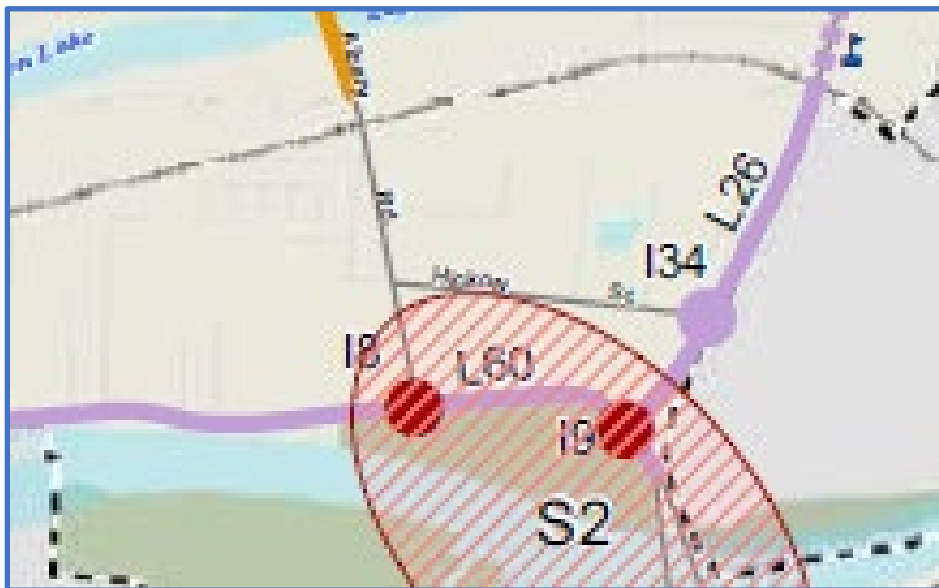


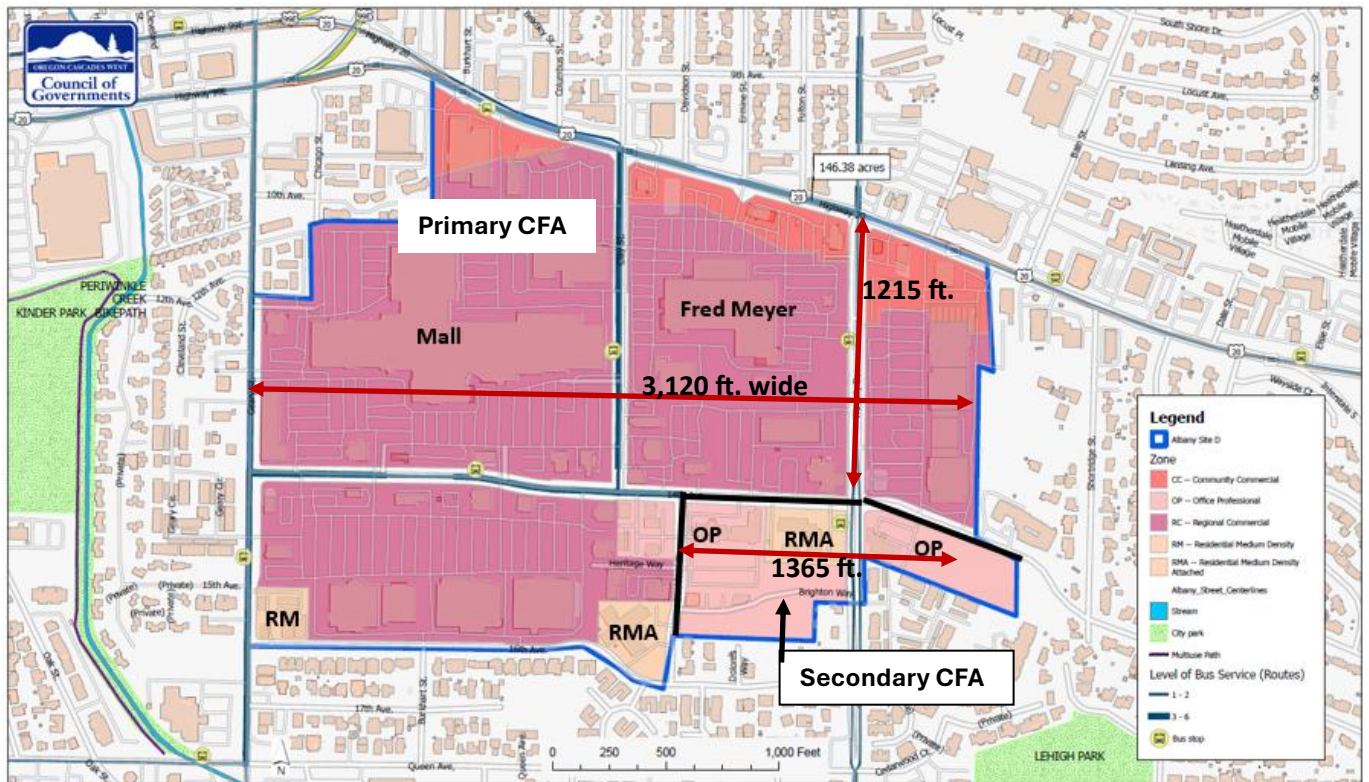
Figure 5. Bike & pedestrian projects in vicinity of the CFA



## CFA Site D: 14th Avenue/Heritage Mall PRIMARY CFA and 14th Avenue Secondary CFA

### 1. Climate Friendly Area Requirements, OAR 660-012-0310

The Primary CFA is located within Albany's city limits in the heart of the city with access from U.S. 20 highway in compliance with OAR 660-012-0310(2)(e).



#### OAR 660-012-0310 Findings:

- 1.1 0310(1): This CFA is located within Albany's city limits.
- 1.2 (2)(f): The Primary CFA within Site D complies with the 750-foot minimum dimensional requirement. The abutting Secondary CFA is 1,365 feet wide but only 585 feet tall.
- 1.3 (2)(a) and (b): CFA is within existing or planned urban center, transit-served corridor, and within or close to areas planned for or provided with high-density residential uses and high-concentration of employment opportunities
  - a. Existing Zoning: Existing zoning includes general commercial zones, office professional, and medium density residential zones. This area was identified as a CFA due to the amount of vacant and underdeveloped land. Most of the underdeveloped land is in the form of large parking lots and some dated single-story development.
  - b. The CFA is adjacent to dense residential development to the east and south and the CFA Area B contains some residential development.
  - c. The Primary CFA is in the center of Albany and is the city's primary retail, services and grocery store hub and is served by all four of Albany's transit lines.
  - d. Key Destinations and Services in the Site D CFAs: Albany Public Library (main branch), transit stops, grocery stores, shopping, entertainment, and restaurants.
- 1.4 (2)(c): The Primary CFA is served by high quality transit – include transfer stations and 4 transit lines, new protected bicycle lanes on several streets, and pedestrian facilities. See 5. Transportation Multimodal Gap Summary that follows.

- 1.5 (3): Public utilities are available and sized to accommodate urban level development in this CFA.
- 1.6 (4): Presence of any natural hazards (floods, steep slopes/landslides, wildfires). According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, Site D does not contain any significant natural resources such as floodplain, steep slopes, wetlands or riparian corridors. This area of the Willamette Valley is not near forested lands or resources subject to wildfire.
- 1.7 (4): The City will use an overlay zoning district to permit additional uses than permitted in the base zone, when necessary and to set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.

## 2. Designating CFAs, OAR 660-012-0315

### 0315 Findings for Site D CFAs:

- 2.1 0315(2): Site D is proposed to include one Primary and one Secondary CFA. Height allowances in the Primary and Secondary CFAs (85 feet and 50 feet) were used to project development capacity.
- 2.2 (2) & (6)(b): Residential Development Capacity: 14th Avenue/Heritage Mall CFAs as Site D are projected to have capacity to accommodate 4,637 (assumes more parking, setbacks) to more than 6,224 units (less parking and landscaping), which represents 52 to 70 percent of Albany's required capacity of 8,861 units by 2040.

#### Primary CFA

- Total existing: 85 units
- Total Accessible: 69 units
- Total income-restricted: 0 units (none known)
- Residential Development Capacity: Low- 4,395, High - 5,860

#### Secondary CFA

- Total existing: 46 units
- Total Accessible: 22 units
- Total income-restricted: 46 units
- Residential Development Capacity: Low – 242, High - 364

- 2.3 (3): Site D contains a total of 146.4 acres among the two abutting CFAs. The **Primary CFA is 72 net acres**. The **secondary CFA is 10.1 net acres**.
- 2.4 (3): The OARs provide the option to count high intensity residential and employment areas that are within one half mile to count towards the CFA capacity. There are numerous apartments and dwellings adjacent to site D, however, none are proposed to be included as part of the CFA.
- 2.5 (4 & 5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCD by the December 2023 deadline.
- 2.6 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.

### 0315(6)(d) Housing Production Strategies Findings:

- 2.7 Housing strategies and state requirements the city has implemented to encourage housing include:
- a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.

- 2.8 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
- Adopted: Allow lower cost housing types – The City increased flexibility for ADUs and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.
  - Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the city now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).
  - With CFA Adoption: The CFA overlay district will enable ground level dwellings in the RC zone, where they are currently not permitted and in the CC zone where they are only permitted above or attached to ground level commercial uses.
  - With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.
- 2.9 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes. Current residential developments range between one to three stories. It's possible some of the one and two-story developments may redevelop over time to add more height.

### 3. Land Use Requirements in CFAs per OAR 660-012-0320

CFA zoning can support development consistent with OAR 660-012-0320.

#### 0320 Findings:

- (2): Existing Zoning. The Primary CFA contains the Community Commercial (CC), Regional Commercial (RC), Residential Medium Density (RM), and Residential Medium Density Attached (RMA) zones. The Secondary CFA includes the Office Professional (OP) and RMA zones.
- (2): Uses Permitted. In addition to the uses allowed in the base zones, ADC Article 14 specifies the additional uses that must be permitted per OAR 660-012-0320(2) which include townhouses and multiple dwelling units in stand alone buildings in the CC and RC zones and some non-residential uses in the RM and RMA zones.
- The required permitted uses are either allowed outright or through clear and objective standards (Site Plan review).
- (4): Government facilities and amenities such as parks and plazas are permitted in the base zones for both CFAs. Albany's main library is in the Secondary CFA and the Oregon Department of Motor Vehicles (DMV) office is in the Primary CFA.
- (5): Maximum block length standards of 350 feet in CFAs are in ADC Article 14, CFA Overlay Districts, in accordance with OAR 660-012-0320(5).
- (6): Minimum and Maximum Density. The base zones within Site D do not currently have minimum or maximum density requirements.
- (8): Minimum Density Requirements Established: ADC Article 14 standards require development within the Primary CFA to have a minimum density of 25 units a net acre and within the Secondary CFA, a minimum density of 15 units a net acre.

- 3.8 (8): Building Height Allowances by zone. The base zones have the following height allowances: CC – 50 feet, RC – none, OP – 30 feet, RM – 45 feet RMA – 60 feet.
- Primary CFA building height: The Primary CFA overlay zoning district standards in Albany Development Code (ADC) Article 14 provides a height allowance of 85 feet to raise the height allowances in the CC, RC, OP and RMA zones.
  - Secondary CFA building height: The Secondary CFA overlay zoning district allows heights up to 50 feet. This will raise the allowable height in the OP zone to 50 feet consistent with -0320(8)(a). See ADC Article 14.
- 3.9 (7): The “0330 walkable design standards” code audit of Albany’s development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC “0330”, such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.
- 3.10 (7): Albany’s development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The City does not require parking and established maximum parking standards in Section 9.020. The City updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.
- 3.11 (7): ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

##### 0325 Findings:

- 4.1 Summary of the existing multimodal transportation network within CFA Site D:
- Highways: U.S. 20 (ODOT Highway No. 31) forms the northern border of the Site D CFAs. Geary Street, an arterial, borders the site on the west and properties fronting Waverly Drive, another arterial street, form the eastern boundary. A local street, 16th Avenue, provides the southern boundary.
  - Rail: No rail lines are located within or adjacent to the CFA boundary and no rail crossing barriers.
  - Freight: U.S. 20 is a reduction review route in the Oregon Highway Plan.
- 4.2 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:
- [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA’s Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
  - [Albany Transit System Implementation Strategy](#) and Maps
  - 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
  - [2010 Transportation Systems Plan](#) (2010 TSP)

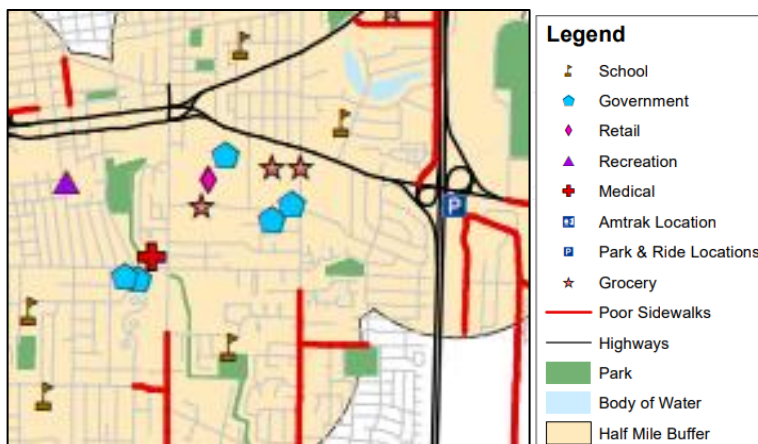
- 4.3 Multimodal Gaps: The 2023 RTP identifies two projects within the 14<sup>th</sup> and Clay Site D CFA boundary that are needed to fill identified multimodal network gaps, SH-11 and SH-12, and two projects adjacent to the CFA include SH-8, and PB-13.



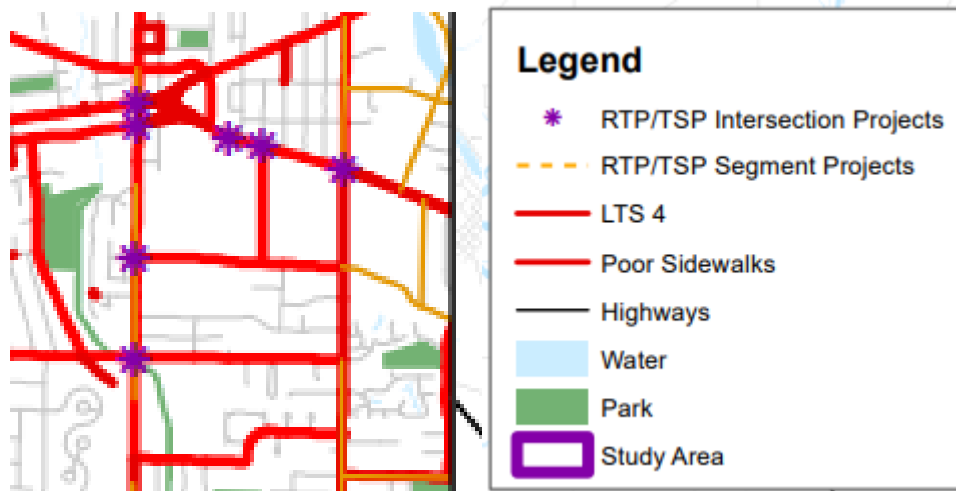
|              |                                      |                                                                                                                            |                                                                                                                                  |                                |             |
|--------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|--------------------------------|-------------|
| <b>SH-8</b>  | US-20 (Santiam Highway), east of 99E | At Center Street SE                                                                                                        | Provide enhanced pedestrian crossing.                                                                                            | Enhanced Crossing              | \$560,000   |
| <b>SH-11</b> | US-20 (Santiam Highway), east of 99E | Existing pedestrian crossings at SE Davidson Street and west of Bain Street SE                                             | Upgrade to provide overhead enhanced crossing treatments from the existing flashing beacons to improve visibility and compliance | Enhanced Crossing              | \$560,000   |
| <b>SH-12</b> | US-20 (Santiam Highway), east of 99E | Signalized intersections with Goldfish Farm Road SE, Airport Road SE, Waverly Drive SE, SE Clay Street, Burkhard Street SE | Evaluate opportunities to implement transit priority treatments.                                                                 | Transit Priority               | \$1,600,000 |
| <b>PB-13</b> | 99E/US-20 (Pacific Boulevard SW)     | Vicinity of the intersections of OR 99E, US 20, and SE 9th Avenue                                                          | Conduct a study to reconfigure the intersections to provide comfortable and direct facilities for people walking and biking.     | Study - 99E/US 20 Intersection | \$300,000   |

- 4.4 Gaps in the pedestrian network/sidewalk condition per AAMPO 2020 MMNC. The following maps indicate sidewalks and street crossings are in generally good condition in the CFAs in Site D. Maps 5, 8, and 9 indicate there are some poor sidewalk conditions in the CFAs. Map 8 shows projects identified in the TSP and RTP along Santiam Highway/U.S. 20 and at Geary Street and 14<sup>th</sup> Avenue.

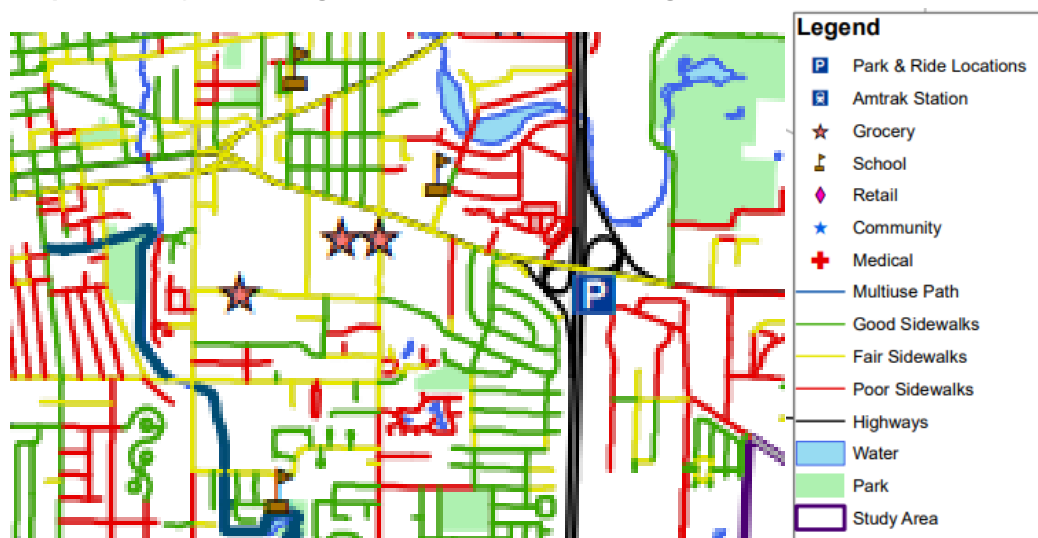
**Map 5: Regional Community Destinations with Poor Sidewalk Segments**



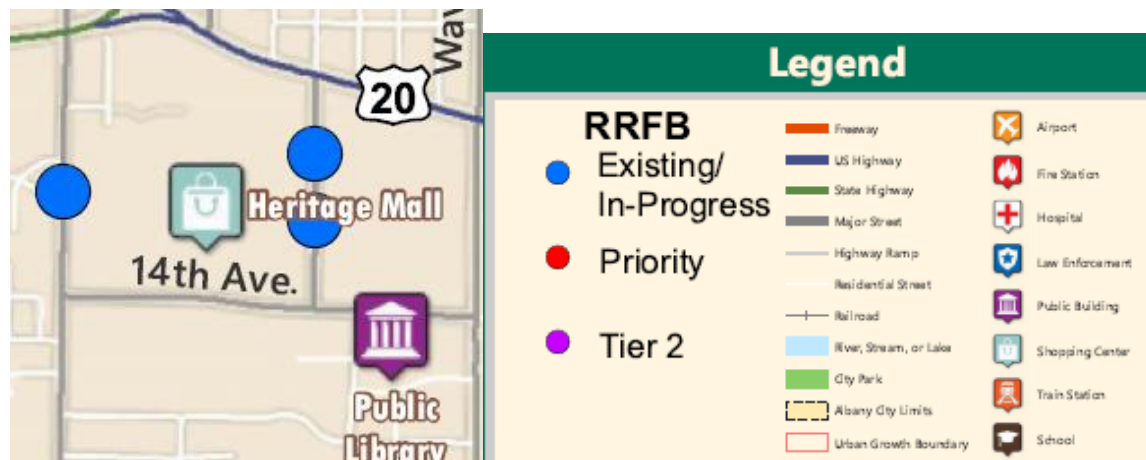
Map 8: Regional LTS 4 and Poor Sidewalk Segments with RTP Projects



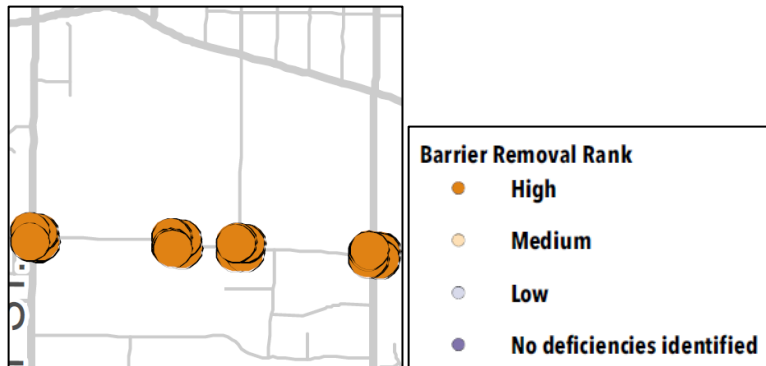
Map 9: Albany Area Neighborhood Sidewalk Rating:



Rectangular Rapid Flashing Beacon (RFB) Pedestrian Crossings: Three RFBs are located in the Site D Primary CFA.

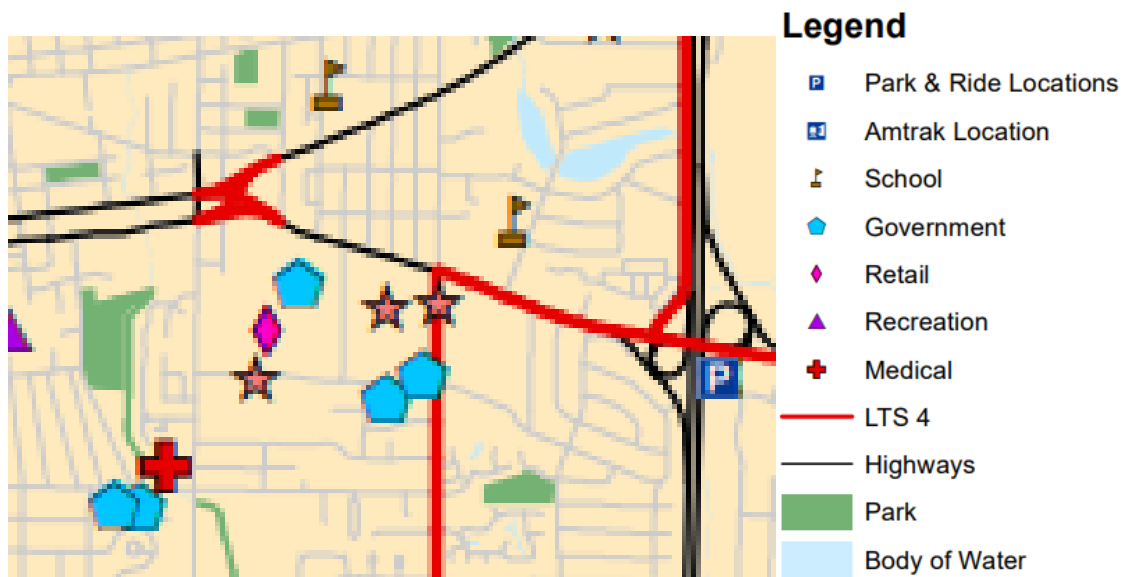


- 4.5 Pedestrian Access Barrier Removal Projects, Crosswalks and Pushbuttons: Pedestrian safety crossing push buttons are recommended in locations along 14th Avenue. According to the 2020 Plan, most of the crosswalks in the Site D CFAs had no deficiencies or barriers that need to be removed to be ADA accessible.

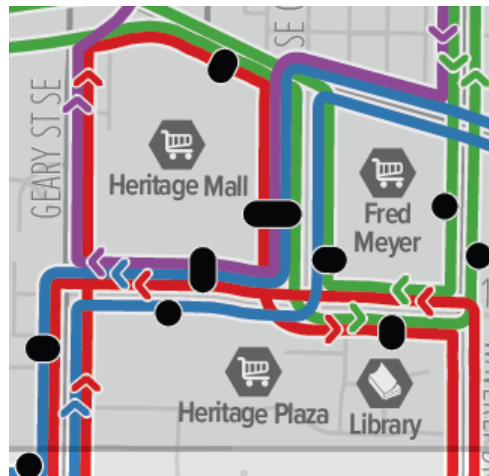


- 4.6 Pedestrian Access Barrier Removal Projects, Curb Ramps and Sidewalks: According to the 2020 ADA Plan, several curb ramps and sidewalks along Geary Street, Clay Street, Waverly, and 14th Avenue have barriers that need to be removed (curb ramp conditions and location) to be ADA accessible.
- 4.7 Bicycle Facilities. U.S. 20, Geary Street, Waverly Drive, and 14th Avenue and Clay Street all have dedicated bike lanes. Bike lanes on Geary, Clay, and 14th were recently redone with a buffer strip between the vehicle travel lane and the bike lane. The 2010 TSP projects include adding sharrows at intersections. Sharrow projects have not been completed. See the 2023 Aerial Photo of the area that follows.
- 4.8 Bicycle Gaps. Per the 2020 MMNC, Level of Stress (LTS) refers to bicycle facilities interaction with traffic. LTS 4 (Red) indicates locations where cyclists may interact with higher speed traffic or close proximity to high-speed traffic, which only “strong and fearless” riders are willing to bike. Map 6 that follows indicates Waverly Street on the CFAs eastern edge is rated LTS 4.

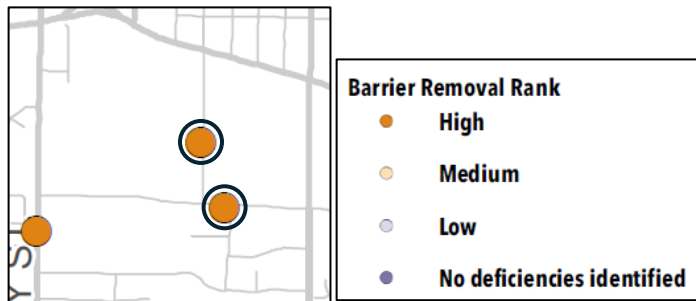
**Map 6: Regional Community Destinations with LTS 4 Segments**



- 4.9 Transit network – All four of Albany’s transit lines serve the Site D CFAs as noted on the map image below. The area contains numerous transit stops and transfer stops.



Transit Stop Barriers: Three transit stops are ranked with high priority barrier removal in the 2020 ADA Plan. Since this plan was prepared, the two transit stops with the “ring” around them have been improved to remove the barriers.



- 4.10 Projects identified to fill identified multimodal network gaps (in the existing TSP and ADA Plan).
- Bicycle network: The 2010 TSP projects not completed include projects B1 and B2 that recommend adding sharrows on 14th Avenue and on Waverly Drive.
  - Intersection Improvements: TSP projects I13 and I17 which include turning movement improvements to the intersection of Clay Street and U.S. 20 and 14th Avenue and Waverly.
  - See the Highway Impact Summary report attached.
- 4.11 Future Transportation Planning Processes. AAMPO will be looking into what planning options the MPO has for encouraging improved bicycle/pedestrian networks within the AAMPO region along Federal Functional Class (FFC) roads in a future RTP update (tentatively scheduled for 2026). The MPO is looking at these areas specifically as MPO STBG/SHF money is limited to work along FFC roads. The City will be updating the 2010 TSP in 2025 and 2026 to identify current and future needs for all transportation modes and systems.

**2023 AERIAL PHOTOS:**

RFB on Geary Street and bike lane demarcation:



Bike lanes and crosswalks at Clay and 14th Avenue:



## Highway Impacts Summary: City of Albany Climate-Friendly Area Site D

### Planning Context

#### Location Description

The climate-friendly area (CFA) is in the area surrounding the Heritage Mall, located south of U.S. 20 highway (ODOT Highway No. 31) and 16<sup>th</sup> Avenue. The westernmost edge is Geary Street and the parcels fronting Waverly Drive form the easternmost boundary.

#### CFA Acreage

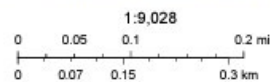
146.4 gross acres; 78.4 net acres

Figure 1. Albany CFA Site D



9/24/2024, 1:01:06 PM

- Site\_D
- Highway Network
- City Limits



Esri Community Maps Contributors, City of Albany, County of Benton, County of Linn, Oregon State Parks, State of Oregon GEO, © OpenStreetMap contributors, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METU, NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, GeoTerra, Maxar

#### Highway Impacts Summary Trigger

Highway U.S. 20 is the northern boundary of the CFA.

#### Key Destinations and Services

Albany Public Library, transit stops, grocery stores, shopping, entertainment, and restaurants

#### Existing Land Uses

Current big box development pattern with large parking lots and vacant area

#### Rail Crossings within 500 ft of the CFA

No rail lines traverse or run adjacent to the CFA.

#### Freight Routes

Highway U.S. 20 along the northern boundary is a reduction review route in the Oregon Highway Plan.

## Land Use Changes

#### Existing Zoning

- Community Commercial (CC), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Office Professional (OP), Regional Commercial (RC).

#### Proposed Zoning

- No Change: CC, RM, RMA, OP, and RC

#### Existing and Proposed Allowed Building Height by Land Use Zone

Site D includes a primary CFA and a portion south of 14<sup>th</sup> Street and east of Davidson Street is an adjacent secondary CFA. Primary and secondary CFAs have different minimum height requirements.

- Existing: CC 50 feet, RM 45 feet, RMA 60 feet, OP 30 feet, RC 85 feet
- Proposed: CC 85 feet, RM 50 feet/85 feet, RMA 60 feet, OP 50 feet/85 feet, RC 85 feet

#### Proposed Land Use Regulations Changes

The city proposes to continue existing zoning standards with a primary and secondary Climate Friendly Area overlay that includes the following modifications:

1. The RM and RMA zones do not allow single-use commercial or office development. Update to allow single-use office, and commercial development.
2. The RM and RMA zones do not allow mixed-use development. Update to allow mixed-use development outright.
3. The CC and OP zones only allow multi-dwelling residential above or attached to a business. Evaluate whether to allow multi-dwelling units in a stand-alone building.
4. The RC zone does not allow multi-dwelling residential. At a minimum, update to allow multi-dwelling residential above businesses.

5. The CC, RC, and OP zones do not allow attached single-unit dwellings (townhomes). Amend Code to allow Single Attached Dwellings.
6. The RM and RMA zones do not allow non-auto dependent retail, services, and other commercial uses. Update to allow non-auto dependent retail, services and other commercial uses.
7. The RM and RMA zones do not allow office type uses. Update to allow office type uses.
8. The RC, OP, and RM zones do not allow childcare. Update to allow childcare (daycare).
9. The existing zones all require a Conditional Use permit or do not allow educational facilities (schools). Update to allow educational facilities outright.
10. The RM zone does not allow community facilities outright. Update to allow public-serving government facilities outright.
11. Adopt a minimum Floor Area Ratio of 2.0 for mixed used buildings or the minimum residential density requirement.
12. The allowed building height must be 85 feet for a primary CFA and 50 feet for secondary CFA.
13. Reduce block length standards to meet CFA requirements. The current code has a block length standard where the average block length shall not exceed 600 feet. Development sites smaller than 5.5 acres would have a maximum block length of 500 feet or less and sites exceeding 5.5 acres would have a maximum block length of 350 feet or less.

#### Estimated Existing Dwelling Units

132 dwelling units (apartments)

#### Projected Housing Capacity

The project housing capacity is expected to increase from 132 to at least 4,622 dwelling units due to changes to development standards that increases allowances and opportunities for redevelopment.

- Low – 4,622 units
- High – 6,162 units (estimate used in this analysis)

## Development Capacity

Table 1. Existing Development Capacity (sq ft)

| Land Use Zone                             | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|-------------------------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Community Commercial (CC)                 | 6.27                         | 273,121                      | 0.2                                    | 218,497                    | 50                      | 4                        | 873,988                      | 52.5%                              | 873,988                                             |
| Residential Medium Density (RM)           | 0.70                         | 30,492                       | 0.2                                    | 24,394                     | 45                      | 3                        | 73,181                       | 70.0%                              | 58,781                                              |
| Residential Medium Density Attached (RMA) | 2.50                         | 108,900                      | 0.2                                    | 87,120                     | 60                      | 5                        | 435,600                      | 33.4%                              | 331,200                                             |
| Office Professional (OP)                  | 5.85                         | 254,826                      | 0.2                                    | 203,861                    | 30                      | 2                        | 407,722                      | 66.9%                              | 402,322                                             |
| Regional Commercial (RC)                  | 63.10                        | 2,748,636                    | 0.2                                    | 2,198,909                  | 85                      | 7                        | 15,392,362                   | 30.0%                              | 15,392,362                                          |

Table 2. Proposed Development Capacity (sq ft)

| Land Use Zone                             | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|-------------------------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Community Commercial (CC)                 | 6.27                         | 273,121                      | 0.2                                    | 218,497                    | 85                      | 7                        | 1,529,479                    | 30.0%                              | 1,070,635                                           |
| Residential Medium Density (RM)           | 0.70                         | 30,492                       | 0.2                                    | 24,394                     | 50/85                   | 4/7                      | 170,755                      | 30.0%                              | 119,529                                             |
| Residential Medium Density Attached (RMA) | 2.50                         | 108,900                      | 0.2                                    | 87,120                     | 60                      | 5                        | 435,600                      | 33.4%                              | 290,284                                             |
| Office Professional (OP)                  | 5.85                         | 254,826                      | 0.2                                    | 203,861                    | 50/85                   | 4/7                      | 909,533                      | 30.0%                              | 636,673                                             |
| Regional Commercial (RC)                  | 63.10                        | 2,748,636                    | 0.2                                    | 2,198,909                  | 85                      | 7                        | 15,392,362                   | 30.0%                              | 10,774,653                                          |

## Motor Vehicle Trip Generation

Table 3. Existing Trip Generation (weekday average daily trips)

| Land Use Zone       | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                | Average Daily Trip Generation Rate | Average Daily Trips |
|---------------------|------------|----------------------------------------------------------|-------------------------|------------------------------------|---------------------|
| CC, OP, RC, RM, RMA | 80%        | 13,646,922                                               | 820 Shopping Center     | 37.01                              | 505,073             |
|                     | 20%        | 3,411,731                                                | 822 Strip Retail (<40K) | 54.45                              | 185,769             |
| Residential         |            | 132                                                      | 220 Multifamily         | 6.74                               | 890                 |
| <b>Total</b>        |            |                                                          |                         |                                    | <b>691,731</b>      |

Table 4. Proposed Trip Generation (weekday average daily trips)

| Land Use Zone       | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                           | Average Daily Trip Generation Rate | Average Daily Trips with 10% Internal Capture Reduction |
|---------------------|------------|----------------------------------------------------------|------------------------------------|------------------------------------|---------------------------------------------------------|
| CC, OP, RC, RM, RMA | 80%        | 10,313,419                                               | 820 Shopping Center                | 37.01                              | 381,700                                                 |
|                     | 20%        | 2,578,355                                                | 822 Strip Retail (<40K)            | 54.45                              | 140,391                                                 |
| Residential         |            | 6,162                                                    | 221 Multifamily Housing (Mid-Rise) | 4.54                               | 25,178                                                  |
| <b>Total</b>        |            |                                                          |                                    |                                    | <b>547,269</b>                                          |

Table 5. Difference Between Existing and Proposed Trip Generation (weekday average daily trips)

| Existing Average Daily Trips | Proposed Average Daily Trips | Difference in Average Daily Trips | Percent Change |
|------------------------------|------------------------------|-----------------------------------|----------------|
| 691,731                      | 547,269                      | (144,462)                         | (21%)          |

The lower non-residential development capacity in combination with the internal capture of proposed trips results in 21% less trip generation in the long term. A higher percentage of trips

in the future may take place internal to the CFA due to improved accessibility of destinations by walking, biking, and transit.

## Safety

Within the past five years of reported data (between January 1, 2016 and December 31, 2021), there have been six serious injury crashes and two fatal injury crashes in the CFA.

### Fatal & Serious Injury Crashes

Figure 3. Fatal and Serious Injury Crashes, 2016-2021



Table 6. Fatal &amp; Serious Injury Crashes in the CFA, 2016-2021

| <b>Date &amp; Hour</b>  | <b>Location</b>                         | <b>Crash Type</b>                                     | <b>Collision Type</b>        | <b>Weather &amp; Condition</b> | <b>Traffic Control Device</b> | <b>Crash Cause(s)</b>                                                                                     | <b>Highest Injury Severity</b> |
|-------------------------|-----------------------------------------|-------------------------------------------------------|------------------------------|--------------------------------|-------------------------------|-----------------------------------------------------------------------------------------------------------|--------------------------------|
| 11/11/2017,<br>1:00 PM  | Waverly Drive & 14 <sup>th</sup> Avenue | From opposite direction – one left turn, one straight | Turning movement             | Cloudy & wet                   | Traffic signal                | Did not yield right-of-way                                                                                | Suspected Serious Injury (A)   |
| 12/23/2019,<br>11:00 AM | U.S. 20 & Waverly Drive                 | From same direction – one stopped                     | Rear-end                     | Unknown & wet                  | Traffic signal                | Followed too closely                                                                                      | Suspected Serious Injury (A)   |
| 7/4/2020,<br>6:00 PM    | 14 <sup>th</sup> Avenue & Clay Street   | Entering at angle – all others                        | Turning movement             | Clear & dry                    | Traffic signal                | Disregarded traffic signal                                                                                | Suspected Serious Injury (A)   |
| 8/21/2020,<br>4:00 PM   | Waverly Drive & 14 <sup>th</sup> Avenue | Fixed object                                          | Fixed object or other object | Clear & dry                    | Traffic signal                | Inattention, pole-street light only                                                                       | Suspected Serious Injury (A)   |
| 1/1/2020,<br>6:00 PM    | U.S. 20 & Waverly Drive                 | Pedestrian                                            | Pedestrian                   | Cloudy & wet                   | Traffic signal                | Did not yield right-of-way                                                                                | Fatal injury (K)               |
| 1/30/2021,<br>8:00 PM   | U.S. 20 & Waverly Drive                 | From same direction – one stopped                     | Rear-end                     | Rain & wet                     | Traffic signal                | Failed to avoid vehicle ahead, vehicle forced by impact into another vehicle, pedal-cyclist or pedestrian | Suspected Serious Injury (A)   |
| 6/30/2022,<br>2:00 PM   | U.S. 20                                 | Entering at angle – all others                        | Turning movement             | Clear & dry                    | No control                    | Did not yield right-of-way                                                                                | Suspected Serious Injury (A)   |
| 12/10/2022,<br>4:00 PM  | Geary Street & 15 <sup>th</sup> Avenue  | Pedestrian                                            | Pedestrian                   | Cloudy & wet                   | Unknown or not definite       | Inattention, non-motorist not visible; non-reflective clothing                                            | Fatal injury (K)               |

### Safety Priority Index System (SPIS)

This data includes the most recent crash data available (currently 2015-2021) for the top 10% (90%-100%) of sites in Oregon. SPIS sites in CFA Site D are concentrated along highway U.S. 20 (Santiam Highway) at Waverly Drive and Geary Street.

- 2022: U.S. 20 mile point: 0.24-0.27, 0.44-0.50 (5%)
- 2021: U.S. 20 mile point: 0.24-0.27 (5%), 0.46-0.48, 0.50 (5%), Waverly Drive mile point: 4.60-4.68 (10%), Geary Street mile point: 4.60-4.68 (10%)
- 2020: U.S. 20 mile point: 0.24-0.27 (5%), 0.46-0.48, 0.50 (5%), Waverly Drive mile point: 4.60-4.68 (10%), Geary Street mile point: 4.60-4.68 (10%)
- 2019: U.S. 20 mile point: 0.18 (10%), 0.24-0.27 (5%), 0.44-0.47 (10%), 0.48, 0.50 (5%), Waverly Drive mile point: 4.60-4.68 (10%)
- 2018: U.S. 20 mile point: 0.24-0.27 (5%), 0.44-0.50 (10%), Waverly Drive mile point: 4.60-4.65 (10%), 4.68 (10%)

### Safety Narrative

While crashes are common along Highway U.S. 20 (especially near Waverly Drive and Geary Street), serious injury and fatal crashes also occurred on local streets surrounding the Heritage Mall. The two fatal crashes both involved pedestrians.

## Financially Constrained Projects

The Albany TSP (2010) lists projects as short- (red), medium- (orange), and long-term (purple). The assumed financially constrained project list includes short-term and medium-term projects. Auto improvements focus on intersections with added capacity and reducing traffic delays. The bike improvements clarify with sharrows that bikes may use the full lane.

Table 7. Short- and Medium-Term Projects Within or Abutting the CFA

| <b>Project &amp; Location</b>                            | <b>Description</b>                                                                                                                                                                                                 |
|----------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| I13: U.S. 20/Clay Street Intersection                    | Restripe intersection lane markings and convert left-turn phasing on Clay Street to protected-permissive with flashing yellow arrow signal head. Install exclusive eastbound right-turn lane on U.S. 20.           |
| I17: Waverly Avenue/14 <sup>th</sup> Avenue Intersection | Install a 150-foot eastbound right-turn lane & eastbound right-turn overlap phasing on 14 <sup>th</sup> Avenue.                                                                                                    |
| B1: 14 <sup>th</sup> Street Sharrows                     | Install painted “Sharrows” in the bike lane gaps on 14 <sup>th</sup> Avenue from Waverly Drive to Center Street. Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. |

| Project & Location                                            | Description                                                                                                                                                                  |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| B2: Waverly Drive Sharrows                                    | Install bike sharrows on Waverly Drive between highway OR 99E and U.S. 20. Painting a shared right-of-way (sharrow) symbol on the pavement does not require parking removal. |
| <b>Completed</b>                                              |                                                                                                                                                                              |
| I3: 14 <sup>th</sup> Avenue/Heritage Mall Access Intersection | Install flashing yellow signal heads and convert from protected to protected-permitted left-turn phasing for all approaches.                                                 |
| I4: 14 <sup>th</sup> Avenue/Clay Street Intersection          | Convert existing protected-permitted left-turn phasing to flashing yellow arrow left-turn phasing, eastbound approach only.                                                  |
| I5: Wavery Avenue/14 <sup>th</sup> Avenue                     | Install flashing yellow signal heads and convert from protected to protected-permitted left-turn phasing on all approaches.                                                  |

Figure 4. Motor vehicle projects in vicinity of the CFA

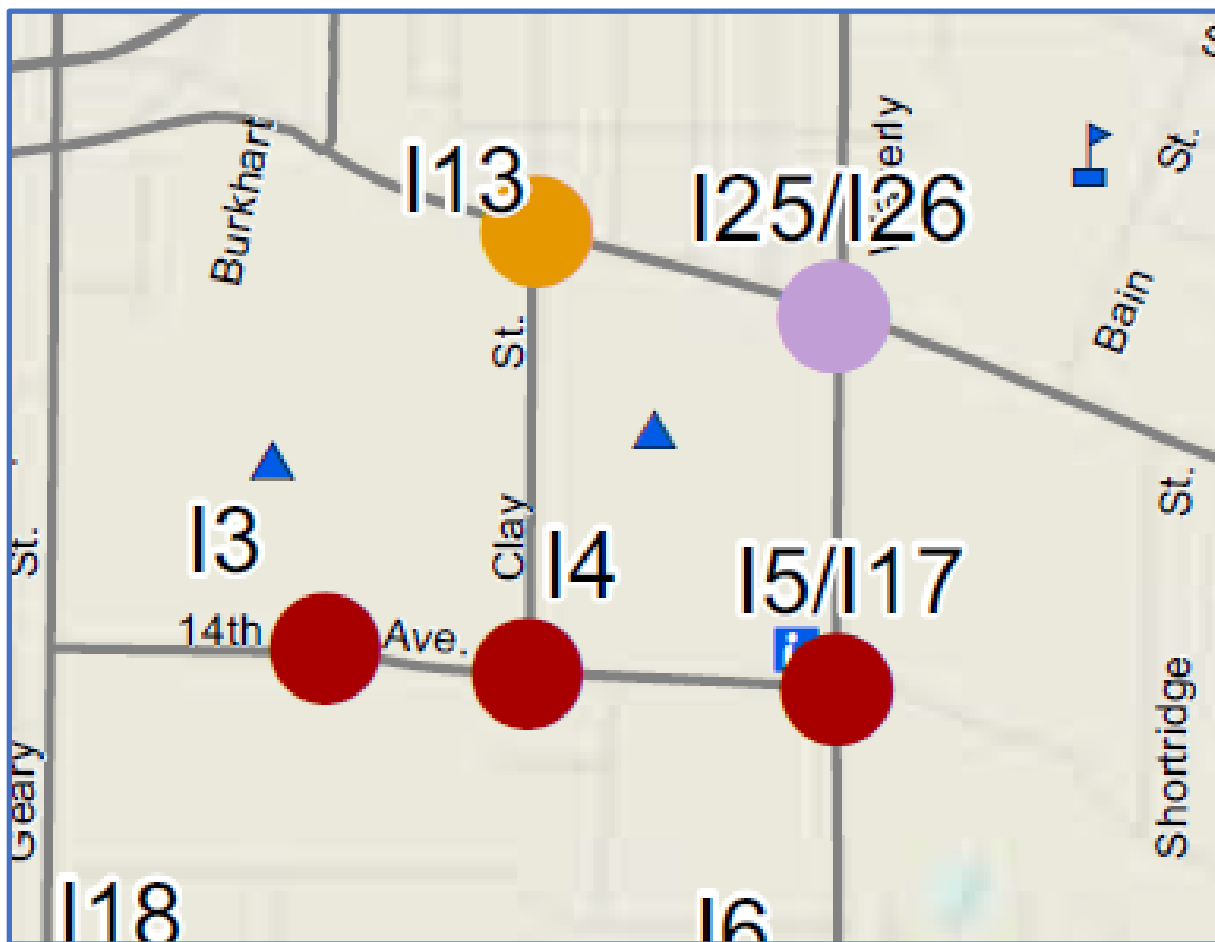
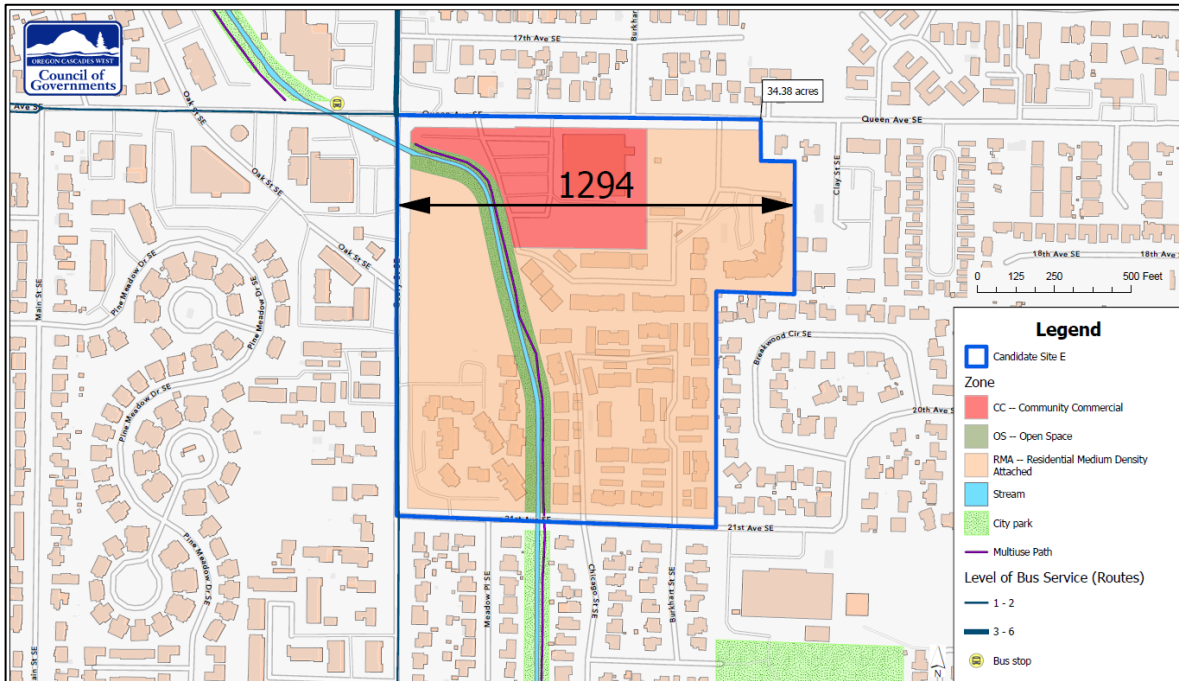


Figure 5. Bike &amp; pedestrian projects in vicinity of the CFA



## CFA Site E: Queen and Geary Secondary Climate Friendly Area

### 1. Climate Friendly Area Requirements, OAR 660-012-0310



#### 0310 Findings:

- 1.1 0310(1): This CFA is located within Albany's city limits.
- 1.2 (2)(f): CFA Site E complies with the 750-foot minimum dimensional requirement.
- 1.3 (2)(a) and (b): Secondary CFA Site E is in the center of the city, south of Albany's Primary and Secondary CFAs in Site D and north of Periwinkle Elementary School.
  - a. Site E was identified as a CFA due to existing dense residential development and vacant and redevelopable land to encourage employment, housing and services for residents in the area.
  - b. Key Destinations and Services: Periwinkle multi-use path, transit stops, services adjacent to the CFA, and storage units.
- 1.4 (2)(c): CFA Site E is served by high-quality pedestrian and bicycle facilities and transit. See Section 4 and the Transportation Multimodal Gap Summary that follows.
- 1.5 (3): Public utilities are available and sized to accommodate urban level development in this CFA.
- 1.6 (4): Presence of natural hazards (floods, steep slopes/landslides, wildfires): According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, CFA Site E does not contain any land in the floodplains. Periwinkle Creek runs through the CFA and is a significant riparian corridor. There are no steep slopes, and this area of the Willamette Valley is not near forested lands or resources subject to wildfires.
- 1.7 (4): The city will use an overlay zoning district to permit additional uses than permitted in the base zone, when necessary and to set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.

## 2. Designation of CFAs, OAR 660-012-0315

### 0315 Findings for Queen and Geary CFA Site E:

- 2.1 (2): The Downtown Albany CFA is proposed to be a Secondary CFA. Height allowances in the base zones range from 60 to 85 feet and were used to project development capacity.
- 2.2 (2): The Queen and Geary Site E is projected to have capacity to accommodate between 573 units (low estimate factoring for more parking) to 764 units, which represents between 6 to 9 percent of Albany's required capacity of 8,861 units by 2040.
- 2.3 (3): The Queen and Geary CFA is 34.4 total gross acres, 17.7 net acres.
- 2.4 (4 & 5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCD by the December 2023 deadline.
- 2.5 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.
- 2.6 (6)(b): Total existing dwelling units: 358 within CFA  
Total Accessible units: 149 plus 51  
Total income-restricted: 51 units (Clayton Meadows owned by Linn Benton Housing Authority).

### 0315(6)(d) Housing Production Strategies Findings:

- 2.7 Housing strategies and state requirements the city has implemented to encourage housing include:
  - a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.
- 2.8 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
  - a. Adopted: Allow lower cost housing types – The City increased flexibility for ADUs and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - b. Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.
  - c. Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the city now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).
  - d. With CFA Adoption: The CFA overlay district will enable ground level dwellings in a few commercial zone, where they are currently not permitted and in the CC zone where they are only permitted above or attached to ground level commercial uses.
  - e. With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - f. Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.

- 2.9 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes. The residential dwelling units located within the Queen and Geary CFA Site E include somewhat older units, with most being two-story apartments, with some three-story apartment buildings. A new apartment complex is under construction and is proposed to be three-story buildings.

The allowable height in the Secondary CFAs is less than the height allowance in the RM zone where apartment development exists. The oldest units, the Park apartments, were constructed in 1977 (76 units). It is possible that some of the buildings could be remodeled and increased in height to add more stories and units. Displacement is possible, but highly unlikely.

### **3. Land Use Requirements in CFAs, OAR 660-012-0320**

CFA zoning can support development consistent with OAR 660-012-0320.

#### 0320 Findings:

- 3.1 (2): Existing Zoning: Residential Medium Density Attached (RMA), Community Commercial (CC)
- 3.2 (2): Uses Permitted: In addition to the uses allowed in the base zones, ADC Article 14 specifies the additional uses that must be permitted per OAR 660-012-0320(2) which include some residential uses in the CC zone and some non-residential uses in the RMA zone.
- 3.3 (2): Per Article 14, the required permitted uses are either allowed outright or through clear and objective standards (Site Plan review). See ADC Article 14.
- 3.4 (3): The Queen and Geary CFA is 34.4 total gross acres, 16.4 net acres. The Queen and Geary CFA is being designated as a Secondary CFA.
- 3.5 (4): Government facilities and amenities such as parks and plazas are permitted in the CFA overlay district.
- 3.6 (4): Periwinkle path runs through this CFA. The CFA is also served by transit.
- 3.7 (5): The City is adding maximum block length standards in accordance with OAR 660-012-0320(5) to ADC Article 14, CFA Overlay Districts.
- 3.8 (6): Minimum and Maximum Density. The RMA zone has a maximum density requirement of 35 units/acre which is being removed with a package of housing-related code amendments expected to be adopted February 12, 2025.
- 3.9 (8): Minimum Density Requirements Established. ADC Article 14 standards require developments within the Secondary CFA to have a minimum density of 15 units a net acre. The housing-related code amendments include a proposal to add a minimum density of 20 units/acre in the RMA zone.
- 3.10 (8): Building Height Allowance by zone. RMA- 60 feet, CC - 50 feet. The Secondary CFA overlay zoning district allows heights up to 50 feet. The base zones already meet the minimum height allowances.
- 3.11 (7): The multimodal gap summary is provided in Section 4 and Highway Impact Summary is attached to these findings.
- 3.12 (7): The "0330 walkable design standards" audit of Albany's development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC "0330", such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.
- 3.13 (7): Albany's development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The city does not require parking and established maximum parking standards in Section 9.020. The City updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.

3.14 (7): ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

##### 0325 Findings:

4.1 Summary of the existing multimodal transportation network in the Geary and Queen CFA Site E:

Streets: CFA Site E is at the southeast intersection of Queen Avenue and Geary Street, with Queen serving as the northern boundary, Geary as the western boundary and 21st Avenue SE as the southern boundary. \*\*No highways run through this CFA so there is no Highway Impact Summary.

Rail: There are no railroad lines in this CFA.

Freight: This CFA is not on a freight route identified in the Oregon Highway Plan.

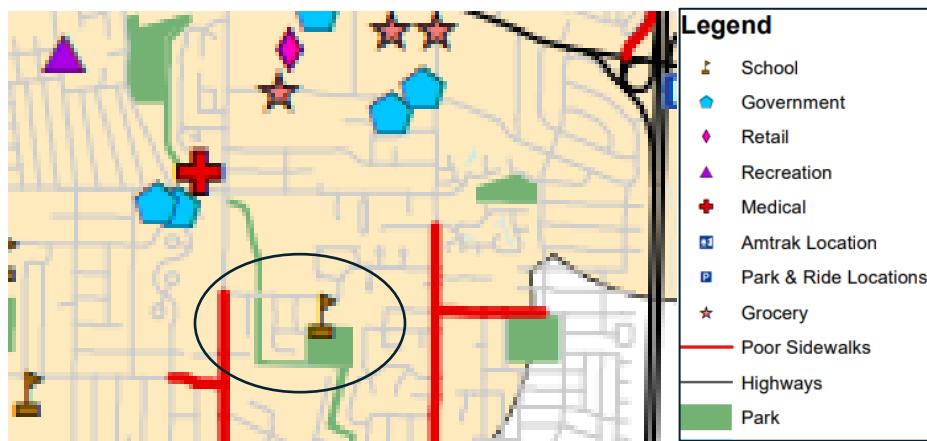
4.2 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:

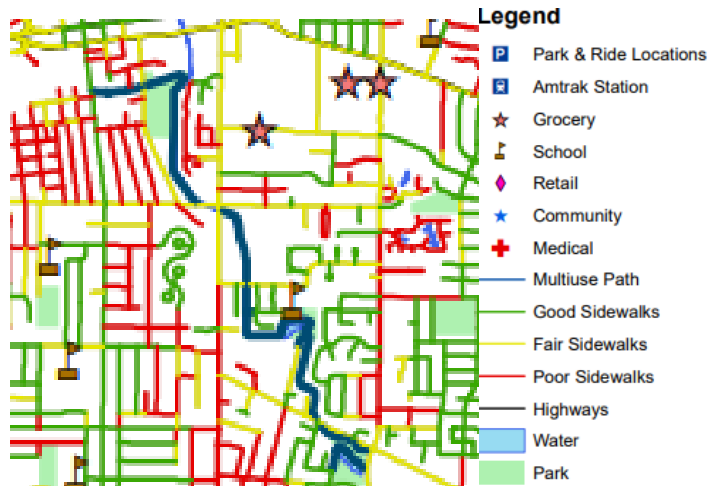
- [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
- Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
- AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
- [Albany Transit System Implementation Strategy](#) and Maps
- 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
- [2010 Transportation Systems Plan](#) (2010 TSP)

4.3 Multimodal Gaps: The 2023 RTP does not identify any projects within the Queen and Geary CFA Site E boundary that are needed to fill identified multimodal network gaps.

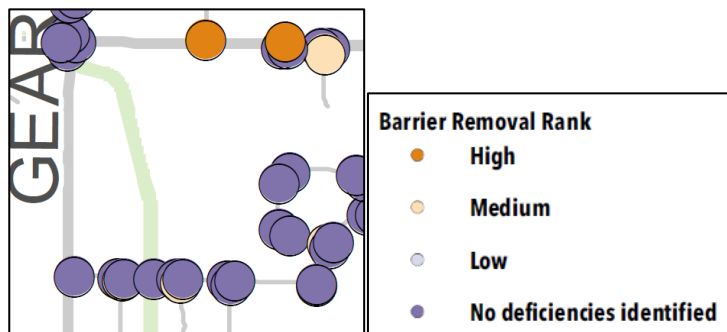
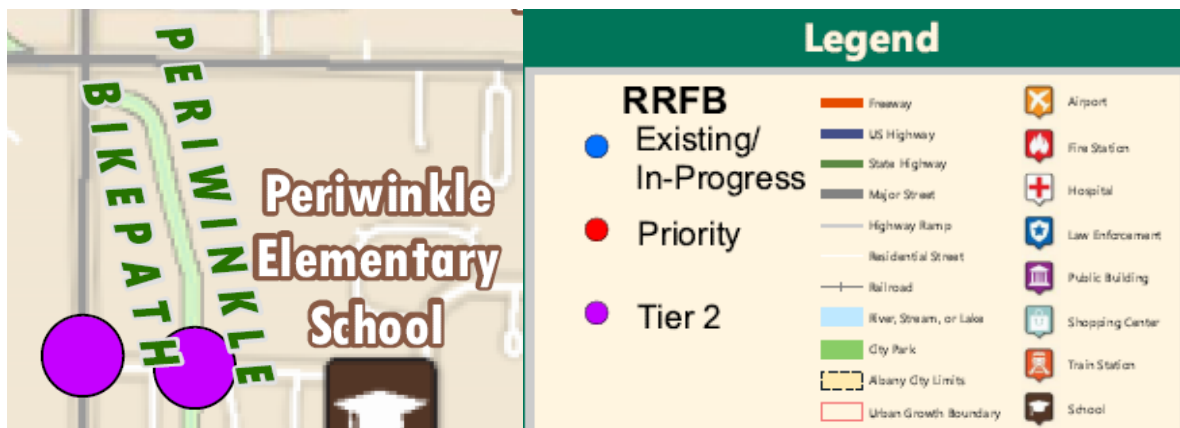
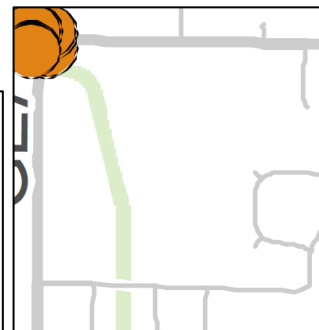
4.4 Gaps in the pedestrian network/sidewalk condition per AAMPO 2020 MMNC. The following maps indicate sidewalks and street crossings are generally in good condition in the Queen and Geary CFA.

**Map 5: Regional Community Destinations with Poor Sidewalk Segments**



**Map 9: Albany Area Neighborhood Sidewalk Rating:**

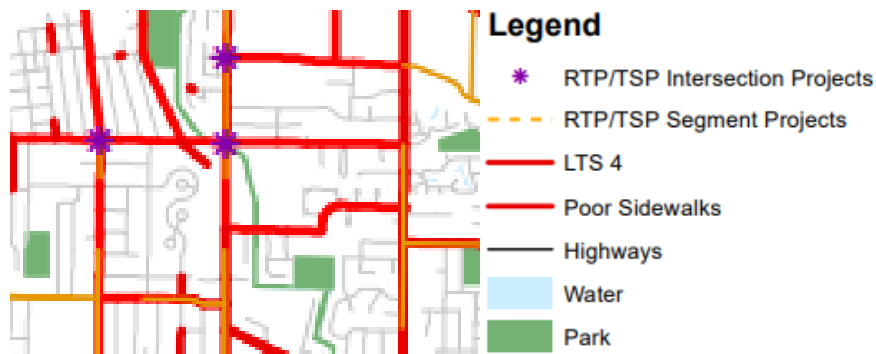
- 4.5 Pedestrian Access Barrier Removal Projects, Crosswalks, pushbuttons, and Rectangular Rapid Flashing Beacons (RRFBs): According to the ADA Plan, the crosswalks in this CFA have no deficiencies or barriers that need to be removed to be ADA accessible. Pushbuttons are needed at the Queen Avenue and Geary Street intersection. Rectangular Rapid Flashing Beacon (RRFB) Pedestrian Crossings are identified as Tier 2 projects in the Queen and Geary CFA in the maps below.

**Crosswalks:****Pushbuttons:**

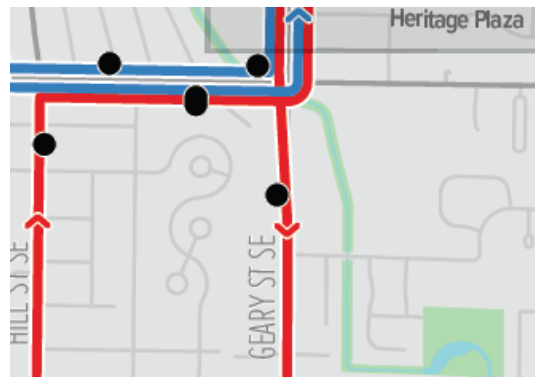
- 4.6 Bicycle networks and conditions. Both Queen Avenue and Geary Street contain dedicated bike lanes. Per the 2020 MMNC, Level of Stress (LTS) refers to bicycle facilities interaction with traffic. LTS 4 (Red) indicates locations where cyclists may interact with higher speed traffic or close proximity to high-speed traffic, which

only “strong and fearless” riders are willing to bike. Map 8 that follows indicates Queen and Geary Street are rated LTS 4 within this Secondary CFA. TSP and RTP intersection and segment projects are identified at the Queen and Geary intersection.

**Map 8: Regional LTS 4 and Poor Sidewalk Segments with RTP Projects**



- 4.7 Transit network – This area is served by one of Albany’s four transit lines and another line and transfer stop are across the intersection of Queen and Geary streets.



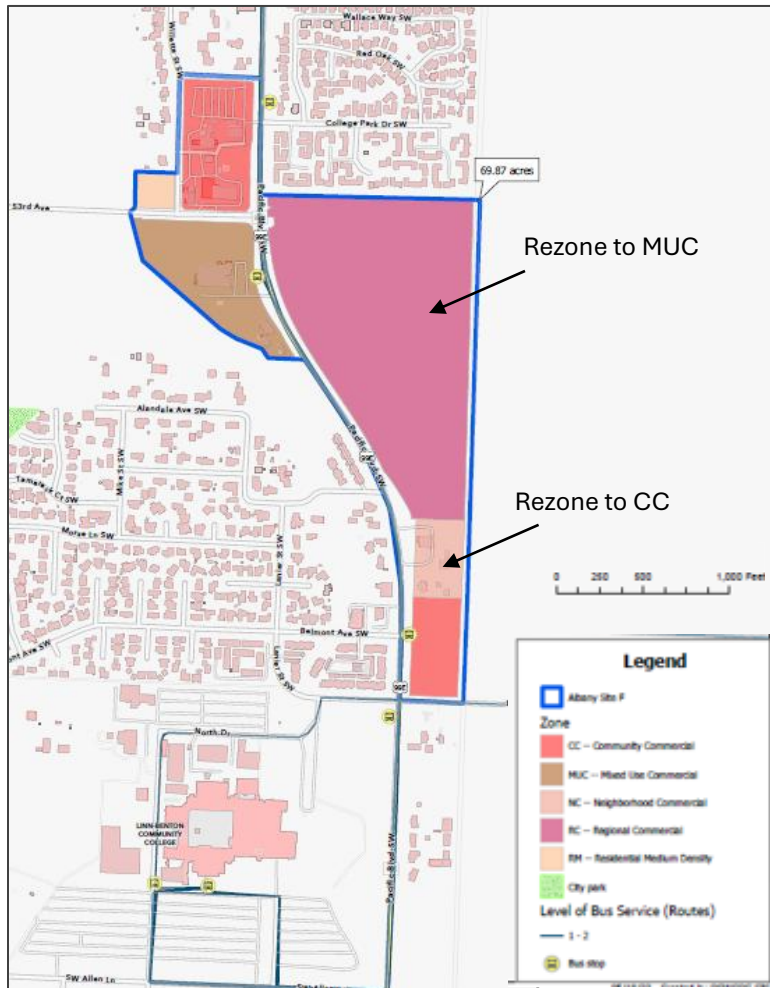
- 4.8 Projects identified to fill identified multimodal network gaps (in the existing TSP and ADA Plan).
- Intersection Improvements: 2010 TSP projects I8 and I9 are partially completed – the signal timing part of both projects is complete.
  - The Highway 20 Corridor and Downtown Refinement Plan study of the bridge capacity, corridor and intersection needs is complete.
  - The bike/ped path along the existing railroad ROW north of the CFA, project M5, is not complete.
- 4.9 Future Transportation Planning Processes. AAMPO will be looking into what planning options the MPO has for encouraging improved bicycle/pedestrian networks within the AAMPO region along Federal Functional Class (FFC) roads in a future RTP update (tentatively scheduled for 2026). The MPO is looking at these areas specifically as MPO STBG/SHF money is limited to work along FFC roads. The city will be updating the 2010 TSP in 2025 and 2026 to identify current and future needs for all transportation modes and systems.

2023 AERIAL PHOTO:



## CFA Site F: South Albany Secondary CFA, 99E and 53rd Avenue

### 1. Climate Friendly Area Requirements, OAR 660-012-0310



#### 0310 Findings:

- 1.1 0310(1): This Secondary CFA is located within Albany's city limits.
- 1.2 (2)(f): The width and depth of CFA Site F complies with the 750-foot minimum dimensional requirement in OAR 660-012-0310(2)(f).
- 1.3 (2)(a) and (b): The South Albany Secondary CFA Site F is in the southwestern part of the city close to Linn Benton Community College and Target distribution center. Most of the CFA is between Oregon 99E (ODOT Highway No. 58) and the Union Pacific rail line on the east. The area of the CFA west of 99E straddles 53rd Avenue, which is planned to eventually cross 99E when the large RC zoned property develops.
  - a. This area was identified as a CFA due to the large amount of vacant land in an area where a grocery store and more housing and services are desired near existing employment centers and neighborhoods. The area has entertainment and commercial uses and contains a large 36-acre property zoned Regional Commercial. The area east of Highway Oregon 99E is part of the South Albany Area Plan. OAR 660-012-0310(2)(b).
  - b. Key Destinations and Services: Linn Benton Community College, entertainment, and transit stops.
- 1.4 (2)(c): The CFA is served by one of Albany's transit lines and the Linn Benton Loop bus. The area is or is planned to be served by high quality bicycle and pedestrian facilities. See Section 4, Transportation Multimodal Gap Summary that follows.

- 1.5 (3): Public utilities are available and sized to accommodate urban level development in this CFA.
- 1.6 (4): Presence of natural hazards (floods, steep slopes/landslides, wildfires): According to Albany's significant natural resource overlay districts and the FEMA Floodplain maps, CFA Site E does not contain any land in the floodplains. Periwinkle Creek runs through the CFA and is a significant riparian corridor. There are no steep slopes and this area of the Willamette Valley is not near forested lands or resources subject to wildfires.
- 1.7 (4): The city will use an overlay zoning district to permit additional uses than permitted in the base zone, when necessary and to set minimum densities and allowable heights to support development consistent with the land use requirements in -0320. See Albany Development Code (ADC) Article 14.

## 2. CFA Designation, OAR 660-012-0315

### 0315 Findings:

- 2.1 (2): The South Albany CFA is proposed to be a Secondary CFA. Height allowances in the base zones range from 30 to 85 feet. A height of 50 feet was used to project development capacity in the NC zone.
- 2.2 (2): The South Albany CFA Site F is projected to have capacity to accommodate between 1,357 units (low estimate factoring for more parking) to 1,809 units, which represents between 16 to 20 percent of Albany's required capacity of 8,861 units by 2040.
- 2.3 (3): The South Albany CFA is 69.9 total gross acres, 27.8 net acres.
- 2.4 (4&5): Albany's Study of Potential Climate Friendly Areas and Anti Displacement Analysis was submitted to DLCDD by the December 2023 deadline.
- 2.5 (6)(a): The CFA overlay districts are identified on the Zoning Map and Albany Comprehensive Plan Map and a map of the CFAs is included in the Comprehensive Plan.
- 2.6 (6)(b): Total existing dwelling units: 2 within CFA  
Total Accessible units: 2  
Total income-restricted: None

### 0315(6)(d) Housing Production Strategies Findings:

- 2.7 Housing strategies and state requirements the City has implemented to encourage housing include:
  - a. Increased height and lot coverage allowances for accessible and/or affordable housing.
  - b. Removed maximum densities.
  - c. Removed minimum area requirements for multiple dwelling unit developments, which was an obstacle to development.
  - d. Reduced the amount of private open space required for multiple dwelling units, and additional allowance for affordable housing developments.
  - e. Reduced front yard setbacks.
- 2.8 The following housing strategies that are identified as having a direct or indirect impact on displacement are adopted or proposed with the CFA adoption.
  - a. Adopted: Allow lower cost housing types – The City increased flexibility for ADUs and cottage clusters and allows single-room occupancy (SRO) units, which can be a lower cost housing type, are permitted outright in all zones that allow housing. SRO units can be sited flexibly as multiple dwelling units or as a single unit (attached or detached).
  - b. Adopted: Increased height and lot coverage allowances for accessible and/or affordable housing.
  - c. Adopted: Incentivize tiny homes and cottages by reducing lot sizes for houses under 1250 square feet and further reduce for houses less than 800 square feet. Additionally, the city now allows more cottages outright on lots when the cottages are 800 square feet or less, increasing the maximum number of cottages from 8 per lot to between 10 to 16, depending on the base zone).

- d. With CFA Adoption: The CFA overlay district will enable ground level dwellings in the RC zone, where they are currently not permitted and in the CC zone where they are only permitted above or attached to ground level commercial uses.
  - e. With CFA Adoption: Allow Townhouses where they are currently not permitted in the standard commercial base zones.
  - f. Existing tax abatement: The Albany City Council adopted the tax abatement provisions in ORS 307.540-547 for low-income rental properties in 1993. The program requires annual renewal. Proposed: The city council is currently considering the Low-Income Rental Property Tax Exemption program in ORS 307.515-535, which would provide a 20-year tax abatement for low-income rental housing and the Multiple Unit Property Tax Exemption for residential development close to transit.
- 2.9 Displacement Assessment: Based on a market analysis conducted to determine the feasibility of development within Albany's proposed CFAs, the analysis concluded that five or more story developments are unlikely to be built in current market conditions and building codes. There are two single dwelling units in the CFA. One is owner occupied, and the owner is interested in mixed uses. The other is rented. Both are likely to redevelop.

### 3. Land Use Requirements in CFAs per OAR 660-012-0320

CFA zoning can support development consistent with OAR 660-012-0320.

#### 0320 Findings:

- 3.1 (2): Existing Zoning in the South Albany CFA is Mixed Use Commercial (MUC), Regional Commercial (RC), Community Commercial (CC), Neighborhood Commercial (NC), and Residential Medium Density (RM). The City is proposing to rezone the NC-zoned properties to CC and the RC-zoned property to MUC so that the base zones are more compatible with compact mixed use developments.
- 3.2 (2): Uses Permitted in the CFA. In addition to the uses allowed in the base zones, ADC Article 14 specifies the additional uses that must be permitted per OAR 660-012-0320(2) which include some residential uses in the CC zone. MUC allows the required permitted uses.
- 3.3 (2): Per Article 14, the required permitted uses are either allowed outright or through clear and objective standards (Site Plan review). See ADC Article 14.
- 3.4 (4): Government facilities and amenities such as parks and plazas are permitted in the CFA overlay district. This CFA is near Linn Benton Community College.
- 3.5 (5): The city is adding maximum block length standards in accordance with OAR 660-012-0320(5) to ADC Article 14.
- 3.6 (6): Minimum and Maximum Density. The MUC zone has a minimum density of 10 units an acre. The RM zone has a maximum density of 25 units an acre; however, this standard is proposed to be removed and adopted February 12, 2025.
- 3.7 (8): Minimum Density Requirements Established. ADC Article 14 standards require developments within the Secondary CFA to have a minimum density of 15 units a net acre.
- 3.8 (8): Building Height Allowances by zone. MUC – 85 feet, RC – none, CC - 50 feet, NC – 30 feet, RM - 45 feet. The Secondary CFA overlay zoning district allows heights up to 50 feet. The MUC and RC zones allow taller heights. The RM and NC zone height allowance will be 50 feet. (Note: the city is proposing to rezone the NC properties to CC, if owners consent.)
- 3.9 (7): South Albany CFA Site F is served by pedestrian, bicycle and transit services. See Section 4, the Transportation Multimodal Gap Summary that follows.
- 3.10 (7): The “0330 walkable design standards” audit of Albany's development code found that the ADC complies with most of the requirements in-0330. Amendments proposed to the ADC include some recommended amendments identified in the ADC “0330”, such as requiring safe and convenient pedestrian access and connectivity within developments, transit stops, and key destinations.

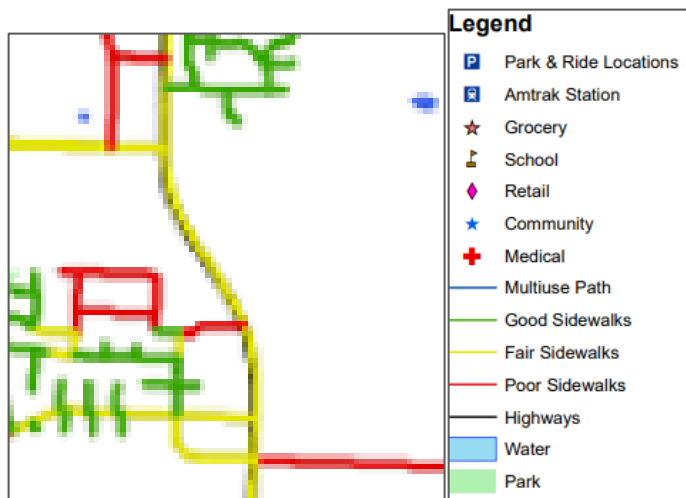
- 3.11 (7): Albany's development standards comply with applicable vehicle and bicycle parking standards in accordance with Division 12-0435 and -0630. See Article 9, On-Site Development Standards, Sections 9.020 and 9.030. The city does not require parking and established maximum parking standards in Section 9.020. The city updated bicycle parking standards in 9.030 to require multiple dwelling unit developments to provide at least 0.5 covered bicycle parking spaces per dwelling and requires half of required spaces in non-residential development to be covered.
- 3.12 (7): ADC Section 9.130 provides standards for larger parking lots in compliance with 660-012-0405 (4).

#### 4. Transportation Multimodal Gap Summary, OAR 660-012-0325

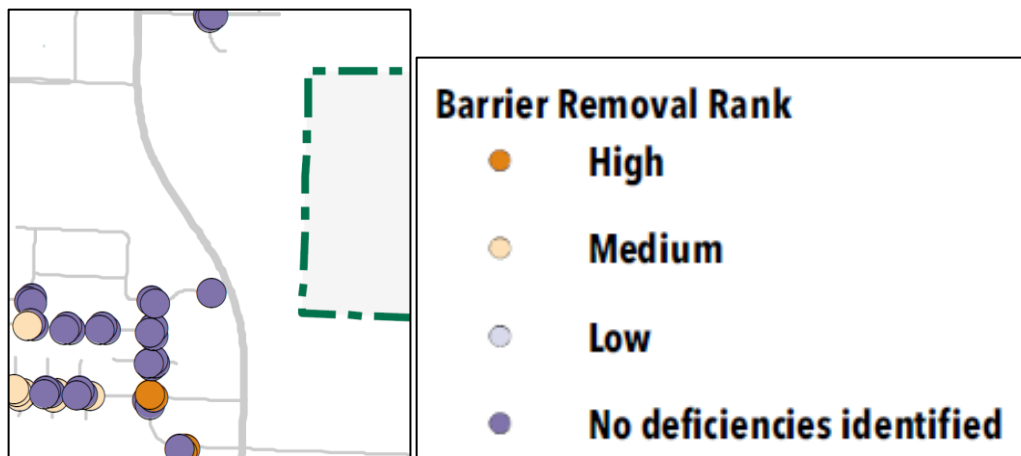
##### 0325 Findings:

- 4.1 Summary of the existing multimodal transportation network in the South Albany CFA Site F:
- Highways: The South Albany CFA site F runs along both sides of Oregon 99E (ODOT Highway No. 58) and the Union Pacific rail line on the east. The CFA is in the south part of the city, south of Oak Creek in a large remaining undeveloped area of the city. Fifty-third Avenue runs west of 99E.
- Rail: The Union Pacific rail line forms much of the east edge of the CFA with an at-grade rail crossing at Ellingson Road.
- Freight: Highway OR 99E is identified as a reduction review route in the Oregon Highway Plan.
- 4.2 Multimodal system conditions: The following plans and maps, as well as aerial photography, were consulted to assess systems conditions:
- [2022 Albany ADA Self-Evaluation and Transition Plan](#) in the Right-of Way (ADA Plan)
  - Albany Area Metropolitan Planning Organization (AAMPO) 2020 [Multimodal Network Connectivity Report](#), Pilot Implementation of FHWA's Guidebook on Multimodal Network Connectivity (2020 MMNC)
  - AAMPO 2023 [Regional Transportation Plan](#) and Transportation Improvement Plan (2023 RTP)
  - [Albany Transit System Implementation Strategy](#) and Maps
  - 2024 US 20 Albany Study – Implementation Plan (US 20 Plan)
  - [2010 Transportation Systems Plan](#) (2010 TSP)
- 4.3 Multimodal Gaps: The 2023 RTP does not identify any projects within the South Albany 99E and 53rd Avenue CFA Site F boundary that are needed to fill identified multimodal network gaps.

- 4.4 GAPS in the pedestrian network/sidewalk condition per AAMPO 2020 MMNC. The following maps indicate sidewalks and street crossings are in generally good condition in the South Albany 99E and 53rd CFA.

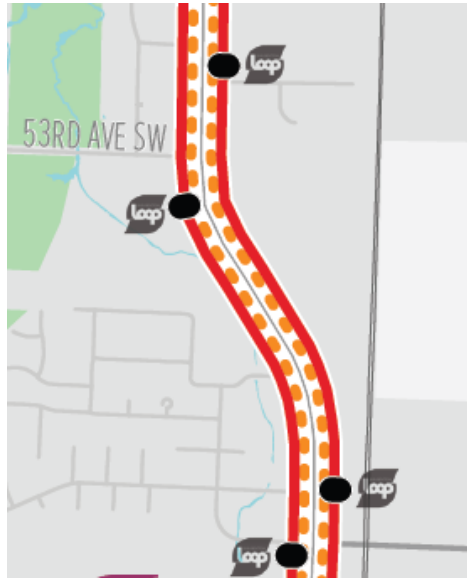


- 4.5 Pedestrian Access Barrier Removal Projects, Crosswalks: According to the ADA Plan, the crosswalks in this CFA have no deficiencies or barriers that need to be removed to be ADA accessible. No Rectangular Rapid Flashing Beacon (RFB) Pedestrian Crossings exist or are planned in the South Albany CFA. The traffic signal at 53rd Avenue provides a pedestrian crossing of 99E.



- 4.6 Pedestrian Access Barrier Removal Projects, Curb Ramps and Sidewalks: According to the 2020 ADA Plan, a few curb ramps and sidewalk sections in and near the CFA with medium priority barriers that need to be removed to be ADA accessible. This CFA is largely undeveloped east of Highway 99E.
- 4.7 Bicycle networks –The South Albany CFA straddles Oregon Highway 99E. While 99E contains bike lanes, speeds are high on the highway. Per the 2020 MMNC, Level of Stress (LTS) refers to the level bicycle facilities interact with traffic. LTS 4 (Red) indicates locations where cyclists may interact with higher speed traffic or close proximity to high-speed traffic, which only “strong and fearless” riders are willing to bike. The MMNC didn’t include this section of city, but due to the speed of traffic on 99E, one can assume that the bike lanes are rated LTS 4 within this Secondary CFA.

- 4.8 Transit network – This area is served by one of Albany’s four transit lines and the Linn Benton Loop. There are long-term plans to add additional stops in this CFA.



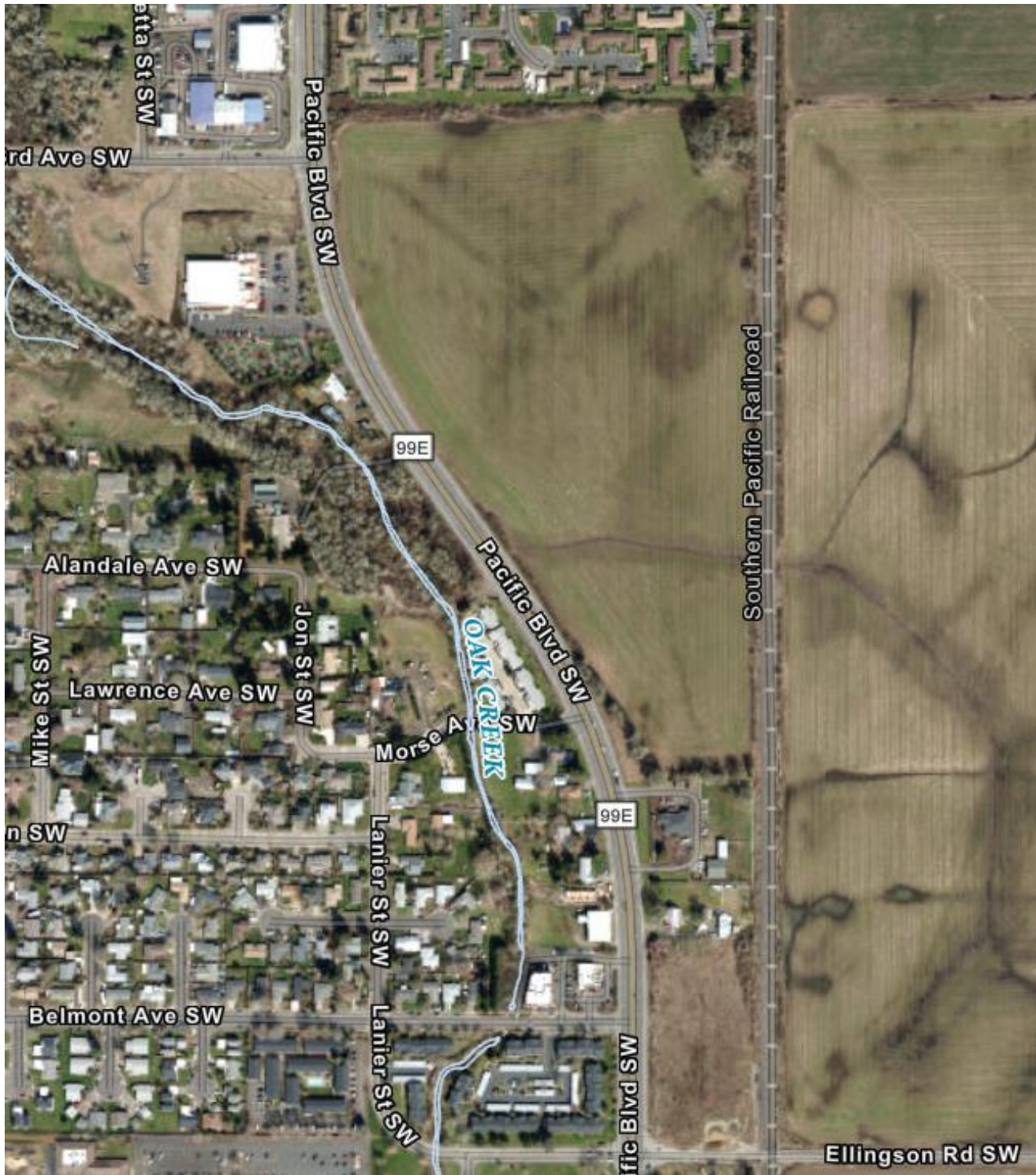
- 4.9 No projects were identified in the 2010 TSP to fill identified multimodal network gaps.
- 4.10 The Highway Impact Summary report is attached.
- 4.11 Future Transportation Planning Processes. AAMPO will be looking into what planning options the MPO has for encouraging improved bicycle/pedestrian networks within the AAMPO region along Federal Functional Class (FFC) roads in a future RTP update (tentatively scheduled for 2026). The MPO is looking at these areas specifically as MPO STBG/SHF money is limited to work along FFC roads. The City will be updating the 2010 TSP in 2025 and 2026 to identify current and future needs for all transportation modes and systems.

## 2023 AERIAL PHOTOS:

53rd and 99E intersection



Entire CFA:



## Highway Impacts Summary: City of Albany Climate-Friendly Area Site F

### Planning Context

#### Location Description

This climate-friendly area (CFA) is in south Albany. The core of the CFA is between OR 99E (ODOT Highway No. 58) and the Union Pacific Rail Line between the College Park Drive neighborhood and Ellingson Road. An additional segment is west of the highway between the creek flowing northwest to Teloh Calapooia Park and 49<sup>th</sup> Avenue, mostly east of Willetta Street.

#### CFA Acreage

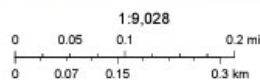
69.9 gross acres; 24.9 net acres

Figure 1. Albany CFA Site F



10/3/2024, 9:01:48 AM

- Site\_F
- Highway Network
- City Limits



Esri Community Maps Contributors, City of Albany, County of Benton, County of Linn, Oregon State Parks, State of Oregon DES, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI, NASA, USGS, Bureau of Land Management, EPA, NPS, US Census Bureau, USDA, USFWS, GeoTerra, Mazar

Highway Impacts Summary Trigger  
Highway OR 99E traverses the CFA.

Key Destinations and Services  
Linn Benton Community College, transit stops, and entertainment

Existing Land Uses  
Vacant land and commercial uses

Rail Crossings within 500 ft of the CFA  
The Union Pacific Rail Line forms much of the eastern boundary of the CFA, with an at-grade crossing at Ellingson Road.

Figure 2. At-Grade Rail Crossing at Intersection of Ellingson Road, east of OR 99E



Source: Google Street View, Image capture Oct. 2024

Freight Routes  
Highway OR 99E, which traverses the CFA, is an identified as a reduction review route in the Oregon Highway Plan.

## Land Use Changes

### Existing and Proposed Zoning

- Mixed Use Commercial (MUC), Community Commercial (CC), Regional Commercial (RC), Neighborhood Commercial (NC), and Residential Medium Density (RM)

### Proposed Zoning

- No Change: MUC, CC, RC, NC, RM

### Existing and Proposed Allowed Building Height by Land Use Zone

Site F is a primary CFA where maximum heights may not be less than 85 feet.

- Existing: MUC 50 feet, Proposed: 85 feet
- Existing: CC 50 feet, Proposed: 50 feet
- Existing: RC none, Proposed: 85 feet
- Existing: NC 30 feet, Proposed: 50 feet
- Existing: RM 45 feet, Proposed 50 feet

### Proposed Land Use Regulations Changes

1. The RM zone does not allow single-use commercial or office development. Update to allow single-use office, and commercial development.
2. The RM zone does not allow mixed-use development. Update to allow mixed-use development outright.
3. The CC and NC zones only allow multi-dwelling residential above or attached to a business. Evaluate whether to allow multi-dwelling units in a stand-alone building.
4. The RC zone does not allow multi-dwelling residential. At a minimum, update to allow multi-dwelling residential above businesses.
5. The CC and RC zones do not allow attached single-unit dwellings (townhomes). Amend Code to allow Single Attached Dwellings.
6. The RM zone does not allow non-auto dependent retail, services, and other commercial uses. Update to allow non-auto dependent retail, services and other commercial uses.
7. The RM zone does not allow office type uses. Update to allow office type uses.
8. The RC, NC, RM zones require a conditional use permit or do not allow childcare. Update to allow childcare (daycare).
9. Existing zones require a conditional use permit or do not allow educational facilities (schools). Update to allow educational facilities outright.
10. The MUC, CC, RC, NC, and RM zones do not allow community facilities outright. Update to allow public-serving government facilities outright.
11. Adopt a minimum Floor Area Ratio of 2.0 for mixed used buildings or the minimum residential density requirement.

12. The allowed building height must be 85 feet for a primary CFA and 50 feet for secondary CFA.
13. Reduce block length standards to meet CFA requirements. The current code has a block length standard where the average block length shall not exceed 600 feet. Development sites smaller than 5.5 acres would have a maximum block length of 500 feet or less and sites exceeding 5.5 acres would have a maximum block length of 350 feet or less.

Estimated Existing Dwelling Units

2 single family dwellings

Projected Housing Capacity

The project housing capacity is expected to increase from 2 to at least 1,356 dwelling units due to the new zoning that increases allowances and opportunities for redevelopment.

- Low – 1,356 units
- High – 1,763 units (estimate used in this analysis)

## Development Capacity

Table 1. Existing Development Capacity (sq ft)

| Land Use Zone                   | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|---------------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Mixed Use Commercial (MUC)      | 4.40                         | 191,664                      | 0.2                                    | 153,331                    | 50                      | 4                        | 613,325                      | 0.1%                               | 612,425                                             |
| Community Commercial (CC)       | 4.00                         | 174,240                      | 0.2                                    | 139,392                    | 50                      | 4                        | 557,568                      | 0.0%                               | 557,568                                             |
| Regional Commercial (RC)        | 12.99                        | 565,895                      | 0.2                                    | 452,716                    | 85                      | 7                        | 3,169,012                    | 0.0%                               | 3,169,012                                           |
| Neighborhood Commercial (NC)    | 2.90                         | 126,324                      | 0.2                                    | 101,059                    | 30                      | 2                        | 202,118                      | 0.5%                               | 201,218                                             |
| Residential Medium Density (RM) | 0.60                         | 26,136                       | 0.2                                    | 20,909                     | 45                      | 3                        | 62,726                       | 0.0%                               | 62,726                                              |

Table 2. Proposed Development Capacity (sq ft)

| Land Use Zone                   | Net Developable Area (acres) | Net Developable Area (sq ft) | Development Standards Reduction Factor | Total Net Developable Area | Allowed Building Height | Maximum Number of Floors | Development Capacity (Sq ft) | Percent Residential Dwelling Units | Development Capacity without Dwelling Units (sq ft) |
|---------------------------------|------------------------------|------------------------------|----------------------------------------|----------------------------|-------------------------|--------------------------|------------------------------|------------------------------------|-----------------------------------------------------|
| Mixed Use Commercial (MUC)      | 4.40                         | 191,664                      | 0.2                                    | 153,331                    | 85                      | 7                        | 1,073,318                    | 30%                                | 751,118                                             |
| Community Commercial (CC)       | 4.00                         | 174,240                      | 0.2                                    | 139,392                    | 50                      | 4                        | 557,568                      | 30%                                | 390,168                                             |
| Regional Commercial (RC)        | 12.99                        | 565,895                      | 0.2                                    | 452,716                    | 85                      | 7                        | 3,169,012                    | 30%                                | 2,218,612                                           |
| Neighborhood Commercial (NC)    | 2.90                         | 126,324                      | 0.2                                    | 101,059                    | 50                      | 4                        | 404,237                      | 30%                                | 282,737                                             |
| Residential Medium Density (RM) | 0.60                         | 26,136                       | 0.2                                    | 20,909                     | 50                      | 4                        | 83,635                       | 30%                                | 58,435                                              |

## Motor Vehicle Trip Generation

Table 3. Existing Trip Generation (weekday average daily trips)

| Land Use Zone       | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                               | Average Daily Trip Generation Rate | Average Daily Trips |
|---------------------|------------|----------------------------------------------------------|----------------------------------------|------------------------------------|---------------------|
| CC, MUC, NC, RC, RM | 25%        | 1,150,737                                                | 820 Shopping Center                    | 37.01                              | 42,589              |
|                     | 25%        | 1,150,737                                                | 822 Strip Retail Plaza (<40k)          | 54.45                              | 62,658              |
|                     | 50%        | 2,301,475                                                | 813 Free-Standing Discount             | 50.52                              | 116,270             |
| Residential         |            | 2                                                        | 210 Single-family detached residential | 9.43                               | 19                  |
| <b>Total</b>        |            |                                                          |                                        |                                    | <b>221,536</b>      |

Table 4. Proposed Trip Generation (weekday average daily trips)

| Land Use Zone       | Percentage | Development Capacity (sq ft) or Number of Dwelling Units | ITE Code                                                     | Average Daily Trip Generation Rate | Average Daily Trips with 10% Internal Capture Reduction |
|---------------------|------------|----------------------------------------------------------|--------------------------------------------------------------|------------------------------------|---------------------------------------------------------|
| CC, MUC, NC, RC, RM | 25%        | 925,268                                                  | 820 Shopping Center                                          | 37.01                              | 34,244                                                  |
|                     | 25%        | 925,268                                                  | 822 Strip Retail Plaza (<40k)                                | 54.45                              | 50,381                                                  |
|                     | 50%        | 1,850,535                                                | 813 Free-Standing Discount                                   | 50.52                              | 93,489                                                  |
| Residential         |            | 1,763                                                    | 221 Multifamily Housing (Mid-Rise) Not Close to Rail Transit | 4.54                               | 7,204                                                   |
| <b>Total</b>        |            |                                                          |                                                              |                                    | <b>185,318</b>                                          |

Table 5. Difference Between Existing and Proposed Trip Generation (weekday average daily trips)

| Existing Average Daily Trips | Proposed Average Daily Trips | Difference in Average Daily Trips | Percent Change |
|------------------------------|------------------------------|-----------------------------------|----------------|
| 221,536                      | 185,318                      | (36,218)                          | (16%)          |

The lower non-residential development capacity in combination with the internal capture of proposed trips results in 16% less trip generation in the long term. A higher percentage of trips in the future may take place internal to the CFA due to improved accessibility of destinations by walking, biking, and transit.

## Safety

Within the past five years of reported data (between January 1, 2016 and December 31, 2021), there have been two fatal crashes along Ellingson Road and a serious injury crash at OR 99E/53<sup>rd</sup> Avenue along the boundary of the CFA.

### Fatal & Serious Injury Crashes

Figure 3. Fatal and Serious Injury Crashes, 2016-2021



10/3/2024, 10:22:20 AM

Site\_F  
Crashes 2016 - 2021  
● Serious Injury  
● Fatal  
— Highway Network  
— City Limits

1:9,028  
0 0.05 0.1 0.2 mi  
0 0.07 0.15 0.3 km

Oregon Department of Transportation, Geographic Information Services Unit

Table 6. Fatal &amp; Serious Injury Crashes in the CFA, 2016-2021

| <b>Date &amp; Hour</b> | <b>Location</b>                  | <b>Crash Type</b>                 | <b>Collision Type</b> | <b>Weather &amp; Condition</b> | <b>Traffic Control Device</b>       | <b>Crash Cause(s)</b>                                                                          | <b>Highest Injury Severity</b> |
|------------------------|----------------------------------|-----------------------------------|-----------------------|--------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------|--------------------------------|
| 3/19/2017, 2:00 PM     | OR 99E & 53 <sup>rd</sup> Avenue | From same direction – one stopped | Rear-end              | Clear & dry                    | Traffic signal                      | Failed to avoid vehicle ahead                                                                  | Suspected serious injury (A)   |
| 10/15/2020, 2:00 PM    | Ellingson Road                   | Railway train                     | Angle                 | Clear & dry                    | Flashing lights with drop-arm gates | Disregarded other traffic control device, train struck vehicle, at or on railroad right-of-way | Fatal injury (K)               |
| 6/13/2022, 12:00 PM    | OR 99E & Ellingson Road          | Entering at angle – all others    | Turning movement      | Clear & dry                    | Traffic signal                      | Disregarded traffic signal                                                                     | Fatal injury (K)               |

#### Safety Priority Index System (SPIS)

The CFA does not include any SPIS sites during the previous 5 reporting years.

#### Safety Narrative

As a largely undeveloped area, crashes occurred only along busier highway OR 99E Highway and Ellingson Road. Both fatal crashes occurred on Ellingson Road with one involving a train on the Union Pacific Railroad.

#### Financially Constrained Projects

The Albany TSP (2010) lists projects as short-, medium-, and long-term. The assumed financially constrained project list would be based on short-term and medium-term projects but none are present in the project area.