

ORDINANCE NO. 5446

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY. (File No. DC-01-00)

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions; and

WHEREAS, the Planning Commission held a public hearing on April 24, 2000 as required by local and state law; and

WHEREAS, the Planning Commission recommended approval of the proposed changes based on evidence presented in the staff report and evidence presented at the public hearing for Planning Division Case File No. DC-01-00; and

WHEREAS, the Albany City Council has caused notice to be given as required by law and held a public hearing on May 10, 2000 concerning the proposed Development Code text amendments; and

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

Section 1: The Albany Development Code is hereby amended as shown on the attached Exhibits A, B, C, D, E, F, G, H and I as summarized for the articles listed below:

- (a) DC-01-00 (A): Article 1 (Administration and Procedures) (Exhibit A); to bring this article into conformance with wording in state law and to clarify other administrative procedures.
- (b) DC-01-00 (B): Article 2 (Review Criteria) (Exhibit B); to change the procedure for the review on Conditional Uses from a Type II to a Type III so that the decision will be by the Planning Commission rather than staff.
- (c) DC-01-00 (C): Article 3 (Administration and Procedures) and Article 14 (Central Albany) (Exhibit C); to allow the City to consider requests for indoor clubs and community-type centers to locate in residential zones as a Conditional Use.
- (d) DC-01-00 (D): Article 3 (Administration and Procedures), Article 10 (Manufactured Homes) and Article 14 (Central Albany) (Exhibit D); to allow manufactured homes on individual lots within the Hackleman-Monteith (HM) zoning district and clarify that manufactured homes are not permitted on lots located within the National Register Historic Districts or adjacent to a historic landmark.
- (e) DC-01-00 (E): Article 3 (Administration and Procedures) and Article 14 (Central Albany) (Exhibit E); to simplify the regulations for development in areas where different setbacks have been established.
- (f) DC-01-00 (F): Article 3 (Administration and Procedures) and Article 14 (Central Albany) (Exhibit F); to allow an increased fence height between single family and multiple family uses.

- (g) **DC-01-00 (G): Article 9 (On-Site Development and Environmental Standards) (Exhibit G);** to create criteria upon which to base approval of accepting a security in-lieu-of planting landscaping prior to occupancy.
- (h) **DC-01-00 (H): Article 12 (Public Improvements) (Exhibit H);** to delete the section on addresses and street names and move it to another Title within the Municipal Code.
- (i) **DC-01-00 (I): Article 13 (Sign Code) (Exhibit I);** to add the Central Albany zoning districts into the Sign regulations and remove conditional use review of electronic signs.

Section 2. The Findings of Fact contained in the staff report, and attached as Exhibit J, are hereby adopted in support of this decision.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by Council: May 10, 2000

Approved by Mayor: May 10, 2000

Effective Date: May 10, 2000



Mayor (signature)

ATTEST:



City Recorder Clerk

DC-01-00 (A) Article 1 - Administration and Procedure

The purpose of the following amendments is to bring this article up-to-date with State law and clarify administrative procedures.

**ARTICLE 1
ADMINISTRATION AND PROCEDURES**

GENERAL ADMINISTRATION

1.000-1.190 *No changes are proposed to these sections.*

APPLICATION PROCEDURES

1.200 **Land Use Application Procedures.**

- (1) A land use application shall be processed under a Type I, I-L, II, III, or IV procedure, as described in this Article.
- (2) Where there is a question as to the appropriate type of procedure, the Director shall determine the type of procedure to be utilized based upon the most similar land use application procedure specified by this Code or other established policy.
- (3) Where a proposal involves more than one application for the same property, the applicant(s) may submit concurrent applications which shall be processed simultaneously in accordance with the highest numbered procedure specified. When concurrent applications are so received and accepted as complete, the 120-day requirement of Section 1.220(2) shall apply as if a single application had been made.

1.201 **Coordination of Land Use Application Procedure.** The Director shall be responsible for coordination of the land use application and decision-making procedure. The Director shall issue a land use approval for applications and proposed developments that are in compliance with the provisions of this Code. Before issuing the approval, the Director shall be provided with the information required to determine full compliance with the requirements of this Code.

1.202 **Preapplication Conference.** The Director and the applicant or the applicant's authorized representative shall arrange a preapplication conference, unless the applicant and Director agree that the conference is not needed. The purpose of the conference is to acquaint the applicant with the substantive, and procedural requirements of this Code, and to identify any constraints on the proposed development. Depending on the nature and size of the proposed development, a rough sketch conceptual plan may be required for review in the preapplication conference. Upon the request of the applicant, the Director shall provide the applicant with a written summary of the conference including confirmation of the procedures to be used to process the application, a list of materials to be submitted, and the criteria and standards which may apply to the approval of the application.

1.203 **Application Contents.** A land use application shall consist of the following:

- (1) Explanation of intent, nature and proposed use of the development, pertinent background information and other information that may have a bearing in determining the action to be taken, including submission of detailed findings where such are required by the provisions of this Code.

Within the body of the Articles the proposed deletions are shown as strikethrough and additions in bold.

- (2) Signed statement indicating that the property affected by the application is in the exclusive ownership or control of the applicant, or that the applicant has the consent of all partners in ownership of the affected property.
- (3) Property description and assessor map parcel number(s).
- (4) Additional information required by other sections of this Code because of the type of development proposal or the area involved.
- (5) Duplicates of the above information as required by the Director.
- (6) Submission of application fees as established by the City Council.

1.210 Submission of Quasi-Judicial Land Use Applications.

- (1) Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted.
- (2) Within ~~thirty (30)~~ **30** calendar days, the Director shall determine whether the application is complete. The Director shall notify the applicant when the application is found to be incomplete and identify what additional information is needed. An application which has been determined to be incomplete may be supplemented, amended or resubmitted, at the Director's discretion. Resubmitted applications shall be subject to another ~~thirty (30)~~ **30** calendar day completeness check.
- (3) ~~The Director shall set the date of public hearing(s) for land use applications requiring a public hearing. shall be submitted at least 35 days in advance of the next regularly scheduled public meeting of the hearings body unless waived by the Director when adequate notice can otherwise be achieved.~~
When setting hearing dates, the Director may take into consideration the complexity of the development proposal, other scheduled agenda items and adequate review and preparation time for the staff report.
- (4) All documents or evidence relied upon by the applicant shall be submitted to the Planning Division and made available to the public at least 20 days prior to the evidentiary public hearing (or 10 days before the first evidentiary public hearing if two or more evidentiary public hearings are required allowed). Any staff report used at the hearing shall be available at least seven days prior to the hearing.

If additional documents or evidence ~~or written materials~~ are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. ~~in support of that application less than 20 days (10 days before the first evidentiary hearing if two or more evidentiary hearings are required) prior to the public hearing, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitations of ORS 227.178.~~

- (4.5) Upon request, the application file shall be made available to the public for inspection at no cost and copies will be provided at reasonable cost.

1.215 Referral and Review of Quasi-Judicial Land Use Applications. Within ~~5 working days of accepting~~ Upon acceptance of an application, the Director shall do the following:

- (1) Send one copy of the project review sheet to each agency and city department identified by the Director as having possible interest in reviewing and commenting on the development proposal, including those agencies and departments responsible for determining compliance with state and

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federal requirements. If the agency or city department does not comment within 10 days of a ~~completed submission from the date the Director mails or routes the project review sheet,~~ the agency or city department is presumed to have no comments or objections. The Director may grant an extension of up to 14 days to a reviewing department or agency if the application involves unusual circumstances.

- (2) Send the project review sheet to other governmental bodies and private utilities as appropriate.
- (3) Provide for notices to be given and hearings to be established as required under Type I-L, II, III, and IV procedures established in this Article.

1.220 Land Use Application Decision for Quasi-Judicial Applications.

- (1) Within five days of final action on a land use application, the Director shall provide written notice of the decision to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval or indicate where such can be reviewed in detail.
- (2) The City shall take final action on all land use requests which are wholly within the authority and control of the City, within 120 days of receipt of a ~~completed application from the date the application is deemed complete.~~ However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120-day period set out in ORS 227.178, does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (for legislative amendments).

1.225 Action on Resubmission of Denied Quasi-Judicial Application. An applicant may make appropriate alterations to a proposal which has previously been denied and resubmit it with a payment of any required fee. If a previously denied application is resubmitted within one year of the date denied, recommendations of advisory bodies, departments, and agencies need not be requested again unless the Director finds that changed conditions or changes in the proposal warrant such reconsideration.

1.230-1.340 *No changes are proposed to these sections.*

QUASI-JUDICIAL PROCESS

PROCEDURES

1.350 Type II Procedure.

- (1) The purpose of the Type II procedure is to provide for the review of certain applications by mailing notice of a tentative staff decision to the applicant and property owners within 100 feet of the property being reviewed. The decision of the Director shall be based on standards specified in this Code which are reasonably objective and may require limited discretion.
- (2) ~~Except as provided by subsection (3) below, under the Type II procedure, an application shall be processed by the Director without a public hearing within 30 days of acceptance of a complete application.~~ If the Director determines that the development proposal appears to meet the required standards, the Director shall mail notice of the tentative decision to all property owners within 100 feet of the subject site. The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant as accurate and complete as found from current County Assessor records on the most recent property tax assessment roll where the subject property is located.

The Director's notice shall list the relevant criteria and any conditions of approval and invite persons to contact the Planning staff within 10 days of notification to ~~propose modifications to the conditions of approval or to~~ request a public hearing. A public hearing may be requested if the person believes that the conditions of approval do not adequately address the established approval criteria or alleviate adverse impacts on the neighborhood. If no one requests a public hearing, the tentative decision becomes final 10 days after the Notice of Decision is mailed to affected parties.

- (3) The applicant, the Director, or any party entitled to notice or otherwise affected by the proposed action may initiate a public hearing on a Type II proposal. The Director shall, within 30 days of receiving a written request for a public hearing, set a date for a public hearing before either the Planning Commission, the Hearings Board or the Landmarks Advisory Commission and mail notice of such to those same persons specified in (2) above.
- (4) If a hearing is conducted, the Hearings Board, the Planning Commission or the Landmarks Advisory Commission shall review the request and any written comments and testimony; adopt findings based on the established criteria, and make a decision by approving, conditionally approving, or denying the application. Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type II procedure in accordance with the relevant provisions of this Code.
- (5) Examples of applications processed through a Type II procedure include, but are not limited to: Variances, ~~conditional use permits~~, Type II modifications to non-conforming situations, Greenway district use permits, ~~Type II Planned Industrial Developments~~, Type II Code interpretations, and final planned development plans.

1.360

Type III Procedure.

- (1) The purpose of the Type III procedure is to provide for the review of certain applications within the City by the Planning Commission, Hearings Board, or the Landmarks Advisory Commission at a public hearing. Such actions may be complex in nature, requiring the interpretation of Plan policies and the requirements of this Code.
- (2) Under the Type III procedure, an application is scheduled for public hearing at the Director's discretion before either the Hearings Board, the Planning Commission or the Landmarks Advisory Commission. If the request is quasi-judicial in nature, the Director shall notify all property owners within 100 feet of the subject property (or 300 feet if the application is for a subdivision, manufactured home park or multi-family development.) The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant as accurate and complete as found ~~from current County Assessor records~~ on the most recent property tax assessment roll where the subject property is located. The Director may require the applicant to post notices as set forth in Section 1.410.
- (3) The review body shall review the request and any written comments and testimony; adopt findings based on the established criteria, and make a decision by approving, conditionally approving, or denying the application. Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type III procedure in accordance with the relevant provisions of this Code.
- (4) Examples of applications processed through a Type III procedure include, but are not limited to-- Interim planned unit development plans, future street plans, Type III Planned Industrial Developments, some Code interpretations, Conditional Uses, and historic review of demolitions/moving.

1.370 Type IV Procedure.

- (1) The purpose of the Type IV procedure is to provide for the review of certain land use applications by both the Planning Commission and the City Council at public hearings. These decisions are usually complex in nature, and require the interpretation of the Comprehensive Plan policies and the criteria of this Code.
- (2) Under the Type IV Procedure, an application is scheduled for public hearing before either the Hearings Board or the Planning Commission at the Director's discretion. ~~If the application is quasi-judicial, the Director shall notify all property owners within 100 300 feet of the subject property.~~ The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant as accurate and complete as found ~~from current County Assessor records~~ on the most recent property tax assessment roll where the subject property is located. The Director may require the applicant to post notices as set forth in Section 1.410.
- (3) For a quasi-judicial proposal on which the Hearings Board or Planning Commission has made a favorable recommendation, the City Council shall hold a public hearing ~~within 45 days~~ and make a final decision prior to expiration of the 120 day land use processing rule, if applicable. An applicant may request a review delay of up to six months and extend the 120-day timeframe.
- (4) If the Planning Commission or Hearings Board recommended against a proposal, the City Council will only consider the proposal on appeal by the applicant(s).
- (5) The review body shall:
 - (a) Review the request and any written comments and testimony;
 - (b) Adopt findings based on the established policies and criteria; and,
 - (c) Make a decision by approving, conditionally approving, or denying the application.

Conditions and/or restrictions may be applied to land use approval granted under a Type IV procedure in accordance with the relevant provisions of this Code.

- (6) Examples of applications processed through a Type IV procedure include, but are not limited to-- street vacations, quasi-judicial and legislative Zzone changes, development code amendments, and comprehensive plan amendments ~~and street vacations.~~

PUBLIC HEARINGS

1.380-1.390 *No changes are proposed to these sections.*

1.400 Mailed Notice.

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

may provide notice to others ~~he has reason to believe are~~ that may be considered affected or otherwise represent an interest that may be affected by the proposed development.

- (3) The cost of notice mailings shall be included in the land use application fee.
- (4) Notice of a public hearing shall be sent by mail at least ~~twenty (20)~~ **20** days before the ~~evidentiary public hearing~~ (or, if more than one hearing is ~~allowed scheduled~~, 10 days before the first ~~evidentiary public hearing~~) and shall contain the following information:
 - (a) The reviewing body, the date, time, and place of the hearing.
 - (b) The street address or other easily understood geographic reference to the subject property.
 - (c) The nature of the application and the proposed use or uses which could be authorized.
 - (d) Where information may be examined and when and how written comments addressing findings required for a decision by the review body may be submitted.
 - (e) A list of the applicable criteria from the ordinance and/or the plan that apply to the application.
 - (f) A statement that failure to raise an issue in a hearing, in person or by letter, or failure to provide ~~statements or evidence sufficient specificity~~ to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.
 - (g) The name of a City representative to contact and the telephone number where additional information may be obtained.
 - (h) A statement that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and copies will be provided at reasonable cost.
 - (i) A statement that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost.
 - (j) A statement that all interested persons may appear and provide testimony and that only those making an appearance of record, either in person or in writing, shall be entitled to appeal.
 - (k) A general explanation of the procedure for the conduct of hearings.

1.410 *No changes are proposed to this section (Posted Notice).*

1.420 Compliance and Waiver of Notice.

- (1) Notice by mail shall be deemed ~~received three calendar days after~~ given on the day the notice is deposited with the US Postal Service, first class postage, fully prepaid, for mailing to the addressee at the addressee's last known mailing address. Failure of the addressee to actually receive notice shall not invalidate the proceeding if the City can demonstrate by affidavit that notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
- (2) Posted notice is deemed given ~~when~~ on the day the sign is first posted.
- (3) The requirement for notice shall be deemed satisfied as to any person who, in any manner, obtains actual knowledge of the time, place, and subject matter of the hearing prior thereto.
- (4) Appearance and testimony or comment on the merits of the proposed action by any person at a hearing, or submission by any person of written comment directed to the merits of the proposed action at or prior to the hearing and after the proceeding was initiated, shall be deemed a waiver of such person of any defect in notice.

1.430-1.480 *No changes are proposed to these sections.*

- 1.490 Hearing Procedures.** Hearing procedures will depend in part on the nature of the hearing. The following may be supplemented by appropriate rules announced by the presiding officer:
- (1) The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and that failure to raise an issue ~~accompanied by statements or evidence with sufficient specificity~~ to afford the decision-makers and other parties an opportunity to respond to the issue ~~will preclude~~ appeal to the State Land Use Board of Appeals on that issue. The presiding officer may establish the time allowed for the presentation of information.
 - (2) Any objections on jurisdictional grounds shall be noted in the record.
 - (3) Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest and shall disclose the time, place, and nature of any ex-parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex-parte contact.
 - (4) The review body may view the area under consideration for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.
 - (5) The presiding officer at the hearing may take official notice of known information related to the issue, such as provisions of federal or state law, or of an ordinance, resolution, official policy or charter of the City.
 - (6) Matters officially noticed need not be established by evidence and may be considered by the review body in the determination of the matters. Parties requesting official notice shall do so on the record.
 - (7) Presentation of staff report, including a list of the criteria applying to the issue(s) being heard. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.
 - (8) Presentation of information by the applicant or those representing the applicant.
 - (9) Presentation of evidence or inquiries by those persons who support the proposed change.
 - (10) Presentation of evidence or inquiries by those persons who oppose the proposed change.
 - (11) Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposed change.
 - (12) If additional documents or evidence are provided in support of an application, by any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 227.178. Such a continuance shall not be subject to the limitations of ORS 227.178.
 - (13) Only the applicant shall have the right to present rebuttal testimony. If the presiding officer allows rebuttal by an opponent, the proponent or applicant shall have a right to an additional and final rebuttal.

- (14) The presiding officer may approve or deny a request to ask a question from a person attending the hearing. Unless the presiding officer specifies otherwise, the presiding officer will direct the question to the person who has submitted testimony.
- (15) At the close of presentation of information the presiding officer shall declare that the hearing is closed unless ~~a continuance has been granted~~ prior to the conclusion of the initial evidentiary hearing any participant has requested an opportunity to present additional evidence, arguments or testimony regarding the application. The local hearings authority shall grant such request by continuing the public hearing pursuant to paragraph (a) of this subsection, or leaving the record open for additional written evidence, arguments or testimony pursuant to paragraph (b) of this subsection.
- (a) If the hearings authority grants a continuance, the hearing shall be continued to a date, time and place certain at least seven days from the date of the initial evidentiary hearing. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence, arguments or testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
- (b) If the hearings authority leaves the record open for additional written evidence, arguments or testimony, the records shall be left open for at least seven days. Any participant may file a written request with the local government for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the hearings authority shall reopen the record pursuant to subsection (e) of this section.
- (c) A continuance or extension granted pursuant to this section shall be subject to the limitation of ORS 227.178, unless the continuance or extension is requested or agreed to by the applicant.
- (d) Unless waived by the applicant, the hearings authority shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the applicant. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. This seven-day period shall not be subject to the limitations of ORS 227.178.
- (e) When the hearings authority reopens a record to admit new evidence, arguments or testimony, any person may raise new issues which relate to the new evidence, arguments, testimony or criteria for decision-making which apply to the matter at issue.
- ~~(16) Unless there is a continuance, if a participant so requests before the conclusion of the first evidentiary hearing, the record shall remain open for at least seven (7) calendar days after the hearing.~~
- (16) For the purposes of this section:
- (a) "Argument" means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent to a decision. "Argument" does not include facts.

Within the body of the Articles the proposed deletions are shown as strikethrough and additions in bold.

- (b) **"Evidence" means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards believed by the proponent to be relevant to the decision.**
- (17) When the hearing has ended, the review body may openly discuss the issue and may further question a person submitting information or the staff if opportunity for rebuttal is provided.
- (18) If the hearing is closed, it shall be reopened only upon a majority vote of the review body.
- (19) ~~Upon reopening a hearing, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.~~

DECISION

1.500 *No change proposed to this section.*

1.510 Notice of Decision.

- (1) Within five days of final action on a land use application, the Director shall provide written notice of the decision to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval or indicate where such can be reviewed in detail.
- (2) The City shall take final action on all land use requests which are wholly within the authority and control of the City, within 120 days of receipt of a completed application from the date the application is deemed complete. However, by agreement with the applicant, this deadline may be extended for any reasonable length of time. The 120-day period set out in ORS 227.178 does not apply to an amendment to an acknowledged comprehensive plan or land use regulation or adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610 (for legislative changes).

APPEALS

1.520 Appeal Procedures.

- (1) An affected party may request a public hearing on a tentative land use decision made by staff under the Type II procedure. At the Director's discretion, this hearing will be before the Planning Commission, Hearings Board, or the Landmarks Advisory Commission.
- (2) A decision of the Planning Commission, Hearings Board, or Landmarks Advisory Commission may be appealed to the City Council by an affected party by filing a "Notice of Appeal" within 10 days following the deemed receipt of mailed notice of the decision from the date the City mails the Notice of Decision.
- (3) Within the appeal period, the City Council, acting upon the recommended action of the City Manager or upon its own motion, may order a de novo review of any lower level decision. Such review shall be conducted in accordance with appeal procedures as specified herein.
- (4) For any appeal proceeding, the Director shall cause notice to be provided in the same manner as provided for the original decision, those testifying and any other parties to the proceedings who request notice in writing.
- (5) A decision of the City Council may be appealed to the Land Use Board of Appeals by filing a notice

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of intent to appeal not later than 21 days after the decision becomes final.

1.530-1.570 *No changes are proposed to these sections.*

LEGISLATIVE PROCESS

1.580-1.630 *No changes are proposed to these sections.*

1.640 Notice to DLCD on Legislative Matters.

- (1) The Director shall notify Department of Land Conservation and Development for adoption of or amendment to the Comprehensive Plan, the Development Code, or any other land use regulation. The notice shall be provided at least 45 days before the ~~proposed-final~~ first evidentiary hearing on adoption and the notice shall contain information sufficient to inform the Department as to the effect of the proposal.
- (2) If the City determines that the statewide goals do not apply to a particular proposed amendment or new regulation, notice under subsection (1) of this section is not required. In addition, the City may consider an amendment or new regulation with less than 45 days notice if the City Council determines that there are emergency circumstances requiring expedited review.

DC-01-00 (B) Article 2 - Review Criteria

The purpose of this amendment is to make the Planning Commission the review body for all Conditional Use requests. Conditional Uses currently are processed as a Type II procedure, which allows a hearing upon request from an affected party after a staff decision is issued.

**ARTICLE 2
REVIEW CRITERIA**

CONDITIONAL USES

2.230 Purpose. Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the conditional use regulations because they may, but not necessarily do, have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.

Uses identified in Article 5 as requiring Conditional Use approvals may be permitted, enlarged or altered in accordance with the provisions of this Section. In addition, where a use is not authorized in any district or where ambiguity exists concerning the appropriate classification of a particular use or type of development within the intent of this Code, the use or type of development may be established by a Conditional Use approval in accordance with this Section.

2.240 Procedure. Conditional Use applications are reviewed as a Type ~~II~~ **III** procedure.

2.250 Review Criteria. Requests for Conditional Uses will be approved if the review body finds that the applicant has shown that all of the following criteria have been met, either outright, or with conditions that bring the proposal into compliance:

- (1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
- (2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.
- (3) The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
- (4) Public services for water, sanitary and storm sewer, water management and for fire and police protection are capable of servicing the proposed use.
- (5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to:
 - (a) Noise, glare, odor, litter, and hours of operation.
 - (b) Privacy and safety issues.

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- (6) Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and utilized. [Ord. #5265, 12/18/96]

2.260 Conditions of Approval. The review body may attach conditions to a conditional use approval to ensure that the proposal will conform to the applicable review criteria.

Some of the most frequently imposed conditions relate to the following: uses; special yards, and spaces; fences and walls; street dedications and improvement petitions (or bonds); ingress and egress; signs; building textures, colors, architectural features and height; landscaping, screening and buffering; noise, vibration, odors or other similar nuisances; hours for certain activities; time period within which the proposed use shall be developed; duration of use; and preservation of natural vegetative growth and open space.

DC-01-00 (C) Articles 3 and 14 – Residential and Central Albany zoning districts

The purpose of the following amendments is to allow the City to consider requests to locate, within single-family residential zones, new or expanded indoor clubs and community-type centers. The current restrictions came to our attention when the Albany Tennis Club and the Boys and Girls Club, both currently located in single family residential zones, inquired about expansion ability. Rather than not allow them at all, or permit only limited expansion as an existing non-conforming use, staff feels that the Conditional Use review process gives the City sufficient ability to assess, and mitigate as necessary, any impacts that would be created by a particular request.

**ARTICLE 3
RESIDENTIAL ZONING DISTRICTS**

3.010-3.030 *No changes proposed to these sections.*

GENERAL ADMINISTRATION

SCHEDULE OF PERMITTED USES

3.040 *No change proposed to this section.*

3.050 Schedule of Permitted Uses.

RESIDENTIAL ZONING DISTRICTS

USE DESCRIPTIONS	Spec	RR	RS	RS	RS	RM	RM	RM
	Cond		10	6.5	5	5	3	H
8.000 RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY		S	S	S	S	S	S	*
8.100 <i>Activities Conducted Primarily within Structures::</i>								
8.110 Indoor racquet sports clubs; spas; athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development		C C	C C	C C	C C	C	C	*
8.120 Youth clubs, senior centers, community centers		C C	C C	C C	C C	C	C	C
8.200 <i>Activities Conducted Primarily Outside Enclosed Buildings</i>								
8.210 Outdoor recreational facilities (e.g. golf & country clubs, driving ranges, swimming or tennis clubs, not constructed as part of planned residential development, equestrian trails.)		C	C	C	C	S	S	*
8.220 Public parks & recreational facilities located therein	14	C	C	C	C	C	C	*
8.230 Fairgrounds		C	C	C	C	C	*	*

3.060-3.180 *No changes proposed to these sections.*

Within the body of the Articles the proposed deletions are shown as ~~struckthrough~~ and additions in bold.

ARTICLE 14
CENTRAL ALBANY

14.000-14.050 *No changes proposed to these sections.*

SCHEDULE OF PERMITTED USES

14.060 Schedule of Permitted Uses.

No changes proposed to subsections 1.000-9.500

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS												
Item	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	FB	HM	ES
10.000	RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY											
10.100	<i>Activities Conducted Primarily within Structures:</i>											
10.110	Bowling alleys, skating rinks, pool halls		S	S	*	C	S	S	S	S	*	*
10.120	Indoor racquet sports clubs, spas, athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development		S	S	C	S	S	S	S	S	† C	*
10.130	Youth clubs, senior centers, community centers		S	S	C	C	S	S	S	S	† C	C
10.140	Theaters		S	S	*	*	S	S	S	*	*	*
10.150	Adult entertainment	8	S	S	*	C	S	*	*	*	*	*
10.160	Games, amusements, arcades		S	S	*	*	S	S	S	S	*	*
10.170	Coliseums, stadiums		C	C	*	C	C	C	C	C	*	*
10.180	Indoor gun clubs		*	*	*	C	C	*	C	C	*	*
10.190	Convention center		S	S	*	C	S	S	S	S	*	*

No changes proposed for subsections 10.200-12.000

DC-01-00 (D) Articles 3, 10 and 14 - Manufactured Homes on Individual Lots

The purpose of the following amendments is to include manufactured homes on residential lots as allowed in the HM (Hackleman-Monteith) zoning district and to give notice that regardless of the zoning district, manufactured homes will not be permitted on individual lots located within the National Register Historic Districts or on residential land immediately adjacent to a historic landmark. These restrictions are allowed by State law because it has been recognized that manufactured homes may not be compatible in these instances. The City has approximately 90 identified historic landmarks located outside the Historic Districts.

**ARTICLE 3
RESIDENTIAL ZONING DISTRICTS**

3.010-3.030 *No changes proposed to these sections.*

GENERAL ADMINISTRATION

SCHEDULE OF PERMITTED USES

3.040 *No change proposed to this section.*

3.050 Schedule of Permitted Uses.

RESIDENTIAL ZONING DISTRICTS

USE DESCRIPTIONS	Spec Cond	RR 10	RS 6.5	RS 5	RM 5	RM 3	RM H		
1.000	RESIDENTIAL								
1.100	<i>Single Family Residences:</i>								
1.110		A	A	A	A	A	A	A	*
1.120		*	P D	PD	P D	S	S	S	*
1.130	1,2, 3	*	C	C	S	S	S	S	*
1.140		*	P D	PD	S	S	S	S	S
1.150		*	C	C	C	C	C	C	C
1.160		A	A	A	A	A	A	A	*
1.170		*	*	S	S	S	S	S	*
1.180		A	A	A	A	A	A	A	A

No changes to remainder of Schedule of Permitted Uses proposed with this subgroup.

Within the body of the Articles the proposed deletions are shown as ~~strikethrough~~ and additions in bold.

**ARTICLE 10
MANUFACTURED HOME DEVELOPMENT STANDARDS**

10.000-10.160 *No changes proposed to these sections.*

PLACEMENT ON INDIVIDUAL LOTS

10.170 **Manufactured Home Placements.** Manufactured homes are permitted on individual parcels or lots outside of manufactured home parks in accordance with the placement standards set forth in Sections 10.100 and 10.120 and all other provisions of the Development Code for site-built dwellings. They are not allowed within the National Register Historic Districts or on residential land immediately adjacent to a historic landmark.

No other changes are proposed to this Article.

**ARTICLE 14
CENTRAL ALBANY**

SCHEDULE OF PERMITTED USES

14.060 Schedule of Permitted Uses.

No changes proposed to subsections 10.200-12.150

SCHEDULE OF PERMITTED USES: CENTRAL ALBANY ZONING DISTRICTS												
ITEM	USE DESCRIPTIONS	Spec										
		Cond	HD	CB	MUR	MUI	MS	LE	TD	PB	HM	ES
12.000	RESIDENTIAL											
12.100	Single Family Residences:											
12.110	Single family detached, one dwelling per lot		*	*	A	C	*	*	*	*	A	S
12.120	Single family detached, more than one dwelling per lot		*	*	S	C	*	*	*	*	S	C
12.130	Two units attached at common wall property line		C	C	S	C	*	*	*	*	*	C
12.14	Multiple single family attached units		S	S	S	S	*	*	*	*	*	C
12.150	Conversion of multiple family to single family attached (condominiums)		S	S	C	S	S	S	*	S	C	S
12.160	Manufactured homes on individual lots – except for lots located within the National Register Historic Districts or on residential land adjacent to a historic landmark		*	*	A	C	*	*	*	*	A A	*
12.170	Manufactured home parks and subdivisions (See Article 10)		*	*	S	C	*	*	*	*	*	*
12.180	Single family attached to business use		S	S	S	S	S	S	S	S	*	S
12.190	Home occupations (See Article 3)		A	A	A	A	A	A	A	A	A	A

No changes to remainder of Schedule of Permitted Uses or this section.

DC-01-00 (E) Articles 3 and 14 – Alternate Setbacks in Developed Residential Areas

The purpose of the proposed changes is to simplify the Code where it outlines in what circumstances the City permits additions or remodels to existing structures to use established setbacks of the site or area.

ARTICLE 3
RESIDENTIAL ZONING DISTRICTS

DEVELOPMENT STANDARDS

3.190-3.220 *No changes proposed to these sections.*

SETBACKS

3.230 *No changes proposed to this section.*

3.240 Alternative Setbacks Alternate for Additions in Developed Areas. When an addition or new development is proposed to be made on a building that is located in an area containing the same type of uses which that have been developed to a previous setback standard, the Director may approve setbacks which are the same as those for the existing buildings, or the same as those for buildings on adjoining parcels for new development. ~~In such instances the Type I site plan review procedure shall be used to process requests.~~ (See Section 8.140 for new infill development.) and a Approval of an alternative setback request shall be based upon the following criteria:

- ~~(1) The amount of area between buildings is sufficient to provide adequate property maintenance and rear yard access.~~
- ~~(2) If primary structures exist on both abutting lots and the front yards are less than the required depth, the front yard for the proposed primary structure need not exceed the average front yard of the abutting structures.~~
- ~~(3) If a primary structure exists on one abutting lot and the front yard is less than the required depth, the front yard for the proposed primary structure need not exceed a depth one-half way between the depth of the abutting front yard and the required front yard depth.~~
- ~~(4) A paved driveway extending at least 20 feet from the street right of way will precedes any on-site parking spaces, carports or garages.~~
- (1) Additions to the front of a dwelling.** The front yard setback of the dwelling does not exceed the average of the setbacks for the same uses on the abutting properties.
- (2) Addition of a garage or carport.** The front yard setback for a garage or carport shall meet the current front yard setback standard and the driveway to it shall be paved.
- (3) Additions to the side or rear of a dwelling.** The existing structure does not encroach any further into the setback.
- (4)(5) No wall of one dwelling unit is closer than 10 feet from a window of another dwelling unit, including attached garages.**
- (5)(6) All other provisions of this Code must be met.**

3.250 *No changes proposed to this section.*

ARTICLE 14
CENTRAL ALBANY

DEVELOPMENT STANDARDS

14.090 *No changes proposed to this section.*

SETBACKS

14.100-14.120 *No changes proposed to these sections.*

14.130 **Alternative Setbacks Alternate for Additions in Developed Areas.** When an addition or new development is proposed to be made on a building that is located in an area containing the same type of uses which that have been developed to a previous setback standard, the Director may approve setbacks which are the same as those for the existing buildings, or the same as those for buildings on adjoining parcels for new development. ~~In such instances the Type I site plan review procedure shall be used to process requests. (See Section 8.140 for new infill development.) and a~~ Approval of an alternative setback request shall be based upon the following criteria:

- ~~(1) The amount of area between buildings is sufficient to provide adequate property maintenance and rear yard access.~~
- ~~(2) If primary structures exist on both abutting lots and the front yards are less than the required depth, the front yard for the proposed primary structure need not exceed the average front yard of the abutting structures.~~
- ~~(3) If a primary structure exists on one abutting lot and the front yard is less than the required depth, the front yard for the proposed primary structure need not exceed a depth one half way between the depth of the abutting front yard and the required front yard depth.~~
- ~~(4) A paved driveway extending at least 20 feet from the street right of way will precedes any on-site parking spaces, carports or garages.~~
- (1) Additions to the front of a dwelling.** The front yard setback of the dwelling does not exceed the average of the setbacks for the same uses on the abutting properties.
- (2) Addition of a garage or carport.** The front yard setback for a garage or carport shall meet the current front yard setback standard and the driveway to it shall be paved.
- (3) Additions to the side or rear of a dwelling.** The existing structure does not encroach any further into the setback.
- ~~(4)(5) No wall of one dwelling unit is closer than 10 feet from a window of another dwelling unit, including attached garages.~~
- ~~(5)(6) All other provisions of this Code must be met.~~

14.140-14.370 *No changes proposed to these sections.*

DC-01-00 (F) Articles 3 and 14 – Fence Height in Residential Areas

The purpose of the following changes is to clarify current regulations and to allow an increased fence height in the circumstance where a property line is shared by a single family use on one side and a multiple family use or zone on the other. Over the past few years there has been an increase in the number of requests to install an 8-foot fence at the property line (back or side) to increase privacy. The most recent request involves several owners of one-level single family homes that share a lot line with a new apartment complex. Currently, an 8-foot fence would have to be setback at least five feet from the property line.

DEVELOPMENT STANDARDS

FENCES

- 3.400 **Materials.** Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric and ~~barbed wire fences~~ are not permitted except ~~Electric or barbed wire fences~~ those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City.
- 3.410 **Standards.** Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and overgrowth of weeds or vines.
- (1) Fences shall not exceed 6 feet in height in interior yards, ~~and 4 feet in height in front yards and 2 feet in the vision clearance areas (see section 12.180).~~ **Exception: a single-family use or zone that shares an interior property line with a multiple family use or zone may have a fence up to 8 feet in height along that property line.**
 - (2) Corner lots, which by definition have two front yards, may have a fence of up to ~~six 6~~ 6 feet in height in the front yard adjacent to the street which does not contain the dwelling's ~~primary~~ main door entrance when one of the following conditions is met:
 - (a) If the adjoining street is improved with sidewalks, the fence is located a minimum of three feet from the sidewalk.
 - (b) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
 - (c) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.
 - (3) **Fences more than 6 feet in height require a building permit prior to construction. Except where a taller fence is permitted at the lot line (see subsection (1) above), fences more than six 6 feet in height shall meet building setback requirements. ~~A Building Permit is required prior to construction~~**
 - (4) In no instance shall a fence extend beyond the property line.
 - (5) All fencing shall comply with the requirements of the clear vision area (Section ~~6.160~~ 12.180) for streets and driveways.
 - (6) ~~Link fencing less than 7 feet in height shall be constructed in such a manner that no barbed ends shall be at the top.~~ **Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm.**

ARTICLE 14
CENTRAL ALBANY

DEVELOPMENT STANDARDS

FENCES

- 14.380 **Materials.** Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. ~~Electric or barbed wire fences~~ those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City may remain.
- 14.390 **Standards.** Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair including noticeable leaning toward an adjoining property or sidewalk, missing sections or slats, broken supports, non-uniform height, and overgrowth of weeds or vines.
- (1) Fences shall not exceed 6 feet in height in interior yards, and 4 feet in height in front yards and 2 feet in the vision clearance areas (see Section 12.180). **Exception: a single-family use that shares an interior property line with a multiple family use or zone may have a fence up to 8 feet in height along that property line.**
 - (2) Corner lots, which by definition have two front yards, may have a fence of up to ~~six~~ 6 feet in height in the front yard adjacent to the street which does not contain the dwelling's ~~primary~~ main door entrance when one of the following conditions is met:
 - (a) If the adjoining street is improved with sidewalks, the fence is located a minimum of three feet from the sidewalk.
 - (b) If the adjoining street is improved with curbs and gutters but no sidewalks, the fence is located 10 feet from the face of the curb.
 - (c) If the adjoining street is unimproved, the fence is no closer than 3 feet from the property line.
 - (3) Fences more than 6 feet in height require a building permit prior to construction. **Except where a taller fence is permitted at the lot line (see subsection (1) above), fences more than six 6 feet in height shall meet building setback requirements.** ~~A Building Permit is required prior to construction~~
 - (4) In no instance shall a fence extend beyond the property line.
 - (5) All fencing shall comply with the requirements of the clear vision area (Section ~~6.160~~ 12.180) for streets and driveways.
 - (6) ~~Link fencing less than 7 feet in height shall be constructed in such a manner that no barbed ends shall be at the top.~~ Fence height shall be measured from the average height of the grade adjacent to where the fence is to be located. **If a fence is to be constructed on top of a berm, the height shall be measured from the bottom of the berm.**

DC-01-00 (G) Article 9 – On-site Development and Environmental Standards

The purpose of the following amendments is to create clear criteria that must be met before the City will approve occupancy of a development before the landscaping and irrigation is fully installed.

ARTICLE 9

ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 – 9.1809 *No changes proposed to these sections.*

LANDSCAPING

9.190 ~~Performance-Completion Guarantees. Temporary occupancy permits of a development that required land use approval may be issued allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances: if security equal to 110% of the cost of plant materials and labor as determined by the Director is filed with the City assuring such installation within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the Director when circumstances beyond the control of the developer prevents earlier completion.~~

- (1) Occupancy is requested between December 1 and March 1.
- ~~(2)~~ (2) A security is provided to the City equal to 110% 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.
- (3) The applicant and City agree to a specified installation completion date. The date chosen will be the soonest date possible after it is safe to plant (i.e. chance of freezing has past).
- ~~(2)~~ If the installation of the landscaping is not completed within the required period, the security may be used by the City to complete the installation or the security may be held by the City until such time as the improvements are completed. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned.
- ~~(3)~~ (4) To verify that the landscaping, and irrigation if required, has been installed per the approved plan, an The final landscape inspection shall be made prior to any security being returned. Any portions of the plan not installed, or properly installed, shall cause the inspection to be postponed until the project is completed or cause the security to be used by the City.

DC-01-00 (H) Article 12 – Addresses and Street Names – Moving out of Development Code

The purpose of the following amendment is to delete the section on addresses and street names from the Development Code (which is Title 20 of the Municipal Code) and move it to another Title within the Municipal Code. These subjects are not land use regulations that relate to implementing the Comprehensive Plan. As part of the movement of these provisions to another Title, staff will be proposing minor changes. For example, the north/south quadrant line east of I-5 will become Knox Butte Road, rather than an imaginary extension of First Avenue.

**ARTICLE 12
PUBLIC IMPROVEMENTS**

Sections 12.000- 12.610 *No changes proposed to these sections.*

ADDRESSES AND STREET NAMES

~~12.620~~ ~~Baseline. For the purpose of street naming and numbering, the City is divided into quadrants by means of a north-south baseline which intersects with an east-west baseline. The baseline which will separate the north and south halves of the City shall be a line extending along First Avenue. The baseline which will separate the east and west halves of the City shall be a line extending along Lyon Street. Addresses within the city limits will be assigned as follows:~~

- ~~(1) Those addresses lying north of First Avenue and east of Lyon Street or east of Spring Hill Drive shall bear the suffix of "northeast" which shall be abbreviated "NE."~~
- ~~(2) Those addresses lying north of First Avenue and west of Lyon Street or west of Spring Hill Drive shall bear the suffix of "northwest" which shall be abbreviated "NW."~~
- ~~(3) Those addresses lying south of First Avenue and east of Lyon Street shall bear the suffix of "southeast" which shall be abbreviated "SE."~~
- ~~(4) Those addresses lying south of First Avenue and west of Lyon Street shall bear the suffix of "southwest" which shall be abbreviated "SW."~~

~~12.630~~ ~~Street Naming. All public and private roads and streets shall be named in accordance with the provisions of this section and as approved by the Community Development Director.~~

- ~~(1) Except for extensions of existing streets or extensions of the street grid, no street names shall be used which will duplicate or be confused with the names of existing streets within the Albany Urban Growth Boundary and Albany postal delivery area.~~
- ~~(2) All street names shall bear suffixes to be determined as follows:
 - ~~(a) Streets running north and south will bear the suffix "Street."~~
 - ~~(b) Streets running east and west will bear the suffix Avenue.~~
 - ~~(c) "U" shaped or circular streets will bear the suffix Circle."~~
 - ~~(d) Meandering streets will bear the suffix "Drive."~~
 - ~~(e) Dead-end streets which cannot be made into a through street and cul-de-sacs which serve eight or more lots will bear the suffix "Court."~~
 - ~~(f) Cul-de-sacs that serve less than eight lots will not be given a separate street name.~~
 - ~~(g) Private streets shall comply with the naming criteria of this article and shall also be designated~~~~

~~"private way."~~

~~(3) The name of any street, drive, boulevard, avenue, etc., that appears as a dedicated street on a recorded plat approved by the Community Development Director shall be the name of the street unless changed by Planning Commission or City Council action as follows:~~

~~(a) A street name change may be initiated by the Community Development Director, Planning Commission, City Council, or by petition in accordance with Section 12.640.~~

~~(b) The Type II process of Article 1.350 shall be utilized for processing street name changes. The final decision shall be filed with the City Recorder for recording with the County Recorder's Office, County Surveyor, and Albany Postmaster.~~

~~12.640 Petition for Street Name Change A property owner may request a change in the name of a street by filing a petition with the Community Development Director. The petition shall contain the following information:~~

~~(1) name of street name proposed for change;~~

~~(2) reason for request;~~

~~(3) suggested names by petitioner;~~

~~(4) location of street (include from and to address numbers as well as names of all cross streets);~~

~~(5) attach one full scale copy of County Assessor's map showing subject area of the recorded subdivision plat;~~

~~(6) list of the names and addresses of each property owner and resident abutting the street; and~~

~~(7) signatures of at least 51 percent of the residents and property owners abutting the street proposed to be changed, signifying they agree with the proposed name change.~~

~~12.650 Grid System of Addresses - Assignment Authority The City Building Official shall have the authority to assign addresses to commercial buildings, residences and other buildings requiring addresses as provided by this Article. The Building Official shall have the authority to change existing addresses when deemed necessary. Upon the assignment of an address, the Building Official shall inform governmental offices and utility companies of the address assignment.~~

~~(1) A grid system of house and building numbering is established as follows:~~

~~(a) All houses and buildings in the City, except buildings accessory to a principal building on the same property, shall be numbered.~~

~~(b) All houses and buildings requiring numbers on the northerly or easterly side of streets shall bear odd numbers, and houses and buildings requiring numbers located on the southerly or westerly side of streets shall bear even numbers.~~

~~(c) In those areas of the City which have been subdivided into blocks of rectangular shape, houses and buildings requiring numbers shall be allocated numbers at the rate of one hundred per block.~~

~~(d) In those areas of the City which have been subdivided by other methods, numbers shall be allocated as evenly as possible so that the particular number of any address will reflect as accurately as possible its relative position in the block and its relative distance from the baseline.~~

Within the body of the Articles the proposed deletions are shown as strikethrough and additions in bold.

- ~~(e) The allocation of numbers for all addresses shall begin at each baseline with the numbers progressing upward beginning with the numbers 100 and 101 according to the relative distance of the address from the baseline.~~

~~12.660 Residential Addressing. Residential buildings shall be addressed as follows:~~

- ~~(1) Single family residences shall have one street address.~~
- ~~(2) Duplexes shall be given a street address for each living unit.~~
- ~~(3) Triplexes, fourplexes, etc., and apartment complexes shall be given one street address for each building, with each living unit given a unit number, which is to be assigned by the developer and approved by the Planning Division.~~

~~12.670 Commercial Addressing. Commercial buildings shall be addressed as follows:~~

- ~~(1) All commercial buildings, except buildings accessory to a principal building on the same property, shall be numbered.~~
- ~~(2) When a building or premises has several entrances for use by different businesses, the City may assign a different number for each principal entrance.~~

~~12.680 Requirements for Posting of Street Numbers.~~

- ~~(1) Time Limit. Within thirty days after the effective date of the ordinance codified in this Article or within thirty days after a premises is annexed to the City, whichever is later, all structures which are required by this Article to be numbered will have assigned numbers placed on them as required by this Article.~~
- ~~(2) Location, Height and Color. Numbers shall be affixed in a location conspicuous from the street which the structure faces. Such numbers shall be attached to the door frame of the main entrance or to the garage of single family residences, duplexes and commercial structures. Numbers displayed shall not be less than three inches in height and shall be painted upon or affixed to the house or building in a contrasting and highly visible color.~~
- ~~(3) Directional Signs. In addition, directional signs shall be placed in a conspicuous location at every intersection of private streets in an apartment complex, planned unit development, manufactured home park or other types of housing complexes. The directional signs shall indicate address numbers of individual buildings and indicate the direction of individual units.~~
- ~~(4) Placement. It shall be the duty of every owner or agent in charge of any structures to have the proper number or numbers placed thereon. Every owner or agent in charge of a structure erected after the effective date of the ordinance codified in this Article shall place the proper number or numbers thereon at the time of final inspection of such a structure.~~
- ~~(5) Display. It shall be the duty of every owner to ensure that the house address numbers are displayed on the site and/or the building under construction.~~

~~12.690 Placement of Street Signs for Private Streets. All street signs installed on private streets must meet the standards shown in the Federal Highway Manual on Uniform Traffic Control Devices for Streets and Highways. The signs shall be the same size, design, and color used by the City. A plan showing the proposed street sign type and the proposed installation location of the sign must be submitted to the Public Works Department for approval before any signs are installed.~~

DC-01-00 (I) Article 13 – Sign Regulations

The purpose of the following amendments is to add the zoning districts created by Article 14, Central Albany, and to remove Conditional Use review of electronic signs.

**ARTICLE 13
ALBANY SIGN CODE**

13.000-13.360 *No changes proposed to these sections.*

STANDARDS BY SIGN DISTRICT

13.410 **PEDESTRIAN AREAS.**

13.411 **District Areas.** The Pedestrian Area shall consist of the CB (Central Business), HD (Historic Downtown), and LE (Lyon-Ellsworth) zones.

13.412-13.415 *No changes proposed to these sections.*

13.420 **COMMERCIAL AND INDUSTRIAL AREAS.**

13.421 **District Areas.** The Commercial and Industrial Areas shall consist of the OP (Office Professional), NC (Neighborhood Commercial), CC (Community Commercial), CH (Heavy Commercial) TS (Tourist Service), MUR (Mixed Use Residential), MS (Main Street), TD (Transit District), ES (Elm Street), PB (Pacific Boulevard), MUI (Mixed Use Industrial), LI (Light Industrial), HI (Heavy Industrial), and IP (Industrial Park) zoning districts.

13.422 **Aggregate Sign Restrictions.** The total number and area of signs in Commercial and Industrial Areas shall conform to the following:

- (1) The aggregate number of signs allowed for each lot shall be two signs for each frontage.
- (2) The aggregate area of all signs for each street frontage shall not exceed an area equal to 1-1/2 square feet for each lineal foot of street frontage. However, in addition, aggregate sign area shall be subject to the following minimum and maximum ranges:
 - (a) For CC, CH, TS, PB, LI, HI, and IP Zones, the minimum is 45 square feet, maximum is 200 square feet.
 - (b) For NC, MS, MUR and MUI zones, the minimum is 35 square feet, maximum is 150 square feet.
 - (c) For OP, ES and TD zones the minimum is 24 square feet, maximum is 50 square feet.

13.423 **Wall Signs.** Wall signs in Commercial and Industrial areas shall comply with the following provisions:

- (1) No wall sign shall exceed one hundred (100) square feet except as noted below.

Within the body of the Articles the proposed deletions are shown as strikethrough and additions in bold.

- (2) If wall signs are used exclusively, a bonus to Sections 13.422 and 13.423 is granted such that the area allowed shall be calculated at 2 square feet for each lineal foot of street frontage up to a maximum individual size of 125 square feet and a maximum aggregate area of 250 square feet in the CC, LI, HI, PB, and IP zones; 180 square feet in the NC, MUR, MUI and MS zones and 75 square feet in the OP, ES and TD zones.

13.424 Freestanding Signs. Freestanding signs in Commercial and Industrial areas shall comply with the following provisions:

- (1) Signs shall be no higher than 30 feet in the PB, CC, CH, TS, LI and HI zones. ~~except in the MUR, MUI, MS, ES, TD, NC, OP, and IP zones where signs shall be no higher than 15 feet.~~ Signs located within the (freeway interchange area signs may be higher per Section 13.440.)
- (2) One sign shall be permitted for each frontage in excess of 75 lineal feet. Two or more parcels of less than 75 feet may be combined for purposes of meeting the foregoing standard with the approval of all affected property owners.
- (3) Signs shall not exceed a total face area of 3/4 square feet for each lineal foot of street frontage with a maximum area of 160 square feet per face in the PB, TS, CC, CH, LI, HI, and IP zones, 120 square feet in the MUR, MUI, MS and NC zone and 40 square feet in the ES, TD and OP zone. In all cases a minimum allowance of 20 square feet is guaranteed.
- (4) Signs for interior businesses shall be placed on the central fifty percent of the street frontage of the business(es) or 60 feet from any adjacent freestanding sign. Signs on corner properties may be placed near the corner if vision clearance provisions are met.

13.425-13.540 *No changes proposed to these sections.*

STANDARDS BY SIGN TYPE

13.550 Changing Electronic Message Signs. Signs with a changing electronic message are allowed ~~only as a Conditional Use; however, time and temperature signs are allowed outright~~ subject to the provisions of this Article.

13.560-13.670 *No changes proposed to these sections.*

STANDARDS BY SPECIAL SIGN FUNCTION

13.680 Temporary Promotional Business Displays. Temporary banner signs, A-frame signs, and inflatable signs may be used, but are limited to one sign on each street frontage for each separate business. The maximum total number of days for promotional display shall not exceed 60 days in any one calendar year. Each display period requires a separate permit, but the display duration can be from 7 days to 60 days. The area of such banner shall not exceed 50 square feet in the CB, NC, HD, MUR, MUI, MS, LE, ES, TD and OP zones and 75 square feet in all other non-residential zones, or in the case of inflatable signs, 500 cubic feet. Inflatable signs can be no higher than freestanding signs allowed in the particular zone.

Any temporary A-frame, sandwich board or similar sign may be no larger than 16 square feet for one face or 32 square feet for two or more faces. If the sign is not attached to a building, the maximum height of the sign may not exceed 4 feet. All temporary signs must be anchored, may not be located within 10 feet of any public right-of-way, may not be attached to or placed inside a parked vehicle, and may not be placed within any vision clearance area. All signs shall be maintained in a safe, neat, clean and attractive condition.

Within the body of the Articles the proposed deletions are shown as strikethrough and additions in bold.

Pennants, flags, and streamers may be used as part of an opening or promotional event subject to the above time constraints. Pennants and flags which are designed with no writing and have permanent mounting devices may be displayed for a longer period of time only upon approval of a Conditional Use Permit. (The American and Oregon flags are exempted from Sign Code regulations.)

13.685-13.816 *No changes proposed to these sections.*

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

FINDINGS OF FACT

1.1 The proposed changes to the Development Code are not goal or policy related. They are predominantly "housekeeping" in nature in that they are intended to update the Code to reflect current state law, clarify regulations, simplify process and respond to perceived desires of the community.

CONCLUSIONS The proposed changes to the Development Code are not goal or policy related, so the goals and policies do not apply to this application.

(2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

FINDINGS OF FACT

2.1 The purpose of the Development Code is stated in it as follows.

1.020 **Purpose.** The general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:

- (1) Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner which protects the health, safety, and welfare of the citizens of Albany.
- (2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.
- (3) Facilitate prompt review of development proposals and the application of clear and specific standards.
- (4) Provide for public information, review, and comment on development proposals which may have a significant impact on the community.
- (5) Guide public and private planning policies and actions to ensure provision of adequate water, sewerage, transportation, drainage, parks, open space and other public facilities and services for each development.
- (6) Establish procedures and standards requiring that the design of site improvements and building improvements are consistent with applicable standards and flexible design guidelines.
- (7) Provide for review and approval of the relationship between land uses and traffic circulation in order to minimize congestion, with particular emphasis on not exceeding the planned capacity of residential streets.

- (8) Require that permitted uses and development designs provide reasonable protection from fire, flood, landslide, erosion, or other natural hazards as well as prevent the spread of blight, and aid in the prevention of crime.
- (9) Protect and enhance the city's aesthetic beauty and character.
- (10) Protect constitutional property rights, provide due process of law, and give consideration in all matters to affected property owner interests in making land use decisions.

CONCLUSIONS. The proposed amendments are consistent with this criterion. This criterion is met.