

ORDINANCE NO. 5673

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP, AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE COMPREHENSIVE PLAN MAP, DEVELOPMENT CODE TEXT, AND ZONING MAP RELATING TO PERIODIC REVIEW GOAL 10 HOUSING, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILES CP-04-07, DC-02-07, AND ZC-04-07).

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

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan, Plan Map, Development Code, and Zoning Map in accordance with a work program approved by the State Department of Land Conservation and Development in 1997; and

WHEREAS, the proposed amendments will help to satisfy Periodic Review work tasks relating to buildable lands and growth management; and

WHEREAS, the City in 2007 adopted a Housing Needs Analysis as a background report to the Albany Comprehensive Plan that outlines projected housing needs to 2025; and

WHEREAS, the proposed amendments to the Development Code will support the goals of providing a variety of housing choices, types, and densities within Albany; and

WHEREAS, the proposed Zoning and Comprehensive Plan Map amendments are needed to keep the plans current and responsive to Albany's residential land needs; and

WHEREAS, the Planning Commission and City Council reviewed many of the proposed amendments to the Development Code and Zoning Map in numerous work sessions; and

WHEREAS, on April 19, 2007, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings on the proposed Comprehensive Plan, Development Code, and Zoning Map amendments to all affected property owners; and

WHEREAS, on April 30, 2007, the Planning Commission held a public hearing on the proposed amendments and then recommended approval based on findings contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Albany City Council held a public hearing on May 23, 2007, concerning the proposed Housing-related amendments; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and the testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Development Code text is hereby amended as shown in the attached Exhibits A, B, C, D, and E for the sections listed below:

Exhibit A: Article 2, Review Criteria – Plan/ Zoning Matrix, Conditional Use Type II Procedures

Exhibit B: Article 3, Residential Zoning Districts

Exhibit C: Article 5, Mixed Use Village Center Zoning Districts

Exhibit D: Article 9, On-Site Development and Environmental Standards – Bicycle Parking Standards

Exhibit E: Article 12, Public Improvements – Planting Street Trees

These exhibits, upon the effective date of this ordinance, shall supersede the corresponding sections of the Development Code. Language shown in the exhibits as having been struck is removed from the Development Code, and language shown in bold is added to the existing text.

Section 2: The Albany Zoning Map is hereby amended as shown on the attached Zoning Map (Exhibit F).

This exhibit, upon the effective date of this ordinance, shall supersede the previous zoning of the properties that have been rezoned.

Section 3: The Albany Comprehensive Plan Map is hereby amended as shown in the attached Comprehensive Plan Map (Exhibit G).

This exhibit, upon the effective date of this ordinance, shall supersede the previous Comprehensive Plan Map designations of the properties whose designation has changed.

Section 4: The Albany Comprehensive Plan Map Plate 7: Hillside – Steep Slopes is hereby amended as shown on the attached Map Plate 7 (Exhibit H).

This exhibit, upon the effective date of this ordinance, shall supersede the previous Comprehensive Plan Map Plate 7.

Section 5: The Findings and Conclusions contained in the staff report and attached as Exhibit I are hereby adopted in support of this decision.

Section 6: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Council President.

Passed by the Council: June 27, 2007

Approved by Council President June 27, 2007

Effective Date: June 27, 2007


Council President

ATTEST:


City Clerk

Additions are shown in **bold** and deletions in ~~strike~~through.

ARTICLE 2 REVIEW CRITERIA

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

- Adjustments
- Comprehensive Plan Amendments
- Conditional Uses
- Development Code Amendments
- Nonconforming Situations
- Site Plan Review
- Vacations
- Variances
- Zoning Map Amendments

[Ord. 5445, 4/12/00]

2.020 to 2.220 – No changes are proposed to these sections.

CONDITIONAL USES

Staff Comments: Staff proposes that a simplified version of the conditional use process be created for certain conditional uses and expansions to existing conditional uses (CU-II) that would follow the Type II procedure, which does not automatically require a public hearing. An example would be an expansion of a church parking lot, which currently requires a public hearing. If this were changed to a Type II procedure, a public hearing would only be held if a neighbor requested it.

2.230 Purpose. Certain uses are ~~e~~Conditional ~~u~~Uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. They are subject to the ~~e~~Conditional ~~u~~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 ~~e~~Conditional ~~u~~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 as requiring Conditional Use approvals may be permitted, enlarged or altered in accordance with the provisions of this ~~S~~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 ~~S~~section.

2.240 Procedure. Conditional Use applications are reviewed as **either a Type II or a Type III procedure, according to the Schedule of Permitted Uses.** [Ord. 5446, 5/10/00]

2.250 to 2.560 – No changes are proposed to these sections.

Additions are shown in **bold** and deletions in ~~strikethrough~~.

Staff Comments: Changes are proposed to the Comprehensive Plan and Zoning Compatibility Matrix at Section 2.570 to reflect changes in the RM zone names and deletion of the High Density Comprehensive Plan Designation. No other changes are proposed to the rest of this Article.

2.570 Zoning. For rezoning and annexation **zoning** requests, the zoning of the property shall be compatible with the Comprehensive Plan designation as provided ~~on~~ **in the Plan Designation zZoning compatibility mMatrix**. Zoning other than shown ~~on~~ **in the matrix** requires approval of a Comprehensive Plan ~~mMap~~ and/or **zZoning mMap** amendment. [Ord. 5555, 2/7/03]

PLAN DESIGNATION ZONING MATRIX

Comprehensive Plan Designation	Compatible Zoning Districts
Light Industrial	Industrial Park (IP), Light Industrial (LI), Transit District (TD)
Heavy Industrial	Light Industrial (LI), Heavy Industrial (HI)
General Commercial	Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP)
Light Commercial	Neighborhood Commercial (NC), Office Professional (OP)
Village Center	Historic Downtown (HD), Central Business (CB), Lyon-Ellsworth (LE), Pacific Boulevard (PB), Elm Street (ES), Main Street (MS), Waterfront (WF), Mixed Use Commercial (MUC), Residential Medium Density Limited Multiple Family (RM-5) , Residential Medium Density Attached (RMA) , Mixed Use Residential (MUR), Office Professional (OP), Community Commercial (CC)
High Density Residential	Residential Multiple Family (RM-3), Waterfront (WF), Office Professional (OP), Neighborhood Commercial (NC)
Medium Density Residential	Residential Single Family (RS-5), Residential Medium Density Limited Multiple Family (RM-5) , Residential Medium Density Attached (RMA) , Mixed Use Residential (MUR), Waterfront (WF) , Office Professional (OP), Neighborhood Commercial (NC)
Low Density Residential	Residential Single Family (RS-10, RS-6.5, RS-5), Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)
Urban Residential Reserve	Residential Single Family (RS-10, RS-6.5, RS-5), Urban Residential Reserve (RR), Residential Multiple Family (RM-3) Residential Medium Density Attached (RMA) , Residential Medium Density Limited Multiple Family (RM-5) , Mixed Use Residential (MUR), Neighborhood Commercial (NC), Office Professional (OP)
Public and Semi-Public	All zones
Open Space	Open Space (OS)

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

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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**~~4~~.

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

ZONING DISTRICTS

Staff Comments: The density ranges in the purpose statements are misleading. We propose the density range be removed and replaced with the average lot size for the single-family zones and a maximum density for the RM zones. Density is determined by the minimum lot size allowed by the zone. (Note: A maximum density by zone exists for Cluster Developments and is proposed for Planned Developments in Article 11.)

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) RS-10—RESIDENTIAL SINGLE FAMILY DISTRICT. The RS-10 District is intended primarily for a lower density single-family residential environment. **The average minimum lot size is 10,000 square feet.** ~~Development should occur at an overall average density of four 3 to 4 units per acre.~~
- (3) RS-6.5—RESIDENTIAL SINGLE FAMILY DISTRICT. The RS-6.5 District is intended primarily for low-density urban single-family residential development. **The average minimum lot size is 6,500 square feet.** ~~Development should occur at 6–8 units per acre.~~
- (4) RS-5—RESIDENTIAL SINGLE FAMILY DISTRICT. The RS-5 District is intended primarily for low- to moderate-density single-family development. **The average minimum detached single-family lot size is 5,000 square feet.**~~Development should occur at 8–10 units per acre.~~

Staff Comments: Because there has been little difference in the types of development in the RM-5 and RM-3 zoning districts over the last 10 years, the two zones are proposed to be combined and renamed Residential Medium Density (RM). In order to protect “RM” land for medium-density development, a new version of the old RM-3 zone (named “RMA, Residential Medium Density Attached”) would not allow detached single-family residences. The zone will initially only be applied over some existing apartment complexes. In the future, property owners could request either the RM or RMA zoning.

- (5) ~~RM-5—RESIDENTIAL LIMITED MULTIPLE FAMILY~~ **MEDIUM DENSITY DISTRICT.** The RM-5 District is primarily intended for low to medium-density ~~multiple-family residential urban development.~~ **New RM districts should be located on a collector or arterial street or in Village Centers.** ~~Development should occur at 10–20 units per acre. Development may not exceed 25 units per gross acre.~~
- (6) ~~RMAM-3—RESIDENTIAL MULTIPLE FAMILY MEDIUM DENSITY ATTACHED DISTRICT.~~ The RMAM-3 District is intended primarily for medium- to high-density urban residential development. **All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers.** ~~Development may not exceed 35 units per gross acre. Development should occur at 20–40 units per acre.~~

Staff Comments: The RM-H zone is not applied anywhere on the Zoning Map and is proposed to be deleted. Several other zones offer opportunities for higher-density development in Village Centers and near downtown such as WF, Waterfront; MUR, Mixed Use Residential; and MUC, Mixed Use Commercial.

- ~~(7)RM-H—RESIDENTIAL MULTIPLE FAMILY HIGH DENSITY DISTRICT.~~ A site will be designated RM-H upon the request of the property owner or representative of the owner, and only in conjunction with a site plan or conditional use review for uses permitted in the district. ~~Density is not regulated by a maximum number of units per acre. Instead, the maximum building size and intensity of use is regulated by site development standards. The major types of new housing development will be medium and high-rise apartments and condominiums. Generally, RM-H zones will be located near the center of the city where transit is readily available and where commercial and employment opportunities are nearby. At a minimum, sites designated RM-H will develop at 40 units per acre.~~
- (8)(7)HM—**HACKLEMAN-MONTEITH DISTRICT.** The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-family residential structures to other uses, including multi-family residential, is not allowed. ~~Accessory apartments are allowed.~~ ***Staff Comments: Accessory apartments are allowed in all residential zones, but none of the other zone purpose statements note this. So this is being deleted to be consistent with the other zoning districts.*** [Ord. 5555, 2/7/03]

Staff Comment: The text below is repeated in the Special Status Section 3.060 and is therefore proposed to be deleted here.

~~The intent of the HM district is to preserve existing single-family residences for that use, but not make existing multi-family development non-conforming. Existing multi-family developments within the HM district that were constructed for that purpose will remain conforming uses, as will other existing duplex and multi-family developments. A list of these specific existing developments is included in Section 14.080. The duplex and multi-family developments on this list are allowed uses, and are not subject to the restrictions that would otherwise apply if they were non-conforming uses. The requirements of any applicable overlay district do apply. [Ord. 555, 2/7/03]~~

- 3.025 Establishment of the Open Space (OS) District. The OS District is intended for the establishment, continuation, and preservation of agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, and other uses that do not involve the construction of structures other than minor facilities that might be required to conduct the principal use. Uses that are allowed in the OS district are listed following the Schedule of Permitted Uses and do not appear in the Schedule.
- 3.030 Establishment of Special Purpose Districts. Special purpose districts are overlay districts ~~which~~ **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 all apply to any site ~~which~~ **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 ~~which~~**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 6
Hillside Development	Article 6
Historic Districts	Article 7

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 ~~which~~**that** may be located within the eCity. 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) 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 Review, the entire development shall be reviewed ~~using~~**utilizing** the conditional use criteria if concurrent approval of all uses is ~~sought~~**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 1.070, 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.~~

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).** These conditions ~~are found~~ following the schedule of uses, in Section 3.080**060**.

The abbreviations used in the schedule have the following meanings:

- AY **Yes; u**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 2.230-2.260 **through a Type III procedure.**

Staff proposes that a few use types and additions to certain uses be processed through the Type II procedure (“CUII”), which has an option for a public hearing. This would allow neighbors to ask for a public hearing rather than the current Type III procedure that requires a public hearing. Bed and Breakfasts and expansions to existing parking lots, churches and schools are proposed to be considered through the CUII 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; u**Use not permitted in the ~~major~~-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.

Summary of Major Headings in the Schedule:

1.0 Residential	6.0 Parking Lots
2.0 Accessory Buildings and Uses	7.0 Public and Semi-Public Uses
3.0 Agriculture and Natural Resources	8.0 Recreation, Entertainment, Public Assembly
4.0 Antennas and Towers	9.0 Storage and Warehousing
5.0 Educational and Religious	[Ord. 5445, 4/12/00]

Staff Comments: The new shorter Schedule of Permitted Uses replaces the old multi-page schedule. For easier reading, the new schedule is not shown in bold and strike unless a change in use is proposed. Some of the special conditions have been renumbered, but this is not shown in bold and strike. The proposed changes are summarized below:

- *Due to similarities of development in the RM-5 and RM-3 zones, they are being combined and renamed the RM zone. A new zone, RMA, is proposed and is shown in bold.*
- *Deleting the RH, Residential High Density zone, which is not applied anywhere on the Zoning Map.*
- *Storage/Mini-warehouses are proposed to be removed as a use allowed in the new RMA zone due to the need for multi-family land. (Note: Mini-warehouses would still be allowed in RM and are also allowed in the LI, HI, CC and RC zones.)*
- *Bed and Breakfast facilities are proposed to be processed through the new “CUII” procedure.*
- *One temporary residential sales office and parking lot is proposed to be allowed for new subdivisions.*
- *The “Live Work” and “Uses Above a Business” are being combined into a new use category called “Units Above or Attached to a Business.”*
- *The commercial and office use categories shown in bold text were not in the original schedule of permitted uses, although these uses are allowed in Planned Developments and Cluster Developments. We propose adding the use categories to the schedule of uses with a special condition that notes when these uses are allowed.*

SCHEDULE OF PERMITTED USES

Uses Allowed in Residential Zoning Districts

Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
RESIDENTIAL: One Unit per Property								
Single-Family, detached	19	Y	Y	Y	Y	Y	Y	N
Single-Family, attached		N	PD/CD	PD/CD	N	Y	Y	Y
RESIDENTIAL: Two Units per Property								
Two-Family, 2 attached units (Duplex)	3	N	Y-1	Y-1	N	Y-1	Y	Y
Two-Family, 2 detached units	2	N	PD	PD	S	PD	SY	Y
Primary Residence with one accessory unit	4	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL: Multiple Units/Property								
3 or More Single-Family Attached Units	3	N	PD/CD	PD/CD	N	S	S	S
3 or More Multiple-Family Units	3	N	N	N	N	N	S	S
Manufactured Home Parks (see Article 10)	19	N	N	S	N	S	S	S
RESIDENTIAL: Care or Treatment								
Assisted Living		CU	CU	CU	CU	CU	CU	CU
Residential Care Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL: Miscellaneous								
Accessory Buildings, Garages or Carports less than 750 sf and walls not greater than 11 ft tall OR that meet the standards in Special Cond. 9	9	Y	Y	Y	Y	Y	Y	Y
Accessory Buildings, Garages or Carports not meeting standards in Special Cond. 9.	9	S	S	S	S	S	S	S
Bed & Breakfast	7	CUII	CUII	CUII	CUII	CUII	CUII	S
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y
Home Occupations	20	Y	Y	Y	Y	Y	Y	Y
Recreational Vehicle Parks (See Article 10)	5, 19	N	N	N	N	N	CU	CU
Rooming or Boarding Houses		N	N	N	CU	N	S	S
Subdivision Sales Office	21	N	S	S	N	S	S	S
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N
Temporary Residence	8	S	S	S	S	S	S	S
INSTITUTIONAL								
Basic Utilities		CU	CU	CU	CU	CU	CU	CU
Child or Adult Care Institution-Facility		CU	CU	CU	CU	CU	CU	S
Community Services		CU	CU	CU	CU	CU	CU	CU
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU
Hospitals		N	N	N	N	N	CU	CU
Jails & Detention Facilities		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
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU
COMMERCIAL – Limited Use Types								
Entertainment and Recreation: Indoor Outdoor	18	CU CU	CU CU	CU CU	CU N	CU CU	CU SCU	CU CU
Offices	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Restaurants, no drive-thru	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Retail Sales and Service	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
OTHER CATEGORIES								
Agriculture: Crop Production	10	Y	Y	Y	N	Y	Y	Y
On-site Sales of Site-Produced Seasonal Goods		Y	S	C	N	C	C	C
Plant Nurseries and Greenhouses		S	S	S	N	S	S	S

Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
OTHER CATEGORIES								
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		A	A	A	N	A	A	A
Communication Facilities over 50 ft. [Ord. 5281, 3/26/97]	16	N	N	N	Y	N	N	N
Kennels	11	S	CU	CU	N	CU	CU	N
Satellite Dish and Other Antennas	12	A	A	A	A	A	A	A

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

N = No, not allowed
 PD = Planned Unit Devel., See Art. 11
 S = Site Plan review required

RESIDENTIAL ZONING DISTRICTS

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
1.000	RESIDENTIAL									
1.100	Single-Family Residences:									
1.110	Single family detached, one dwelling per lot		A	A	A	A	A	A	A	*
1.120	Single family detached, more than one dwelling per lot [Ord. 5338, 1/28/98]	17	*	PD	PD	S	PD	S	S	*
1.130	Two units attached at common wall property line	1,2,3	*	G	G	*	S	S	S	*
1.140	Multiple single family attached units (condominiums)		*	PD	PD	*	S	S	S	S
1.145	Two or more single family attached (townhouses) [Ord. 5445, 4/12/00]		*	*	*	*	A	A	A	*
1.150	Conversion of multiple family to single family attached (Condominiums)		*	G	G	G	G	G	G	G
1.160	Manufactured homes on individual lots except for lots located within the National Register Historic Districts or residential land adjacent to a historic landmark. [Ord. 5446, 5/10/00]		A	A	A	A	A	A	A	*
1.170	Manufactured home parks and subdivisions (See Article 10)		*	*	S	*	S	S	S	*
1.180	Home occupations (See Article 3)		A	A	A	A	A	A	A	A
1.200	Two-Family Residences:									
1.210	Duplexes [Ord. 5445, 4/12/00]	1,2,3	*	A	A	*	A	A	A	*
1.220	Primary residence with accessory apartment	4	A	A	A	A	A	A	A	*
1.300	Multiple Family Residences:									

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
1.310	Located within Willamette River Greenway Boundary		*	*	*	*	*	G	G	G
1.320	Quad or quint apartment dwellings		*	*	*	*	*	S	S	*
1.330	All other multiple family dwellings		*	*	*	*	*	S	S	S
1.340	Conversion of multiple family to attached single family on individual lots	3								
1.400	Overnight Recreational Vehicle Parks (See Article 10)	5	*	*	*	*	*	G	G	*
1.500	Homes and Institutions Providing Special Services, Treatment, or Supervision:									
1.510	Group care home		A	A	A	A	A	A	A	A
1.520	Hospital		*	*	*	*	*	G	G	*
1.530	Child care home	6	A	A	A	A	A	A	A	S
1.540	Child care institution		G	G	G	G	G	G	S	S
1.600	Miscellaneous Rooms for Rent:									
1.610	Rooming houses, boarding houses		*	*	*	G	*	S	S	*
1.620	Bed & breakfast	7	G	G	G	G	G	G	S	*
1.700	Temporary Residence in Conjunction with New Construction, Emergency Repair, or Night Watchman Use	8	S	S	S	S	S	S	S	S
2.000	ACCESSORY BUILDINGS AND USES									
2.110	Accessory buildings, garages, carports meeting the standards in Special Condition 9. [Ord. 5281, 3/26/97]	9	A	A	A	A	A	A	A	A
2.120	Detached accessory buildings, garages, carports totaling less than 750 sq. ft. & having walls not greater than 11' in height.		A	A	A	A	A	A	A	A
2.130	Accessory buildings, garages, carports not meeting the standards in Special Condition 9. [Ord. 5281, 3/26/97]	9	S	S	S	S	S	S	S	S
2.200	Non-Residential Accessory Buildings and Uses	9	S	*	*	*	*	*	*	*
3.000	AGRICULTURE AND NATURAL RESOURCES									
3.100	Crop Production Generally		A	A	A	*	A	A	A	*
3.200	On-site Retail Sales of Site-produced Seasonal Goods Exceeding 30 Days Duration		A	S	G	*	G	G	G	*

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
3.300	Plant Nurseries and Greenhouses		S	S	S	*	S	S	S	*
3.400	Temporary Staging Areas for Public Works Construction Projects in Excess of 6 Months Duration		C	C	C	C	C	C	C	*
3.500	Tree Felling:									
3.510	Felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) [Ord. 5445, 4/12/00]	10	S	S	S	S	S	S	S	S
3.600	Raising of Animals, Livestock (subject also to Albany Municipal Code Section 6.10)		A	A	A	*	A	A	A	*
3.700	Kennels	11	S	C	C	*	C	C	*	*
3.800	Animal Arenas, Commercial Stables, Equestrian Center		S	C	C	*	*	*	*	*
3.900	Development Within a Wetland as Designated on Plate 6 of the Comprehensive Plan		C	C	C	C	C	C	C	C
4.000	ANTENNAS AND TOWERS									
4.100	Antennas, Regardless of Size, Owned & Operated by FCC Licenses Member of Amateur Radio Service		A	A	A	*	A	A	A	A
4.110	Private and public communication towers and antennas over 50 feet in height [Ord. 5281, 3/26/97]	16	*	*	*	A	*	*	*	*
4.200	Satellite Dish & All Other Antennas	12	A	A	A	A	A	A	A	A
5.000	EDUCATIONAL AND RELIGIOUS									
5.100	Private or Public Schools:									
5.110	Primary, elementary, & secondary school (includes associated grounds, facilities & administrative offices)	13	C	C	C	C	C	C	C	*
5.120	Colleges, universities, community colleges (including associated facilities like dorms, offices, athletic fields, stadiums, research facilities, etc.)		C	C	C	C	C	C	C	*
5.200	Churches, Synagogues, & Temples (includes associated structures for religious personnel, accessory uses like day nurseries; excludes elementary/secondary schools that require other permits)	13	C	C	C	C	C	C	C	*
6.000	PARKING LOTS									
6.100	Vehicle and Equipment Parking not Incidental or Accessory to Another Use Located on the Same Property:									

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
6.120	Commercial parking, garages, pay lots		*	*	*	*	*	*	*	G
6.130	Off-site parking lots for commercial, education, religious, & institutional uses		*	*	*	*	*	G	G	*
6.200	All-Other On-Site Parking Lots for Approved Uses		G	G	G	S	S	S	S	S
7.000	PUBLIC AND SEMI-PUBLIC USES		G	G	G	G	S	S	S	S
7.100	Emergency Services (e.g. police & fire stations, ambulance & rescue services)		G	G	G	G	G	G	G	*
7.200	Alleys, Streets, Highways, Bridges, Sidewalks, Bikepaths, & Related Transportation Facilities Subject Only to Special District Regulations of Article 11.		A	A	A	A	A	A	A	A
7.300	Utility Facilities:									
7.310	Neighborhood utilities including pump stations, electric substations less than 5,000 sq. ft. & all local utility lines		A	A	A	A	A	A	A	*
7.320	Regional/community utilities including treatment plants, storage facilities, regional transmission facilities, overhead power lines requiring tower support structures, etc.		G	G	G	G	G	G	G	*
7.400	Cemeteries, Crematoriums, & Mausoleums		S	S	S	G	S	S	S	*
8.000	RECREATION, ENTERTAINMENT, PUBLIC ASSEMBLY									
8.100	Activities Conducted Primarily within Structures:									
8.110	Indoor racquet sports clubs; spas; athletic, exercise, & health clubs; and similar facilities not constructed as part of planned residential development [Ord. 5446, 5/10/00]		G	G	G	G	G	G	G	*
8.120	Youth clubs, senior centers, community centers [Ord. 5446, 5/10/00]		G	G	G	G	G	G	G	G
8.200	Activities Conducted Primarily Outside Enclosed Buildings:									
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.)		G	G	G	*	G	S	S	*
8.220	Public parks & recreational facilities located therein	14	G	G	G	G	G	G	G	*
8.230	Fairgrounds		G	G	G	*	G	G	*	*
9.000	STORAGE AND WAREHOUSING									
9.100	Warehousing or Storage of Goods Not Including Sale or Use of These Goods on the Same Property Where									

	USE DESCRIPTIONS	Spec Cond	RR	RS 10	RS 6.5	HM	RS 5	RM 5	RM 3	RH
	They are Stored Except as Accessory Use Activity:									
9.110	Mini-warehouses	45	*	*	*	*	*	S	S	*

[Ord. 5555, 2/7/03]

OPEN SPACE (OS) DISTRICT USES

3.060 Uses Allowed Outright. The following uses are permitted outright in the OS district:

- (1) Crop production generally.
- (2) Alleys, streets, highways, bridges, sidewalks, bikepaths, and related transportation facilities, subject only to the Special District regulations of Article 11.
- (3) Neighborhood utilities, including pump stations, electric substations less than 5,000 square feet and all local utility lines.
- (4) Raising of animals and livestock, subject also to Albany Municipal Code Section 6.10.
- (5) One single family dwelling on a legally created lot that existed prior to July 1, 1991, and where the floodplain standards of Section 11.010 can be met. No additional land divisions will be approved.

3.070 ~~Uses Permitted Conditionally~~ Uses. The following uses are permitted **with Conditional Use approval** conditionally under as described in ~~Section 2.170:~~

- (1) Detached residential accessory buildings, garages and carports.
- (2) Non-residential accessory buildings and uses.
- (3) On-site retail sales of site-produced seasonal goods exceeding 30 days duration.
- (4) Plant nurseries and greenhouses.
- (5) Mining, quarrying, oil and gas extraction and asphalt-concrete batch plants including on-site sales of products.
- (6) Temporary staging areas for Public Works construction projects in excess of 6 months duration.
- (7) Removal of 5 or more trees in excess of 4-8 inches in diameter (see sSpecial eCondition 10.)
- (8) Development within a wetland, as designated on Plate 6 of the Comprehensive Plan.
- (9) Outdoor recreational facilities (e.g. golf and country clubs, driving ranges, swimming or tennis clubs, equestrian trails, etc. not constructed as a part of planned residential development).
- (10) Public parks and recreational facilities located in a public park. See special condition 14.
- (11) Fairgrounds.

- (12) On-site parking lots for approved uses (parking lots not listed as permitted in other categories.)
- (13) Regional/community utilities including treatment plants, major power generation, major storage facilities, regional transmission facilities, major overhead power lines requiring tower support structures, etc.

SPECIAL CONDITIONS

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

- (1) In the RS-6.5, RS-5, and RS-10 Districts, one duplex is permitted outright on a corner lot that meets the minimum lot size for a duplex in the zone. Exception for non-corner lots created between May 1, 2000 and January 11, 2006: A duplex is allowed on a non-corner lot **created in this time period** provided that the lot is at least 1.5 times the single-family minimum lot size in the zone. The lot size threshold may be reduced by use of the 10% transportation bonus provided the lot is not a flag lot and it meets the standards in Section 3.220. [Ord. 5445, 4/12/00, Ord. 5635, 1/11/06]

Staff Comments: The current language in #2 is no longer needed. The language from Special Condition #17 is relocated here and includes some minor revisions to be more consistent with Special Condition #3.

- (2) ~~In the RM-5 and RM-3 Districts, duplexes are permitted outright on any lot so long as the minimum lot size for a duplex is met. [Ord. 5445, 4/12/00, Ord. 5635, 1/11/06]~~ **When more than one single-family detached residence 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. [Ord. 5338, 1/28/98]**
- (3) Duplexes and multi-family developments may be divided so that each 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 1, however, the amount of land on which each unit is located ~~need not be the amount shown in Table 1. For example, the land area for a duplex to be divided in an RS-6.5 zoning district must be 8,000 square feet for corner lots, but that area need does not need to be split equally between the individual unitslots - (one may be larger than 4,000 square feet and one smaller.)~~

Staff Comments: Accessory apartments are not currently allowed in accessory structures built after February 1, 1998. Accessory apartments are proposed to be allowed in new accessory structures in new subdivisions of at least 10 lots. This would allow detached garages with “granny flats” above them, for example, like those in the new Edwards Addition neighborhood in Monmouth. Additional compatibility standards and minor edits are also proposed to be consistent with the current standards in Article 5.

- (4) ~~One Accessory apartments are~~ **permitted per primary single-family residence, called the “primary residence.”** -[Ord. 5338, 1/28/98] **as The accessory apartment may be:**
 - ~~An additions to or within the primary single family residence, when:~~ **OR**
 - **In a detached building built before July 1, 2007, OR**
 - **On a lot in a subdivision of at least 10 lots, when the tentative plat was approved after July 1, 2007.**

Accessory apartments shall be incidental in size and appearance to the primary residence and meet the following standards:

- (a) One of the residences on the site is owner occupied.
- (b) **The size of an accessory apartment does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less. (Note: Accessory apartments greater than 750 square feet that were legally constructed before July 1, 2007 may remain.)**

~~The apartment remains incidental to the primary residence in size and appearance.~~

- (c) At least three off-street parking spaces are available ~~provided~~ on the property ~~for use to serve the two residences.~~ [Ord. 5338, 1/28/98]
- (d) All required building permits have been obtained. **If the primary residence is on the Local Historic Inventory, historic review may be required.**
- (e) **The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located.**

Staff Comment: Text is relocated above. ~~(e) For detached accessory apartments, the parcel on which the apartment will be built meets the minimum lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98]~~

Detached accessory apartment units must also meet the following development standards:

Front Setback: Greater than or equal to the location of the front wall of the primary residence; and

Interior Setback: 5 feet for one-story; 8 feet for two-story; and

Maximum Height: 24 feet to the ridge of the roof.

- (5) In the RM-5 District, the following criteria ~~shall~~ **must** be considered ~~met~~ in addition to the eConditional 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 includes the day or night time care of less no more than thirteen 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 single-family homes per the Oregon Revised Statutes (ORS). These homes may require a license by the State of Oregon Children’s Services Division. See ADC Section 22.200.**

Staff Comments: Due to the lack of on-site parking in the historic districts, staff asks you to consider allowing contiguous on-street parking to count towards off-site parking requirements for B&Bs in the HM zone. B&Bs require a Conditional Use (Type II) approval. Concerns about parking (and other issues) could be raised at the neighborhood meeting or public hearing, if one is requested

- (7) ~~In the RS 6.5, RS 5 and RM 5 residential districts,~~ Bed and Breakfast facilities shall:
 - (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 yard setback area or within 10 feet of any interior residential lot line.
 - (d) Provide at least one off-street parking space for each rental room, **except in the HM zone, where on-street parking along the frontage of the property line(s) may count toward the parking requirements. To count towards this standard, each on-street space must be at least 25 feet long and be striped.**

- (8) Temporary residences **in conjunction with construction, emergency repair, or a night watchman are permitted but** are limited to one year in duration.
- (9) ~~Beyond the standards provided herein for establishment of accessory buildings and uses, The~~ definitions of “Accessory Building” and “Accessory Use” in ~~Section 1.070 and Article 22~~ shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 2, **Section 3.190** for Accessory Structure Standards.

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

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

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

~~Accessory buildings in floodplain districts are subject to the floodplain regulations of Article 6.~~
[Ord. 5281, 3/26/97]

Staff Comment: The text below is the Director’s interpretation, which is being incorporated into the Development Code.

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

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

- (10) ~~Site Plan Review~~ approval is required for the felling of five or more trees larger than 25 inches in

circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet. For review criteria, see Section 9.208. [Note: **A permit is required from the City Forester to remove any tree that is six and one-half feet in circumference, approximately 25 inches in diameter, or greater. See AMC 7.98.040.**]

The following activities are exempt from site plan review:

- (a) The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service; or to reopen a public street to traffic.
 - (b) Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
 - (c) Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement provided the Tree Commission or City Forester approves the proposed tree felling. [Ord. 5445, 4/12/00]
- (11) Kennels in residential districts shall be restricted to ~~sites~~ **properties** containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels.
- (12) Antennas are subject to the following standards:
- (a) ~~No~~ **an** Antenna or antenna supports shall ~~may not~~ be located within any front yard setback area or within any required landscape buffer yard.
 - (b) Antennas shall not extend higher than fifteen feet above the peak of the roof.
 - (c) Dish antennas exceeding 12 feet in diameter **are not** ~~shall not be~~ permitted.
 - (d) Dish antennas exceeding 36 inches in diameter **may** ~~shall~~ not be roof mounted.
 - (e) Dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
 - (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
 - (g) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.
 - (h) Antenna not in conformance with the above may be considered by Conditional Use review.
- (13) Original ~~e~~ **Conditional** ~~u~~ Use approval for ~~schools~~ **education** and **religious institutions** ~~churches~~ 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** child care 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.)

Staff Comments: Expansions to an existing institution are proposed to be processed as a Conditional Use Type II process (CUII), which allows a property owner within the notice area to request a public hearing, rather than being scheduled automatically as required in the Conditional Use (CU) procedure (Type III) .

Expansion of ~~an school~~ **education** or ~~church~~ **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 ~~e~~ **Conditional** ~~u~~ **Type II process (CUII)**.

- (14) Public park development activity 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) ~~Mini-warehouses are~~ **Self-Serve Storage** is subject to the following standards:

- (a) Freestanding facilities shall be limited to sites of one to three acres in size and maximum building coverage shall be limited to 50% of the parcel.
- (b) Building setbacks shall be as follows: front yards - 25 feet, interior yards - 20 feet. No fencing is permitted in front yard setbacks and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones. No barbed wire fencing is permitted in residential districts.
- (c) The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.
- (d) The maximum storage unit size shall be 500 square feet.
- (e) All outdoor lighting shall be shielded to prevent reflection on adjacent properties.
- (f) Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall 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 shall be conducted on the premises.

(16) Public and Commercial Communication Facilities over 50 feet in height are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a ~~tower facility~~ is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Type II land use decision.) See ~~Section 8.400~~ **Article 8** for ~~design standards for telecommunications facilities~~ **design standards**.

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

- (a) The base of the antenna and any structures associated with the antenna shall be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.
- (b) The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250. [Ord. 5281, 3/26/97; Ord. 5445, 4/12/00]

Staff Comments: The following condition relates to uses allowed only through the Planned Development or Cluster Development process. It references the standards in Article 11 for each type of development in.

(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 11.500(2).**

~~Where more than one single-family residence is located on a lot of record in an RR, RS-10, RS-6.5, or RS-5 zoning district, the lot may be split even if it does not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met. [Ord. 5338, 1/28/98].~~ *Staff Comment: This text was relocated to Special Condition 2.*

Staff Comments: Special Conditions 18 through 20 are a result of the now shorter schedule of permitted uses.

- (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 outdoor entertainment and recreation uses include sports fields, clubhouses, tennis and golf facilities, swimming pools, and similar uses.**~~The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet from two-story or taller buildings. [Ord. 5338, 1/28/98]~~ *The deleted text already exists in Table 1, Development Standards, Section 3.190.*
- (19) **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.**
- (20) **Home occupation standards are in Section 3.100.**

Staff Comment: The following language is proposed to allow one temporary sales office and parking lot for new subdivisions.

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

Standards

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

SPECIAL STATUS

3.0760 Existing Residential Uses Granted Special Status in the HM, Hackleman Monteith, District

Staff Comment: This section is being expanded to include granting special status to existing developments created legally in Central Albany (other than just the HM zone) before the zoning was changed in 1996 with the adoption of the Central Albany Land Use and Transportation Study (CALUTS) zoning districts.

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), properties listed below shall be deemed to be conforming with the base ~~HM~~-zoning district. If any building on these properties is substantially destroyed, as defined in ADC Section 2.340(4), it can be rebuilt to the same **size and density** as existed on the property at the time ~~ADC Article 14~~ the zone was first **created, adopted, on May 22, 1996**, but will be subject to the regulations of any applicable overlay zone.

If any of the listed buildings are converted to single-family use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of this article. The special status granted here will be lost if it is determined that the use that existed at the time the zone was created was not then lawfully in existence.

For properties zoned HM in 1996: The intent is that each and every legally established duplex and multi-family development, in areas previously zoned RM-3, RM-5, **RS-6.5, CB** and OP only, that exists in the HM district at the time **the zone was established May 22, 1996**, of adoption of ~~Article 5 (originally Article 14)~~ be listed here. Should an existing use not be listed here, the property owner may have the property listed upon showing that the use was legally established **before May 22, 1996**. ~~at the time of adoption of Article 14.~~ Satisfactory evidence must be provided by the property owner or applicant to document that the use existed. Such evidence may consist of building permits, utility hookups, tax records, or telephone directory listings, for example.

Staff Comments: Staff did additional research to update this list. The list has been reordered by zone and then SW and SE addresses, then by numbered streets and alphabetical order for the remaining streets.

The list is sorted first by SW and SE, then alphabetically by street name, and numerically by address.

- ~~(34)~~ (1) 807A/807B and 805/805-1/2 3rd Avenue SW two 1-story duplexes
- ~~(1)~~ ~~837/838/829/827 11th Avenue SW: 1-story fourplex~~ **Staff Comment: same as (11).**
- (2) 410-418 5th Avenue SW: two 2-story buildings totaling 5 units**
- ~~(2)~~ **(3) 1015 5th Avenue SW: two 2-story buildings: east building, 12 units; west building, 6 units**
- ~~(40)~~ 430 6th Avenue SW: two-story, 12 units
- ~~(35)~~ 640 7th Avenue SW/707 Vine Street SW: 1-story duplex
- (6) 638-644 8th Avenue SW: duplex**
- (7) 1109/1111 9th Avenue SW: duplex**
- (8) 1015/1030/1036/1040 10th Avenue SW: fourplex**
- (9) 417/421 11th Avenue SW: duplex**
- (10) 631/641 11th Avenue SW: duplex**
- (11) 651/661 11th Avenue SW: duplex**
- ~~(912)~~ **827/829/833/837/838 11th Avenue SW: 1-story fourplex**
- ~~(13-0)~~ 1030 11th Avenue SW: duplex
- (14) 625/635 14th Avenue SW: duplex**
- (15) 522 Calapooia Street SW: 4 units**
- (16) 634 Calapooia Street SW: 4 units**

- (17) 1104/1108 Calapooia Street SW: **duplex**
- (18) 1114/1118 Calapooia Street SW: **duplex**
- (4419) 628 Ferry Street SW: 2-story 10-unit apartment complex
- (620) 908 Ferry Street SW: 1-story 12-unit apartment building
- ~~(7) 928 Ferry Street SW: 7 units in house~~ **Staff Comment: Is now single-family.**
- (821) ~~926-976/978~~ Ferry Street SW and 405/407 11th Avenue SW: ~~7 units~~ **4 units**
- ~~(122) 625/635~~ **721** Vine Street & **635 8th** Avenue SW: duplex
- (23) **1223/1225** Vine Street SW: **duplex**
- ~~(1224)~~ 1241/1245 Vine Street SW: duplex
- ~~(525)~~ 707/719 Washington Street SW: 1-story duplex
- ~~(1326)~~ 505 3rd Avenue SE: 2-story fourplex
- ~~(1427)~~ 526 3rd Avenue SE: 2-story fourplex
- ~~(1528)~~ 627 3rd Avenue SE: 2-story, 6 units
- (29) 726/728 3rd Avenue SE: 1-story duplex
- ~~(3033)~~ 826/828 3rd Avenue SE: two 1-story duplexes
- ~~(1831)~~ 140 4th Avenue SE: 2-story duplex
- (32) **222/224** 4th Avenue SE: **3 units total** **Staff Comment: This was zoned CB.**
- ~~(3633)~~ 420/422 4th Avenue SE: 1-story duplex
- ~~(1634)~~ 527 4th Avenue SE: 2-story duplex
- ~~(1735)~~ 538 4th Avenue SE: 2-story duplex
- ~~(3536)~~ 728 4th Avenue SE: 2-story, 2 units
- ~~(21) 140 5th Avenue SE: 2-story duplex~~ **Staff Comment: Is now single-family.**
- ~~(2237)~~ 208 5th Avenue SE: 2-story, 16 units
- ~~(2338)~~ 238/~~225/311~~ 5th Avenue SE: 2-story, 3 units
- (2439) 317 5th Avenue SE, A and B: 2-story duplex
- (2540) 404/406 5th Avenue SE **and 505/525 Railroad SE: two-story triplex and accessory building**
- ~~(26) 505/526/540/423~~ 5th Avenue SE: 2-story, 4 units **Staff Comment: This combined two sites, and both locations are now single-family.**
- ~~(2741)~~ ~~423/425~~ and 614/616 5th Avenue SE: ~~two~~ **21-story duplex each 2 units = 4 units**
- (2842) 637 5th Avenue SE: 2-story, **duplex 3 units** **Staff Comment: Owners removed a unit.**
- ~~(3943)~~ 730 5th Avenue SE: 2-story triplex
- (44) 205 6th Avenue SE: 2-story, 16 units
- (45) 225 6th Avenue SE: 2-story, 4 units
- ~~(3046)~~ 509/519 and 521/524 6th Avenue SE: two 1-story buildings, 4 units
- ~~(2947)~~ 540 6th Avenue SE: 2-½ story, 5 units
- (4248) **606/616 6th Avenue SE: 2-story duplex (note: a duplex requires both lots.)**
- (496) **635 6th Avenue SE/530 Thurston SE: attached single-family**
- (50) **638 6th Avenue SE: 2 units**
- ~~(4151)~~ 513 7th Avenue SE: 1-story duplex
- ~~(1952)~~ ~~306-407~~ Baker Street SE/**206 4th** Avenue SE: 2-story, 8-4 units **Staff Comment: This was zoned CB.**
- ~~(2053)~~ **423 Baker Street SE: 2-story house and accessory building, 3 units** **Staff Comment: This was zoned CB.**
- (54) 434 Baker Street SE: 2-story duplex
- ~~(3155)~~ 625 Jefferson Street SE, A and B: 2-story, 2 units
- (56) **431 Montgomery Street SE: 2-story, 7 units** **Staff Comment: This was zoned CB.**
- ~~(32) 697~~ Jefferson Street SE: ~~two-story, 6 units~~ **Staff Comment: Is zoned RM-5**
- (38) ~~589 A/B/C~~ Lafayette Street SE: ~~1-story triplex~~ **Staff Comment: Is zoned RM-3**
- ~~(37) 617/619~~ Lafayette Street SE: ~~1-story duplex~~ **Staff Comment: Is zoned RM-3**
- ~~315~~ Montgomery Street SE: ~~triplex~~ **Staff Comment: Is now single-family.**

[Ord. 5241, 5/22/96, Ord. 5555, 2/7/03]

Certain Properties Zoned RS-5 or HM

The intent is that each and every legally established duplex and multi-family development in areas previously zoned R-2 and R-3 prior to 1991 and zoned RM-5 since 1991 until being rezoned to RS-5 or HM on July 1, 2007, be listed here. Should an existing use not be listed here, the property owner may have the property listed upon showing that the use was legally established at the time the property was rezoned from RM-5 or RM-3. Satisfactory evidence must be provided by the property owner or applicant to document that the use existed. Examples of supporting evidence may consist of building permits, utility hookups, tax records, or telephone directory listings, for example.

The lists are sorted alphabetically by street name and then numerically by address.

East of Oak Street and North of Second Avenue SE

- 1437 1st Avenue E: 3 units
- 100-110 Chicago Street SE: 2 units
- 235-237 Chicago Street SE: 2 units
- 1632-1634 Front Avenue NE: 2 units
- 103-115 Geary Street SE: 2 units
- 375-385 Geary Street NE & 1814 Willamette Avenue NE: 3 units
- 135-137 Oak Street SE: 2 units
- 1441-1441-½ Water Avenue NE: 2 units
- 2130-2140 Water Avenue SE: 2 units
- 2275-2277 Willamette Avenue NE: 2 units

West of Elm Street SW

- 1098 8th Avenue SW/815 Tadena SW: 2 units
- 1109-1111 9th Avenue SW: 2 units
- 940, 940 1/2 10th Avenue SW: 2 units
- 1107-1107-½ 10th Avenue SW: 2 units
- 1143-1149 10th Avenue SW: 2 units
- 1159-1161 10th Avenue SW: 2 units
- 1154 10th Avenue SW: 2 units
- 1143-1145 12th Avenue SW: 2 units

HOME OCCUPATIONS

- 3.090 **Purpose.** The home occupation provisions recognize the needs of many persons who are engaged in small scale business ventures or personal hobbies, whether conducted for profit or not, which could not be sustained if it were necessary to lease commercial quarters, or because the nature of the activity would make it impractical to expand to a full scale enterprise.
- 3.100 **Standards.** A home occupation shall be allowed as a permitted accessory use to a residence provided that all of the following conditions are met:
 - (1) The use is carried on only by members of the family residing on the premises and not more than one outside employee or volunteer who shall work a maximum of 20 hours per week.
 - (2) There is no offensive noise, vibration, smoke, dust odors, heat or glare resulting from the operation noticeable at or beyond the property line.
 - (3) One window or wall sign is allowed, not larger than 12 inches by 18 inches.

- (4) There is no display, other than the allowed sign, which would indicate from the exterior that the building is being used for any purpose other than a dwelling.
- (5) There is no visible outside storage of materials other than plant materials.
- (6) The use does not adversely affect the residential character of the neighborhood, nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- (7) There is not excessive generation of traffic created by the home occupation, including frequent deliveries and pickups by trucks or other vehicles.
- (8) The rental of separate living quarters within a single family residence is limited to not more than one bedroom which does not contain separate cooking facilities and which has a maximum occupancy of two persons.

3.110 Prohibited Uses. The following uses are prohibited as home occupations:

- (1) Auto body repair and painting.
- (2) Ongoing mechanical repair conducted outside of an entirely enclosed building.
- (3) Storage and/or distribution of toxic or flammable materials, and spray painting or spray finishing operations that involve toxic or flammable materials which in the judgement of the Fire Marshal pose a dangerous risk to the residence, its occupants, and/or surrounding properties.
- (4) Junk and salvage operations.
- (5) Storage and/or sale of fireworks in quantities judged by the Fire Marshal to be dangerous.
- (6) **Storage or display of more than one motor vehicle for sale.**

3.120 Initiation of Complaints. Complaints may be originated by the City of Albany or the public. Complaints from the public shall clearly state the objection to the Home Occupation based on the standards listed above.

3.130 Review Procedures. The Director shall make an initial determination of whether the alleged violation requires discretionary review. If the Director determines that review of the complaint is discretionary, the complaint will be reviewed by the Hearings Board. All other complaints will be reviewed by staff. An investigation of the complaint will be performed and the use will either be approved as it exists, ordered terminated, or brought into compliance with the standards.

3.140 Cessation of Home Occupation Pending Review. If it is determined by the Director, or his designee, that the Home Occupation in question will affect public health and safety, the use may be ordered to cease pending Hearings Board review and/or exhaustion of all appeals. Violation of an order to cease shall be an infraction subject to the penalties set forth in Section 3.180 below.

3.150 Notice of Hearing. Written notice of the hearing, including its date, time, and place shall be given to the property owner and the person undertaking the use, if other than the property owner, as well as property owners within 100 feet of the use, and any complainant(s).

3.160 Hearings Board Review. The Hearings Board shall either approve the use as it exists, order it to be terminated, or restrict and/or condition the use in order to ensure compatibility with the neighborhood.

- 3.170 Notice of Decision and Appeal. Written notice of the Hearings Board's decision and associated findings shall be sent to the person undertaking the activity, the property owner(s) if different than the above, and persons participating in the above proceedings.
- 3.180 Penalties. Non-compliance with the orders of the Director, or his designee, or Hearings Board, as referred to above, are an infraction punishable as per AMC Section 1.04.01. ~~which provides for a maximum civil penalty of \$500 per offense.~~ In addition, each violation of this Article shall bear an **additional** minimum civil penalty of \$50 per violation. The procedure for adjudication for infractions shall be as set forth at AMC Section 1.05.

DEVELOPMENT STANDARDS

- 3.190 Purpose. Development standards are intended to promote site planning and design which consider the natural environment, maintain the required dimensional standards while promoting 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 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-family and multiple-family developments. [Ord. 5445, 4/12/00]

Staff Comments: The following changes are proposed to the Development Standards Table:

- *Remove the RM-H zone.*
- *Incorporate the new RM and RMA zone names.*
- *The RMA zone is proposed to not allow detached single-family units. Attached single-family units would be allowed.*
- *The RM-3 zone allowed detached single-family units and had no minimum lot size. Because there is demand for single-family lots smaller than 5,000 square feet, the detached single-family lot size in the new RM zone is proposed to be 3,500 square feet. This is the current minimum lot size for RM-5 in Village Centers.*
- *The attached single-family lot size in the RS-5 zone is proposed to be reduced to allow for more attached single-family housing choices. The current minimum lot size is too high, making a row of "Brownstones" unfeasible without having an extremely deep lot.*
- *Staff proposes having different minimum lot widths for detached units and attached units.*
- *Staff has received requests for an increase in the maximum height in the RM zones in order to accommodate the evolving housing market, including senior apartments.*

TABLE 1

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS								
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM-5	RMA-3	RM-H
Minimum Lot-Property Size or Land Requirements by Unit Type(1)								
Single-family detached , (1)	5 acres (16)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	5,000 sf 3,500 sf	None N/A	None
2 or more attached Single-family, attached (14) (1)	N/A	N/A	N/A	N/A	3,500 2,800 sf	3,500 2,400 sf	1,800 sf	N/A
Duplex (1)	N/A	14,000 sf Corner lot	8,000 sf Corner lot	N/A	7,000 sf Corner lot	7,000 4,800 sf	3,600 sf	None
Multi-family, 3 or more Studio and 1-bedroom units	N/A	N/A	N/A	N/A	N/A	2,400sf 2,000 sf/unit	1,600 1,500 sf/unit	None
3 or more 2-and 3 bedroom units	N/A	N/A	N/A	N/A	N/A	3,300sf 2,400sf /unit	1,800 sf /unit	None
4+ bedroom units	N/A	N/A	N/A	N/A	N/A	3,000sf/ unit	2,200sf/ unit	
Minimum Lot Widths: Detached S-F Attached Units	N/A N/A	65 ft N/A	50 ft N/A	35 ft N/A	40 ft 20 ft	25-30ft 20 ft	None None	None
Minimum Lot Depth	N/A	100 ft	80 ft	65 ft	70 ft	65-60 ft	None	None
Setbacks (4):								
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft	15 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)	(14)
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	10-5 ft (5)	5 ft	10 ft (5)	10 ft (5)	10 ft (6)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (15)(5)(6)	10 ft (15)(5)(6)	10 ft
Minimum Building Separation	N/A	N/A	N/A	N/A	(12)	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (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	30-45 ft	60-45 ft (15)	75 ft
Maximum Lot Coverage (9)	20%(11)	50%	60%	60%	60%	60-70% (9)	70% (9)	85% (9)
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)	(13)
Min. Landscaped Area	None/A	(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, such as alley access.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus **required** open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210.
- (5) Except for single-family homes (attached and detached) or duplexes, which must **have a minimum setback of 3**

- feet for one-story dwellings and 5 feet for two-story dwellings.** ~~meet the same setbacks as required for RS-5.~~
- (6) More than 3 stories = 10' plus 3' for each story over 3 per unit requirements. **Multiple-family developments must also meet the setbacks in Section 8.270(1).**
 - (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
 - (8) See exceptions to height restrictions, Section 3.310.
 - (9) **For multiple family developments, Lot coverage includes buildings, parking, private streets and driveways.**
 - (10) See Table 2 for garages with alley 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-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings.
 - (13) Ten or more units require open space. See Section 8.220.
 - (14) See Section 8.240 for standards.
 - (15) **When multiple-family developments abut a single-family use or zone, the setback shall be one foot for each foot of building height. See Section 8.270(1).**
 - (16) **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. (Staff Comment: The current minimum lot size of 5 acres does not allow for transfer of property between two lots since a property line adjustment is considered a land division. The following language is proposed to allow transfer of property between existing RR properties as long as no new lots are created.)**

[Table and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00, Ord. 5555, 2/7/03]

- 3.200 Lot Size Variation Within a Land Division. Up to 50% of the total number of **detached single-family** lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after application of all density bonuses. **No reduction in the minimum lot size is permitted for lots created for attached housing units.** In such cases, the recorded plat ~~or plan map~~ shall indicate that the larger lots may not be further divided or deed restrictions shall be established indicating the same.
- 3.210 Lot Size Variation Within ~~Cluster~~, **Planned** and Condominium Developments. In the RS-6.5, RS-5, RM-5, RMA-3, and OP districts; lot area, lot coverage, and yard requirements may be reduced for individual lot or building sites created by filed and recorded subdivision ~~of the "cluster" type~~ or condominiums developed in accordance with **the Oregon Revised Statutes ORS 91.505 to 91.675**; provided the difference in square footage between the standard lot area established in this Article and the square footage of lots created is secured for common use in open space by covenants or associations to be in effect for at least 20 years. [Note: **Cluster developments see Section 11.400.**]
- 3.220 Bonus Provisions for Reduction in Standard Lot Size Requirements. The following standards may be applied to development sites resulting in allowed reductions in **the average minimum** ~~standard~~ lot size and area per unit requirements as indicated. In no instance shall the combined total of all bonus provisions applied to a development result in an overall reduction of more than ~~40~~**30**% in the standard site size or lot area per unit requirements, or result in a density **that** exceeds the allowed density in the zone **by more than 20%**. Some bonuses are available for lot design only, with additional bonuses available due to building design or construction. [Ord. 5338, 1/28/98]

Staff Comment: The proposed changes are intended to clarify the existing wording.

Relationship to Transportation

- (1) A 10% reduction in **the average minimum standard lot size required in a zoning districts is allowed for proposed lots that meet the following qualifications:**
 - ~~when a~~At least 50% of ~~any such~~ the lot area is located within 200 feet of a designated collector or arterial street; and
 - **The lot will** ~~such lot does not~~ have direct access to an arterial.

For example, if the average minimum lot size for the zone is 10,000 square feet, the average lot size may be 9,000 square feet for those properties within 200 feet of the collector or arterial. The remaining lots in the development must average 10,000 square feet.

- (2) For multi-family developments, condominiums, and townhouses; **when any portion of a building is located within 200 feet of a designated arterial, the area per unit requirements in those buildings can be reduced by 10%.** ~~if the area in question is within 200 feet of a designated arterial.~~

Design Factors

- (1) Protection of Natural Features. A density bonus of up to 5% can be granted when it is shown that minimal disturbance will be made to existing features. The amount of bonus is related to both the amount of protection and the importance of features on the site.

Energy Conservation

- (1) Solar Access Protection. If buildings are sited (either by site design or defining buildable areas) and covenants or other mechanisms are established ~~which that~~ protect solar access of south building walls from shading by structures and vegetation, a bonus of ~~up to~~ 10% may be allowed. The amount of bonus depends on the restrictiveness of the covenant and the percentage of units affected. In subdivisions, a covenant or other mechanism ~~which that~~ provides and protects solar access for the southerly building area of 80% or more of the lots from 9:30 a.m. to 2:30 p.m. on December 21 shall be given the full 10% bonus. In multiple unit developments, if 80% or more of the units receive this same protection for south facing walls, and south facing glass of those units totals at least 7% of the conditioned area, the full bonus may be allowed. (South facing is defined as being within 25° of true south.)

Moderate-Cost Housing

- (1) Provision of Moderate-Cost Housing. If 50% of the units meet the following performance standards, a density bonus may be permitted as follows:
 - (a) Affordable for persons whose income is 1.2 times the median income for Linn **or Benton** Countiesy - 5% density increase.
 - (b) For projects **that are** affordable for persons whose income is equal to the median income for Linn **or Benton** Countiesy - 10% density increase.
 - (c) For projects ~~which that~~ are affordable for persons whose income is equal to, or less than, .8 times the median income for Linn **or Benton** Countiesy - 15% density increase.

Affordable means that the annual mortgage payments, with no more than a 10% down payment required, or the annual rent for a unit equals no more than 28% of the income level for which the density bonus points are being applied. Projects must have a guaranteed sale price, interest, or

rental price, and include contractual obligations for continued availability to low- and moderate-income persons.

Alley Access

Lots with alley access may be up to 10% smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]

SETBACKS

3.230 Setback Measurements. All setbacks shall ~~shall~~ **must** meet the minimum standards as set forth in Tables 1 **and 2 in Section 3.190, Development Standards, as appropriate**. Setback distances shall be measured perpendicular to all portions of a ~~lot~~ **property** line. In addition to the setbacks in this article, all development must comply with Section 12.180, ~~Clear Vision Area~~. See also Table 2, Accessory Structure Standards.

TABLE 2

ACCESSORY STRUCTURE STANDARDS	
STRUCTURE	STANDARD
All Accessory Structures	Front setback, see Table 1, by zone if not noted below
Detached Structure walls less than or equal to <8 feet height (2)	Interior setback = 3 feet (1)
Attached s Structure	Interior setback = 5 feet (1)
Detached s Structure walls >greater than greater than 8 feet height (2)	Interior setback = 5 feet
Accessory Apartment Building	Front setback is equal or greater than primary residence Interior setback, one-story = 5 feet (1) Interior setback, two-story = 8 feet (1)
Garage or carport with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks=see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences >greater than or equal to greater than or equal to 6 feet tall high	See Table 1, by zone District setback standard; building permit required.
Outdoor swimming pools with depths greater than or equal to 24 inches	Interior setback = 10 feet
Decks <less than or equal to 30 inches off from grade, with no rails, or covers	No setback from property lines
Decks >greater than 30 inches off from grade	Interior setback = 5 feet

(1) Zero-lot line provisions are in Section 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.

NOTE Residential accessory structures with walls greater than 11 feet in height require a Conditional Use approval. [Ord. 5445, 4/12/00]

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

- (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~~ **An addition to an existing structure does may not encroach any further into a the setback than the existing structure.**
- (4) No wall of a ~~one~~ dwelling unit is closer than ~~10~~**six** feet from a window of another dwelling unit including attached garages.
- (5) All other provisions of this Code **and the applicable Building Code** must be met. [Ord. 5446, 5/10/00]

3.250 Parking and Other Restrictions in Setback Areas.

- (1) Vehicles in daily use may not park in the **required front yard setback, except on the paved driveway leading to a garage or carport or a driveway that provides required parking spaces.** Trailers, boats, campers, and other vehicles not in daily use may not park in the **required front yard setback** for more than 48 consecutive hours. **Recreational vehicle, trailer and miscellaneous storage pads or buildings are not allowed in the required front yard setbacks.**
- (2) Required parking spaces, **driveways or travel aisles for residential development** shall not be located in a required front or side yard except that **circular driveways providing drop-off service to the front door and driveways** providing access to garages and carports for any residential development may be used to fulfill the requirements.

3.260 General Exceptions to Setback Requirements. The following intrusions may ~~project~~ **encroach** into required ~~yards setbacks~~ provided that the conditions and limitations indicated are adhered to:

- (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 ~~yards setbacks~~, provided that such devices are not more than 3-1/2 feet in height.
- (2) Projecting Building Features. The following building features may ~~project~~ **encroach** up to five feet into the required front yard ~~no more than five feet~~ and **up to two feet** into the required interior yards ~~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 or other similar structures~~ (applies only to structures above over 30 inches in height.; (**Sstructures, patios or concrete pads under 30 inches or less in height** are not subject to setback provisions.)
- (d) Signs conforming to applicable ordinance requirements.

Staff Comment: The Building Code requires a 6-foot separation between buildings on separate properties. We propose to reduce the easement requirement for zero lot line structures from 10 feet to 6 feet to be consistent with the Building Code.

3.270265 Zero Lot Line. Any residential ~~structure~~**dwelling unit** or accessory building may be located on the property line where:

- (1) There are no openings or windows in the lot line wall ~~and~~ ~~Additionally,~~ a 10-foot setback and maintenance easement must be recorded on the adjoining property deed or plat **for accessory structures and a 10-foot setback and maintenance easement for dwellings.** This easement is not revocable without City approval.
- or
- (2) Two or more units **or garages** are attached at the property line and are approved for such in accordance with other provisions of this Code **and the applicable Building and Fire codes.**

Staff Comment: 3.270 was moved from 3.280.

3.270280 Setbacks for Attached Single-Family Dwellings. The interior yard requirements for attached single-family units shall be zero where the units adjoin; however, all other setbacks shall conform to this Code.

3.275 Setbacks for Properties ~~Abutting~~ **Adjacent to Designated Farmlands.** ~~New residential development, f~~ For properties bordering ~~adjacent to~~ designated and zoned productive farmland outside the Urban Growth Boundary, **the habitable portion of new residential dwelling units shall be setback 125 feet from the property line on land zoned Exclusive Farm Use (EFU).** ~~designed where physically possible, to achieve a minimum 125-foot separation between residential and farm activities.~~ This requirement does not apply **to the residential development if the adjacent EFU-zoned property to** those properties bordering **is a golf courses, contains locally significant wetlands adjacent to the residential development, or residential land uses on 5 acres or less, or where the separation cannot be achieved due to lot size constraints or other physical factors beyond the control of the property owner.** Screening and buffering are encouraged to be incorporated into the site design in addition to the 125-foot separation. Road and right-of-way widths may be included in the required separation distance where appropriate.

3.290 Setback and Fencing for Swimming Pools. Swimming pools shall conform to the setback regulations for main buildings, except that outdoor swimming pools shall be set back not less than 10 feet from all interior lot lines. Also, all swimming pools shall be fenced or equipped with electric alarm systems in a manner that will prevent **entry** or **trigger an** alarm upon entry. Required pool fencing must be a minimum of four feet in height and be equipped with a self-locking gate which closes automatically.

3.300 Setbacks for Properties Abutting Future Street Rights-of-Way. Where the adopted Comprehensive Plan and **proposed** future ~~Sstreet P~~plans include the widening or connecting of existing streets or the establishment of new streets, the placement of all buildings and the establishment of all required yards shall be in relation to the proposed street right-of-way boundaries. Also, no building shall be erected on

a lot ~~which~~**that** abuts a proposed street right-of-way unless the lot will contain the width and depth needed to complete the street width plus the width and depth of the ~~yards~~**setbacks** required on the lot.

3.310 Special Willamette River Setback & Height Restrictions. 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 not extend above a plane, which begins at the floodway line and extends directly south. The angle of this plane shall be as follows:

- (1) For river-oriented uses, the angle shall be 30°.
- (2) For non river-oriented uses, the angle shall be 15°.

3.320 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways shall 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>Setback</u>
Interstate 5	50 feet
Pacific Boulevard (Hwy. 99E)	25 feet
Santiam Highway (Hwy. 20)	25 feet
Geary Street (Pacific to Grand Prairie)	10 feet
Queen Avenue	10 feet
Waverly Drive (S. of Santiam Hwy.)	10 feet

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

3.330 Special Setbacks for Schools, Churches, Education and Religious Institutions, Public and Semi-Public Buildings. Any new construction of an **educational institution, religious institution, school, church,** or public or semi-public building shall be set back at least 25 feet from any property line adjoining or directly across public right-of-way from any residential district. No required front or interior yard of the lot on which such building or use is located shall be used for stockpiling or storage of materials or equipment. All other setbacks of the district ~~within~~**where** the property is located continue to apply.

BUILDING HEIGHT

3.340 Height Exceptions. Height limitations are shown in Table 1, Development Standards. See also Table 2, Accessory Structure Standards.

- (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 shall be allowed or used for the purpose of providing additional floor space.
- (2) Churches-Religious Institutions and Public and Semi-Public Buildings. In districts where ~~churches~~**religious institutions** and certain public and semi-public buildings require Conditional Use ~~P~~permits, 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.

OFF-STREET PARKING AND LOADING REQUIREMENTS

3.350 Minimum Space Requirements. Off-street parking shall be provided for all residential development in the amounts indicated in Table 3 below. For uses not listed in this Table, see the parking standards of the Commercial or Industrial Districts. All parking lots in residential districts must comply with applicable requirements in Article 9. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. Compact spaces may make up no more than 40% of the total number of parking spaces. [Ord. 5445, 4/12/00]

Staff Comment: Parking requirements for a duplex or two units on one lot are being added to the table.

TABLE 3

RESIDENTIAL DISTRICT PARKING STANDARDS	
Use	Standard
Single-Family Units Dwellings	2.0 spaces
Duplex and Two Units on One Lot	4.0 total spaces
MULTIPLE-FAMILY DWELLINGS UNITS:	
Studio and 1-bedroom units	1.0 space per unit, plus 1 visitor space every 4 units
2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
3- and 4-bedroom units	2.25 spaces per unit, plus 1 visitor space every 4 units
Quad and quint units	.75 space per unit
Senior-citizen apartments	1.0 space per each 2 bedrooms
Student housing	1.0 per each 2 students at capacity
Boarding and rooming houses	1.0 space per 2 occupants at capacity
Group care homes	1.0 space per employee plus 1 space per each-5 beds

LANDSCAPING

Staff Comment: We propose to use lineal frontage rather than the square feet of the front yard to determine the minimum amount of required landscaping in all zones, including residential zones.

3.360 Requirements. All front yards (exclusive of accessways and other permitted intrusions) are required to be landscaped prior to issuance of an occupancy permit **or final building inspection approval**. A temporary occupancy permit ~~for up to one year~~ may be issued if the developer posts a bond with the city. ~~See Section 9.190.~~ In all residential districts except Rural Residential (RR), minimum landscaping acceptable **per 50 lineal 1,000 square feet (or portion thereof, deducting the width of the driveway) of road-street frontage required yard areas** is as follows:

- (1) One tree at least six feet in height.
- (2) Four 1-gallon shrubs or accent plants.

- (3) The remaining **front yard** area treated with ~~attractive~~ ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).

BUFFERING AND SCREENING

- 3.370 General. Buffering and screening may be required to offset the impact of development. See Sections ~~9.210280~~ through **9.325**. [Ord. 5445, 4/12/00]

OUTSIDE STORAGE

- 3.380 General. In any district, outside storage or display of materials, junk, parts, or merchandise shall not be permitted in required front yards or buffer areas.
- 3.390 Screening of Refuse Containers. The following standards apply to all **residential** development, except for one- and two-family dwellings. Any refuse container or **refuse disposal area** which would otherwise be visible from a public street, customer or resident parking area, any public facility, or any residential area, shall be screened from view by placement of a sight-obscuring fence, wall or hedge at least 6 feet in height. All refuse materials shall be contained within the screened area. No refuse container **or refuse disposal area** shall be placed within 15 feet of a dwelling window.

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 those intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City may remain. [Ord. 5446, 5/10/00]
- 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, 4 feet in height in front yards, and 2 feet in the vision clearance areas (see Section 12.180). Exceptions: 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 ~~6--feet tall in height~~ in the front yard adjacent to the street ~~which~~ **that** does not contain the dwelling's main door entrance when **the 6-foot fence does not extend in front of the house and** 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~~ **tall** 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 6 feet **tall** ~~in height~~ shall meet building setback requirements.
- (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 12.180) for streets and driveways.
- (6) 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. [Ord. 5446, 5/10/00]

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**ARTICLE 5
MIXED USE VILLAGE CENTER 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). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5 on Knox Butte Road, 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]

5.020 Overview. The mixed-use Village Center 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, ~~and live-work units~~. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to the adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center. The Village Center zones differ in permitted uses, development standards, and design based on the unique objectives of each center. Design standards may be adopted to define the unique architectural and streetscape features of each Village Center. Medium-density residential development that provides a mix of housing choices is located adjacent to the Village Center commercial zone.

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, Special Purpose Districts, and Article 7, Historic Overlay Districts. [Ord. 5555, 2/7/03]

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

**** STAFF COMMENT: ONLY SECTIONS CONTAINING PROPOSED CHANGES ARE INCLUDED. ****

5.030 Establishment of Village Center Zoning Districts. In order 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 primarily for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, night life 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) CB – DOWNTOWN CENTRAL BUSINESS DISTRICT. The CB district is intended primarily for retail and services that support Historic Downtown businesses and residents. Mixed uses are encouraged both horizontally and vertically. High-density residential infill, especially on upper floors, and office employment are both encouraged.

Staff Comments: The MUR (Mixed Use Residential) zoning district was originally created through the adoption of the Central Albany Land Use and Transportation Study. Because the district is used throughout

the City, the last sentence is proposed to be deleted.

- (3) MUR – MIXED USE RESIDENTIAL DISTRICT. The MUR district is intended primarily to create a residential district ~~with that~~ **allows** a mixture of neighborhood commercial uses ~~allowed to that~~ **meet the** daily needs of area residents. ~~Water and open space oriented high density residential uses are encouraged.~~
- (4) WF – WATERFRONT DISTRICT. The WF district is intended 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. Development and design standards will result in great neighborhoods, a pedestrian friendly environment and an enhanced community image. [Ord. 5635, 1/11/06]
- (5) 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.
- (6) 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. Retail, restaurant or night uses that impact surrounding residences are discouraged.
- (7) 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 allowed for uses in this district, to minimize the amount of land consumed by parking.
- (8) 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. Sound and visual buffers should be used to protect nearby residential areas.
- (9) 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]

Note: The RM zone is also compatible with the Village Center Comprehensive Plan designation, but because it is a residential zone, it is located in Article 3.

SCHEDULE OF PERMITTED USES

5.060 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. 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.**
- 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. [Ord. 5555, 2/7/03]

Staff Comment: Only the sections of the Schedule of Permitted Uses that contain proposed amendments are shown. The “Live Work” category is proposed to be combined with “Units Above a Business.” The state uses the term “child care facility” so it is proposed in place of “daycare.”

SCHEDULE OF PERMITTED USES

Mixed-Use Village Center Uses										
Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
INSTITUTIONAL										
Daycare-Child Care Facility		S	S	S	S	N	CU	S	S	S
RESIDENTIAL										
Group of Residential Care Facilities	14	Y/S	CU	Y/S	Y/S	Y/S	N	Y/S	Y/S	Y/S
Assisted Living		CU	CU	CU	CU	CU	CU	CU	CU	CU
Single and Two Family Homes	15	Y-17	S-16	N	CU-16	N-16	N	N-16	CU-16	Y
Live Work		S-17	S	S	S	S	N	S	S	S
Three or More Units	17	S-17	S	N	CU	S	N	CU	CU	S
Units Above or Attached to a Business		S-17	S	S	S	S	S	S	S	S
Residential Accessory Buildings	18	Y/S	CUII	Y/CUII	Y/CUII	CUII	N	S/CUII	Y/CUII	Y/S

[Ord. 5555, 2/7/03, Ord. 5556, 2/21/03, Ord. 5635, 1/11/06]

- Y = Yes, allowed, no Site Plan review required
- CU = Conditional Use approval required, **Type III procedure**
- CUII = Conditional Use approval required, Type II procedure**
- N = No, not allowed
- S = Site Plan review required

SPECIAL CONDITIONS

Staff Comments: Only Special Conditions with proposed amendments are shown. The others are not shown.

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

Staff Comments: Expansions to an existing religious and educational institution are proposed to be processed through the CUII (Conditional Use, Type II) process. A neighbor could request a public hearing rather than

one being scheduled automatically).

- (12) Conditional 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 child care 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 **shall be reviewed 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. ~~Any expansion must be reviewed through the conditional use process.~~

An educational institution having a capacity greater than twenty-five students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

- (14) ~~Group or Residential Care Home or Facility.~~ A residential ~~or group~~ care facility (6 or more residents) requires a Site Plan review. ~~Group care homes or~~ A “residential home” (as defined in **ORS Chapter 443**) or group home that includes five or fewer residents ~~is are~~ permitted outright in any zone that allows single-family residences. ~~(This is indicated by a Y in the schedule.)~~
- (15) Existing Single- and Two-Family Homes. Single-family **and two-family homes** built before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5.080.

Staff Comments. Currently, accessory apartments are not allowed in accessory structures built after February 1, 1998. Accessory apartments are proposed to be allowed in new accessory structures in new subdivisions of at least 10 lots. This would allow garages with “granny flats” above them, for example, similar to those in the new Edwards Addition neighborhood in Monmouth. The section is being reformatted and will be consistent with the same content in Article 3.

Accessory Apartments. One accessory apartment is permitted **per single-family residence on a property. The single-family residence is referred to as the “primary residence” below.** ~~as an addition to or within a single family residence, hereafter called the “primary residence,” or in an existing detached accessory structure built before February 1, 1998, that is located on one lot or contiguous lots under one ownership, and that results in no more than two units per lot. Accessory apartments are intended to be incidental and subordinate to the primary residence and must meet the following regulations:~~

The accessory apartment may be:

- **An addition to or within the primary residence; OR**
- **In a detached building built before July 1, 2007; OR**
- **On a lot in a subdivision of at least 10 lots, when the tentative plat was approved after July 1, 2007.**

Accessory apartments shall be incidental in size and appearance to the primary residence and meet the following standards:

- (a) One of the residences is owner-occupied.
- (b) The size of an accessory apartment may not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or ~~800~~ **750** square feet, whichever is less.

- (c) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located.
- (d) The front door of an accessory apartment may not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the apartment front door is set back at least five feet from the front facade of the primary residence.
- (e) At least ~~two~~ **three** off-street parking spaces are provided on the property to serve the two residences.
- (f) Exterior additions must substantially match the existing materials, colors and finish of the primary structure.
- (g) ~~The property owner must obtain a~~All required building permits **must be obtained.** ~~and go through historic review if the primary residence is on the Local Historic Inventory, historic review may be required.~~
- (h) **The front setback shall be greater than or equal to the location of the front wall of the primary residence.**

Staff Comments: The new language in 16(b) is proposed because we have had requests to convert historic homes and churches most recently being used as offices or commercial uses in some of the mixed use zones back to single-family residences where new single-family units are not allowed. We feel existing buildings originally built for single-family living or historic churches should be allowed to be used as single-family homes.

(16) Single- and Two-Family Homes Units in the WF, CB and ES zones.

- (a) Limited Uses in CB, ES, LE and WF. New **construction** of single-family units ~~is~~ are limited to attached units (one unit per lot or condominiums) and duplexes (two units per lot).
- (b) In CB, ES, HD and LE: **Buildings originally built as a single-family house or church may be converted to a single-family residential use without requiring a land use application.**

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

- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.
- ~~(b) Attached accessory buildings, garages or carports are less than 1,000 square feet.~~

~~Accessory buildings are considered through a Conditional Use review in LE if they meet the following condition:~~

~~© Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than eleven feet in height.~~

All other residential accessory buildings, garages or carports require a Site Plan ~~Review~~ in ~~RM-5~~, MUR, WF and ES, and are considered through a Conditional Use **Type II** review in HD, CB, MS and MUC. (This is indicated by the use of a “/” in the matrix. For example, “Y/S” means accessory uses that don’t meet the standards ~~which in (a) above~~ require a Site Plan ~~Review~~.)
[Ord. 5556, 2/21/03]

Accessory buildings in the National Register of Historic Districts require historic review. See Article 7 for the review process and criteria.

~~For a~~ Accessory apartments, see Special Condition ~~15 17~~.

SPECIAL STATUS

5.080 Existing Uses Granted Special Status.

(1) Single-Family Homes.

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), all single-family residential units built before January 1, 2002, shall be deemed to be conforming with the base zoning district. If any building on these properties is substantially destroyed, as defined in ADC Section 2.340(4), it may be rebuilt to the same density, size 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-family dwelling is converted to non-residential use, the special status granted here is rescinded, and the use of the property shall thereafter conform to the requirements of Article 5. The special status granted herein shall be lost if it is determined that the use which existed on May 22, 1996 (date the Central Albany districts were first created) was not then lawfully in existence. [Ord. 5555, 2/7/03, Ord. 5635, 1/11/06]]

(2) Industrial and Commercial Uses.

The regulations below apply to those properties indicated on Figure 5-2.

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

If any building on these properties is substantially destroyed, as defined in ADC Section 2.340(4), it can be rebuilt for the same use provided that the off-site impacts are no greater than its impacts on January 11, 2006. When any listed buildings are converted to a permitted use in the Waterfront zoning district, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of this article.

The intent is that each and every established industrial and commercial use in existence when the use changes were adopted (January 11, 2006) be listed here. Should an existing use not be listed here, the property owner may have the property listed upon showing that the use was legally established at the time of the January 11, 2006 amendments to this article. Satisfactory evidence must be provided by the property owner or applicant to document that the use existed. Such evidence may consist of building permits, utility hookups, tax records, or telephone directory listings, for example.

~~Figure 5-2~~

- (1) 520 Water Avenue NE: Haring Drywall
- (2) 101 Jackson Street NE: Metal storage buildings
- (3) 703 Water Avenue NE: Metal storage buildings
- (4) 755 Water Avenue NE: Titan Rebuilders
- (5) 705 1st Avenue E; 135 Thurston Street NE: Consolidated Electrical Dist. Inc.
- (6) 710 Water Avenue NE: Metal storage building
- (7) 725 1st Avenue E: McDonald Wholesale
- (8) 812 Water Avenue NE: Cosmetic Dental Materials

- (9) 801 1st Avenue E: Larsell Mechanical; Oregon Gourmet Cheeses
- (10) 135 Hill Street NE: Storage Building
- (11) 1017 1st Avenue E: Cordray's Transmission
- (12) 716 1st Avenue E: Katon Precision Machining
- (13) 740 1st Avenue E: Solis Auto Repair
- (14) 705 2nd Avenue SE: Shop building
- (15) No Address: 3-sided storage building
- (16) 760 2nd Avenue SE: Big B Feed & Farm
- (17) 211 Jefferson Street NE: All-Star Construction
- (18) **140 Hill Street NE: Calapooia Brewing**

Figure 5-2



DEVELOPMENT STANDARDS

5.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; maintain the required dimensional standards while promoting 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 1 summarizes the basic development standards. It should be used with the sections immediately following the table, which address special circumstances and exceptions. Additional design standards for commercial and multi-

Additions are shown in **bold** and deletions in ~~strikethrough~~.

ORDINANCE EXHIBIT C

family developments are located in Article 8. [Ord. 5445, 4/12/00]

Staff Comments: The RM-5 column was added in 2005 when you agreed to reduce the minimum lot size in RM-5 in Village Centers only from 5,000 to 3,500 square feet. It is no longer necessary to include this zone in this table or article because the zone (being renamed RM) is located in Article 3.

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

STANDARD	MUC	WF	HD	CB	LE	PB	MS	ES	MUR	RM-5
Minimum Lot Size (sq.ft.) (3)										
Single-family	None	None	N/A	N/A	N/A	N/A	N/A	5,000	None	3,500 (20)
Attached single-family, Per lot	None	1,600 (16)	None	N/A	N/A	N/A	None	None	None	3,500
Two-family	None	3,600	None	N/A	N/A	N/A	N/A	7,000	3,600	7,000
3 or more 1-bedroom	None	1,600/u (16)	None	None	None	1,600/u	1,600/u	3,300/u	1,600/u	2,400/u
3 or more 2+bedroom	None	1,800/u (18)	None	None	None	1,600/u	1,800/u	3,300/u	1,800/u	3,300/u
All other uses	6,000	10,000	2,000	2,000	2,000	15,000	6,000	5,000	10,000	None
Maximum Building Size (sq. ft.)(169)										
Non-grocery (19)	20,000	None	None	None	None	None	None	None	None	None
Grocery-anchored	80,000 (18)	None	None	None	None	None	None	None	None	N/A
Maximum Business Footprint (sq. ft.)(17)(169)										
Non-grocery (19)	20,000	None	None	None	None	25,000 (13)	10,000 (13)	10,000 (13)	10,000	None
Grocery-anchored	80,000 (18)	None	None	None	None	60,000	60,000	60,000	60,000	N/A
Lot Width, minimum	None	None	20'	20'	20'	None	None	None	None	25'
Lot Depth, minimum	None	None	50'	50'	50'	None	None	None	None	65'
Landscaped Area (2)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Minimum Open Space	(12)	(12)	None	None	None	(12)	(12)	(12)	N/A	(12)
Maximum Front Setbacks: (10)	10' (15)	20' (11)	0'	0'	None	20'	10'	10'	20'	20'
Minimum Setbacks:										
Front (5) (14)	5'	5'	0'	0'	0'	5'	5'	5'	15'	15'
Interior (5) (14)	(1) (4)	5' (1) (4)	(4)	(4)	(4)	(4)	(1) (4)	5'	10'(1)	10(24)
Garage Entrance (9)	20' (8)	20' (8)	20'	20'	20'	20'	20'(8)	20'	20'	20'
Height, maximum	50'	50'	85'	60'	60'	50'	50'	50'	45'	30'
Lot Coverage, maximum (6)	80%	80%	100%	(7)	100%	80%	90%	80%	70%	60%

[Ord. 5627, 7/27/05]

Staff Comments: Notes 13, 16, 20 and 21 are no longer needed. The setbacks in note 1 were more restrictive than in the residential single-family zone RS-5 and are proposed to be consistent with those in the RM and RMA zones.

N/A means not applicable.

(1) Single-family homes or duplexes must have a 5' interior yard for single-story buildings, and an 8' 5' interior yard for two-story buildings. See 5.150 and 5.160 for zero lot line options.

- (2) All yards adjacent to streets.
- (3) Lots with alley access may be up to 10% smaller than the minimum lot size for the zone. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00.
- (4) Commercial or office buildings abutting residential districts and/or uses require 1 foot of setback for each foot of wall height with a minimum setback of 10 feet. For yards abutting commercial or industrial districts, no interior setback is required.
- (5) No setbacks are required for buildings abutting railroad rights-of-way.
- (6) Lot coverage includes building and parking area coverage.
- (7) See **minimum floor area ratio requirements** in ADC 5.120.
- (8) Garage setback for non-vehicle entrance must conform with the requirements for interior setbacks.
- (9) For garages with alley access, see Table 2.
- (10) The maximum setback may be increased with the condition that 100% 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 8.320(4).**
- (11) For multi-family and commercial developments, no parking or circulation will be allowed within the front yard between the building with the primary entrance and the adjacent street.
- (12) Ten or more residential units **may** require open space. See ADC 8.210.
- ~~(13) Excluding grocery stores, which may be up to 60,000 square feet.~~
- ~~(13)~~ (13) The building and business footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50%) 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 5.200 and ADC 6.310.
- (15) Except for residential development, which has a maximum setback of 25 feet. See Section 8.240 for residential design standards.
- ~~(16) No minimum lot size for structures on the Local Historic Inventory.~~
- (16) The maximum building size and business footprint size may be exceeded for non-commercial and non-office uses when the building is multi-story.
- (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.
- ~~(20) Minimum lot size for RM-5 zoning districts with Village Center Comprehensive Plan designation only.~~
- ~~(21) Except for single family homes or duplexes which must meet the same setbacks as required for RS-5. See Article 3, Table 1.~~

[Table and footnotes amended by Ord. 5555, 2/7/03, Ord. 5556, 2/21/03, Ord. 5627, 7/27/05]

SETBACKS

5.100 Minimum Standards. Primary structures must meet the minimum setback standards in Table 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 2) apply to residential accessory structures in the MUR, WF, MS, ES, and MUC districts. [Ord. 5555, 2/7/03, Ord. 5556, 2/21/03]

Staff Comment: A few clarifying additions are proposed to Table 2.

**TABLE 2
ACCESSORY STRUCTURE STANDARDS**

STRUCTURE	SETBACK STANDARD
All Accessory Structures	See Table 1 for minimum front setbacks.
Detached, walls less than or equal to 8 ft. tall height	Interior setback = 3 feet
Detached, walls greater than 8 ft. tall height	Interior setback = 5 feet
Attached structure	Interior setback = 5 feet
Garage with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks, see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences less more than 6 ft. high	District setback standard; building permit required.
Outdoor swimming pools with depths =>24 inches	Interior 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	Interior setback = 5 feet

[Ord. 5445, 4/12/00]

OFF-STREET PARKING AND LOADING STANDARDS

5.260 Parking Standards. Off-street parking and loading shall be provided for all development in the amounts indicated in Tables 3, 4, and 5 below, and shall be developed in accordance with Article 9. The area measured shall be the combined floor area of each level of a building exclusive of vent shafts, court yards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed parking areas. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season. Fractional space requirements shall be counted to the nearest whole space; half spaces will be rounded up. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses. Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080 (7), Joint Use of Parking Facilities.

Developments within the Downtown Parking Assessment District are not required to provide off-street parking. See the Downtown Parking Assessment District map at the end of this article. In the ES, Elm Street Medical District, the amount of parking provided with new development shall be only the minimum required. No additional off-street parking will be allowed for development in this district.

Staff Comments: Converting residential developments in the MUR, Mixed Use Residential District; CB, Central Business District; and LE, Lyon Ellsworth District to office or light retail uses is challenging because it is hard to meet the on-site parking requirements without demolishing structures. Staff proposes that on-street parking spaces abutting the property be allowed to count towards the required parking.

On street parking spaces abutting the property in the MUR, Mixed Use Residential District; CB, Central Business District; and LE, Lyon Ellsworth District, may be counted towards meeting parking requirements. Parallel parking spaces must be at least 25 feet long and shall be striped.

Site Plan ~~Review~~ is not required for parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code. [Ord. 5555, 2/7/03]

ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

Staff Comments: The Bicycle and Pedestrian Advisory Committee is proposing the following revisions to the bicycle parking standards. The purpose of the proposed changes is to enhance bicycle parking facilities in the City, thereby encouraging the use of bicycles as a means of transportation.

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 and to minimize adverse effects on surrounding property owners or the general public. This article contains the following standards:

- Off-Street Parking
- Landscaping
- Buffering and Screening
- Tree Felling
- Environmental [Ord. 5445, 4/12/00]

OFF-STREET PARKING

Staff Comment: No changes are proposed at this time to Sections 9.020 through 9.110.

9.120 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards:

Staff Comments: No changes are proposed at this time to Section 9.210 (1) through (12).

(13) Bicycle Parking. ~~For each parking area containing more than 15 spaces, an area must be created and designated for bicycle parking. Each space must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet.~~ Bicycle parking space requirements are as follows:

- (a) For multiple-family dwellings (3 or more units) -- 1 space per **four** units.
- (b) For industrial development -- 1 space for every 10 automobile spaces required.
- (c) For commercial or office development -- at least 2 spaces, and 1 space for every 10 automobile spaces required. **Up to two motor-vehicle parking spaces may be deleted if additional sheltered bicycle parking is provided at a rate of 5 bicycle spaces to 1 motor-vehicle space.**
- (d) Exemptions -- the Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking.

Bicycle parking spaces shall meet the following standards:

- (e) Required spaces **should be visible and not hidden, and** must be located as near as possible to building entrances used by automobile occupants.
- (f) **Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.**

- (g) Bicycle parking areas must provide at least 3 feet of clearance around all 3 sides of a fully-loaded bicycle rack and have an overhead clearance of at least 7 feet.**
- (h) At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof overhang or a separate roof at least 7 feet in height. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.**

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ARTICLE 12 PUBLIC IMPROVEMENTS

Staff Comments: Street trees are currently required, but the Code does not specify who should plant the trees, how far apart they should be located, and when they should be planted. The following language clarifies the current procedures. The Code is currently silent on who should plant the trees. The City Forester would like to offer developers two options for tree installation: pay the City to install the trees or plant trees according to an approved street tree plan. (See the new Street Trees section, 12.321-12.326 on the next page.)

12.000 Overview. This article contains the city's standards for those public improvements which relate to the development process.

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

Staff Comment: No changes are proposed to 12.010 to 12.290.

SIDEWALKS

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 seven (7) feet. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five feet wide. In those instances where 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 five (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 a minimum of five (5) feet in width. A planter strip at least 6 feet wide shall separate the sidewalk from the street. Street trees shall be selected from the list of approved street trees established by the City. The planter strip shall be of permeable materials.

Staff Comments: No additional changes are proposed to the Sidewalk Sections 12.300 to 12.320.

STREET TREES

12.321 General Requirements. When a new public street is created in conjunction with development, street trees are required in accordance with the standards provided in the Standard Construction Specifications and the Urban Forestry Management Plan.

12.324 Street Tree Planting Options. The following options are available to meet this requirement:

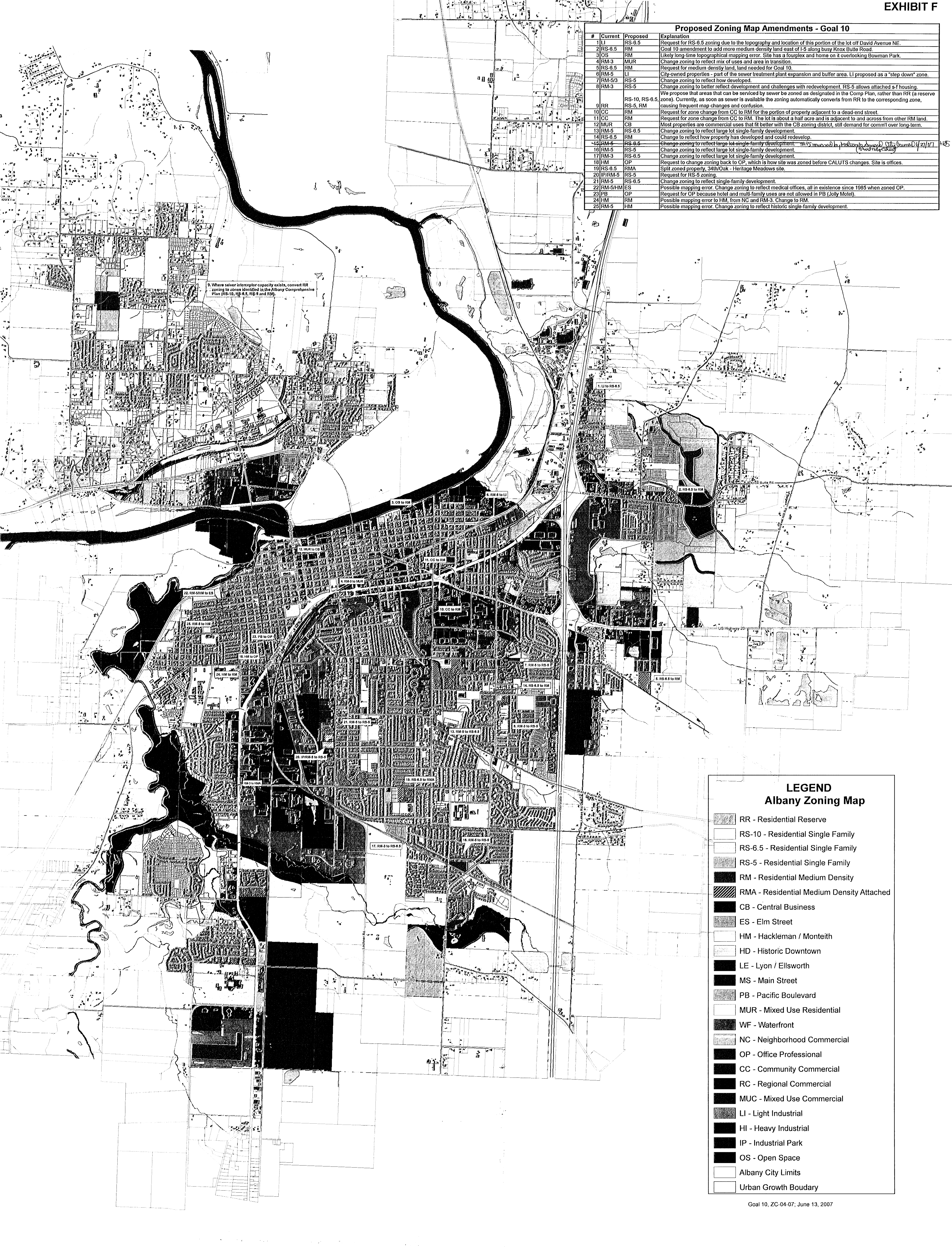
- (1) Submit a street tree plan to the City for planting and establishing trees within the public right-of-way that meets the City's` standards. The City Forester shall either approve or deny the plan based on the plan's compliance with these requirements.**
- (2) Pay a fee to the City based upon a requirement for one tree per thirty linear feet (30') of street frontage. This fee shall be deposited into the City's Urban Forestry Program Fees Fund. The City shall thereafter assume responsibility for the purchase, installation, and establishment of street trees within the public right-of-way or public lands maintained by the City within or abutting the specified development.**

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Proposed Zoning Map Amendments - Goal 10

#	Current	Proposed	Explanation
1	LI	RS-6.5	Request for RS-6.5 zoning due to the topography and location of this portion of the lot off David Avenue NE.
2	RS-6.5	RM	Goal 10 amendment to add more medium density land east of US along busy Knox Butte Road.
3	OS	RM	Likely long-time topographical mapping error. Site has a fourplex and home on it overlooking Bowman Park.
4	RM-3	MUR	Change zoning to reflect mix of uses and area in transition.
5	RS-6.5	RM	Request for medium density land, land needed for Goal 10.
6	RM-5	LI	City-owned properties - part of the sewer treatment plant expansion and buffer area. LI proposed as a "step down" zone.
7	RM-5/3	RS-5	Change zoning to reflect how developed.
8	RM-3	RS-5	Change zoning to better reflect development and challenges with redevelopment. RS-5 allows attached s-f housing.
9	RR	RS-10, RS-6.5	We propose that areas that can be serviced by sewer be zoned as designated in the Comp Plan, rather than RR (a reserve zone). Currently, as soon as sewer is available the zoning automatically converts from RR to the corresponding zone, causing frequent map changes and confusion.
10	CC	RM	Request for zone change from CC to RM for the portion of property adjacent to a dead-end street.
11	CC	RM	Request for zone change from CC to RM. The lot is about a half acre and is adjacent to and across from other RM land.
12	MUR	CB	Most properties are commercial uses that fit better with the CB zoning district, still demand for comm'l over long-term.
13	RM-5	RS-6.5	Change zoning to reflect large lot single-family development.
14	RS-6.5	RM	Change to reflect how property has developed and could redevelop.
15	RM-6	RS-6.5	Change zoning to reflect large lot single-family development. <i>As shown on Albany Comprehensive Plan (Goal 10) 2/7/07</i>
16	RM-5	RS-5	Change zoning to reflect large lot single-family development.
17	RM-3	RS-6.5	Change zoning to reflect large lot single-family development.
18	HM	OP	Request to change zoning back to OP, which is how site was zoned before CALUTS changes. Site is offices.
19	RS-6.5	RMA	Split zoned property, 34th/Oak - Heritage Meadows site.
20	RM-5	RS-5	Request for RS-5 zoning.
21	RM-5	RS-6.5	Change zoning to reflect single-family development.
22	RM-5/HM	ES	Possible mapping error. Change zoning to reflect medical offices, all in existence since 1985 when zoned OP.
23	PB	OP	Request for OP because hotel and multi-family uses are not allowed in PB (Jolly Motel).
24	HM	RM	Possible mapping error to HM, from NC and RM-3. Change to RM.
25	RM-5	HM	Possible mapping error. Change zoning to reflect historic single-family development.

3. Where sewer interceptor capacity exists, convert RR zoning to zones identified in the Albany Comprehensive Plan (RS-10, RS-6.5, RS-5 and RM)



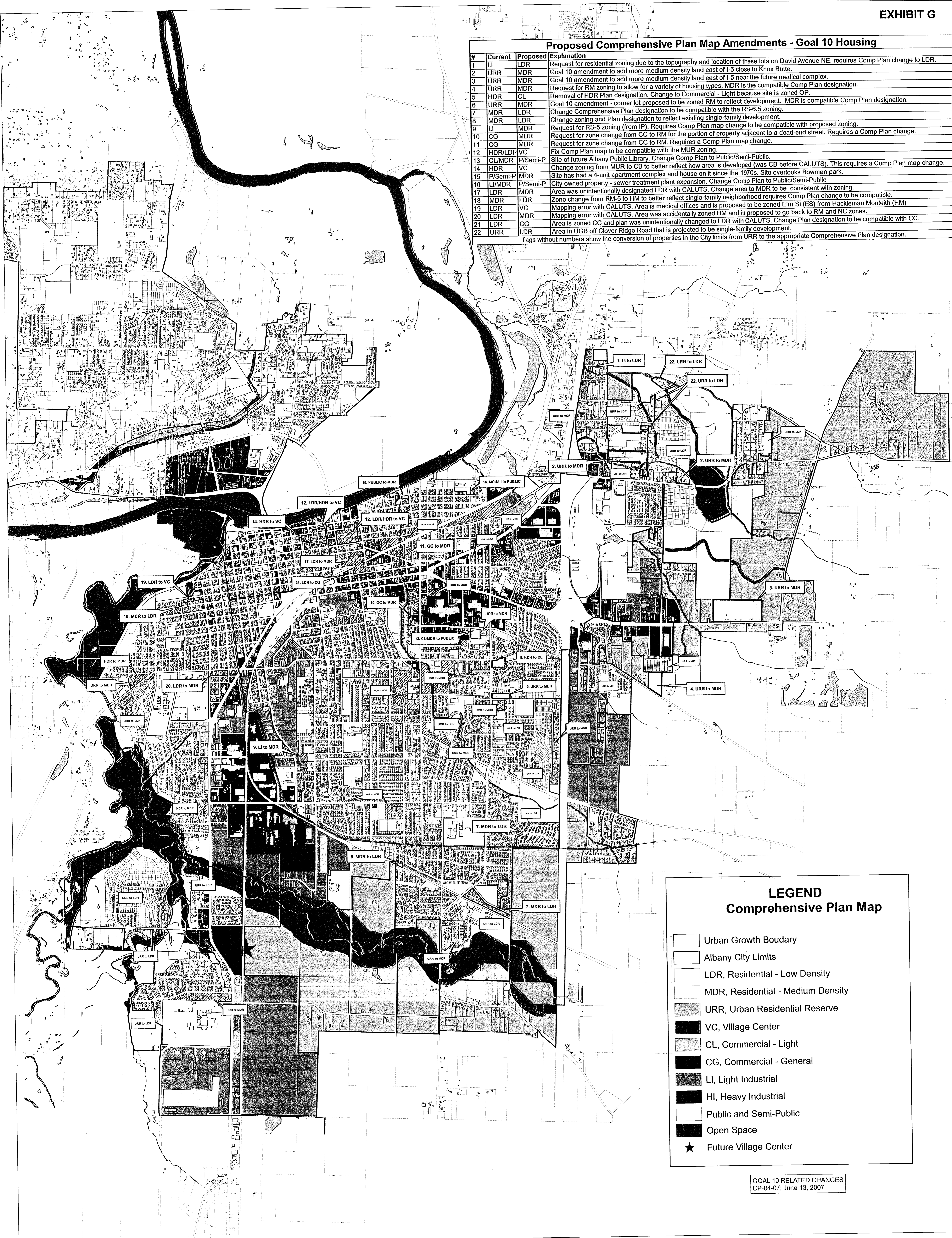
LEGEND
Albany Zoning Map

- RR - Residential Reserve
- RS-10 - Residential Single Family
- RS-6.5 - Residential Single Family
- RS-5 - Residential Single Family
- RM - Residential Medium Density
- RMA - Residential Medium Density Attached
- CB - Central Business
- ES - Elm Street
- HM - Hackleman / Monteith
- HD - Historic Downtown
- LE - Lyon / Ellsworth
- MS - Main Street
- PB - Pacific Boulevard
- MUR - Mixed Use Residential
- WF - Waterfront
- NC - Neighborhood Commercial
- OP - Office Professional
- CC - Community Commercial
- RC - Regional Commercial
- MUC - Mixed Use Commercial
- LI - Light Industrial
- HI - Heavy Industrial
- IP - Industrial Park
- OS - Open Space
- Albany City Limits
- Urban Growth Boundary

Proposed Comprehensive Plan Map Amendments - Goal 10 Housing

#	Current	Proposed	Explanation
1	LI	LDR	Request for residential zoning due to the topography and location of these lots on David Avenue NE, requires Comp Plan change to LDR.
2	URR	MDR	Goal 10 amendment to add more medium density land east of I-5 close to Knox Butte.
3	URR	MDR	Goal 10 amendment to add more medium density land east of I-5 near the future medical complex.
4	URR	MDR	Request for RM zoning to allow for a variety of housing types. MDR is the compatible Comp Plan designation.
5	HDR	CL	Removal of HDR Plan designation. Change to Commercial - Light because site is zoned OP.
6	URR	MDR	Goal 10 amendment - corner lot proposed to be zoned RM to reflect development. MDR is compatible Comp Plan designation.
7	MDR	LDR	Change Comprehensive Plan designation to be compatible with the RS-6.5 zoning.
8	MDR	LDR	Change zoning and Plan designation to reflect existing single-family development.
9	LI	MDR	Request for RS-5 zoning (from IP). Requires Comp Plan map change to be compatible with proposed zoning.
10	CG	MDR	Request for zone change from CC to RM for the portion of property adjacent to a dead-end street. Requires a Comp Plan change.
11	CG	MDR	Request for zone change from CC to RM. Requires a Comp Plan map change.
12	HDR/LDR	VC	Fix Comp Plan map to be compatible with the MUR zoning.
13	CL/MDR	P/Semi-P	Site of future Albany Public Library. Change Comp Plan to Public/Semi-Public.
14	HDR	VC	Change zoning from MUR to CB to better reflect how area is developed (was CB before CALUTS). This requires a Comp Plan map change.
15	P/Semi-P	MDR	Site has had a 4-unit apartment complex and house on it since the 1970s. Site overlooks Bowman park.
16	LI/MDR	P/Semi-P	City-owned property - sewer treatment plant expansion. Change Comp Plan to Public/Semi-Public
17	LDR	MDR	Area was unintentionally designated LDR with CALUTS. Change area to MDR to be consistent with zoning.
18	MDR	LDR	Zone change from RM-5 to HM to better reflect single-family neighborhood requires Comp Plan change to be compatible.
19	LDR	VC	Mapping error with CALUTS. Area is medical offices and is proposed to be zoned Elm St (ES) from Hackleman Monteith (HM)
20	LDR	MDR	Mapping error with CALUTS. Area was accidentally zoned HM and is proposed to go back to RM and NC zones.
21	LDR	CG	Area is zoned CC and plan was unintentionally changed to LDR with CALUTS. Change Plan designation to be compatible with CC.
22	URR	LDR	Area in UGB off Clover Ridge Road that is projected to be single-family development.

Tags without numbers show the conversion of properties in the City limits from URR to the appropriate Comprehensive Plan designation.



LEGEND
Comprehensive Plan Map

- Urban Growth Boundary
- Albany City Limits
- LDR, Residential - Low Density
- MDR, Residential - Medium Density
- URR, Urban Residential Reserve
- VC, Village Center
- CL, Commercial - Light
- CG, Commercial - General
- LI, Light Industrial
- HI, Heavy Industrial
- Public and Semi-Public
- Open Space
- Future Village Center

GOAL 10 RELATED CHANGES
CP-04-07, June 13, 2007

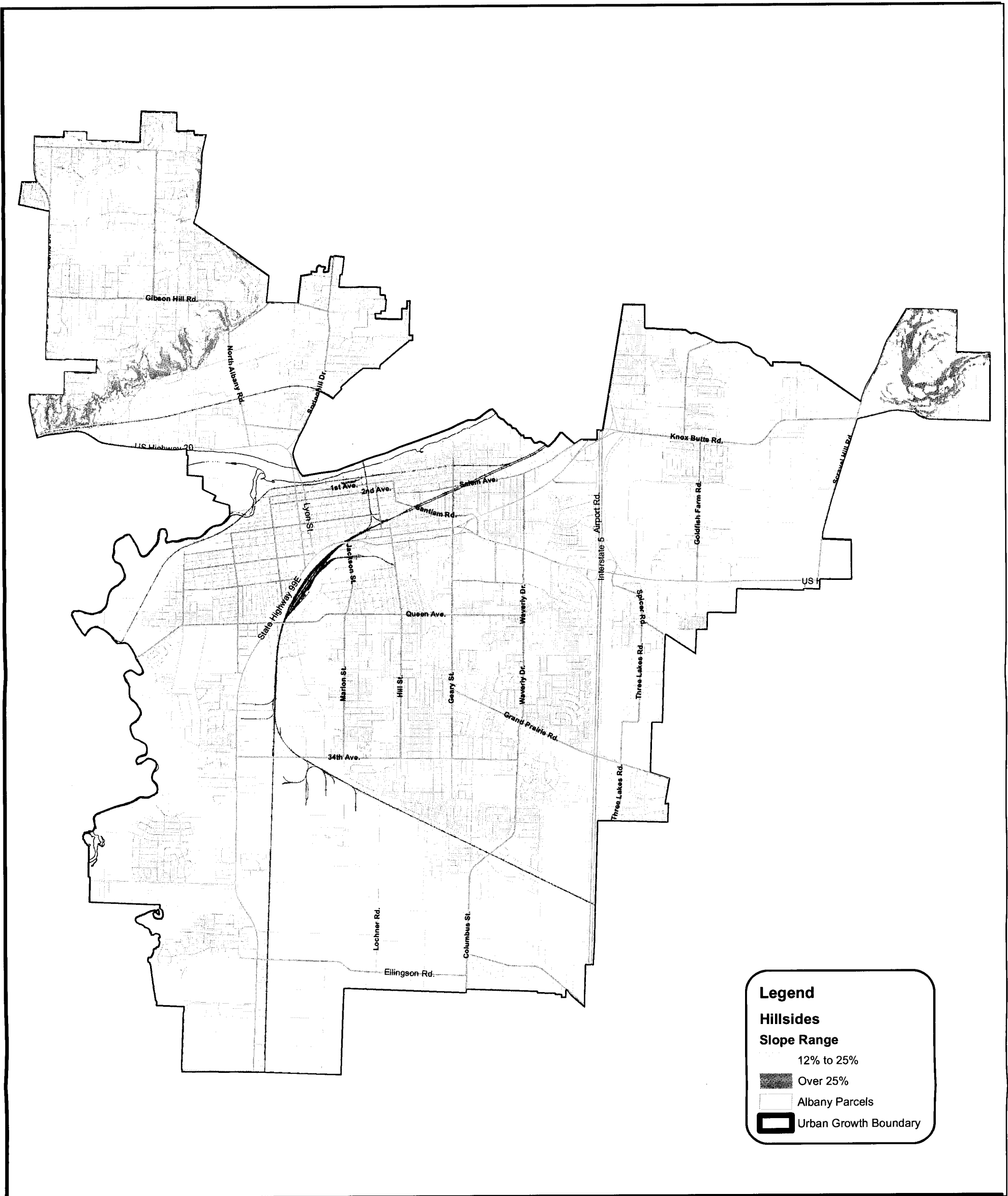
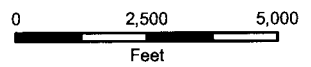


PLATE 7: Hillsides - Steep Slopes

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7676

Project File Location: Thursday, April 19, 2007 11:23:06 AM
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FINDINGS AND CONCLUSIONS
Files CP-04-07, DC-02-07, and ZC-04-07
Recommended by the Albany Planning Commission on April 30, 2007
Adopted by the Albany City Council on June 27, 2007

The Albany Planning Commission recommended these findings in support of their recommendations for the Development Code, Zoning Map, and Comprehensive Map changes. The Albany City Council adopted these findings in support of the Ordinance.

DEVELOPMENT CODE AMENDMENTS (DC-02-07)

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

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

FINDINGS OF FACT

The following Comprehensive Plan goals and policies are relevant to the proposed housing-related amendments to Articles 2, 3 and 5 of the Development Code. Each goal and policy is written in *italics* and considered a separate review criterion.

1.1 *Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens; and create a city of diverse neighborhoods where residents can find and afford the values they seek (Goal 10, Housing).*

All of the Development Code amendments are intended to expand the development and program opportunities to meet Albany's housing needs to 2025.

1.2 *Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services (Goal 10, Housing).*

The Residential Medium Density Attached (RMA) zone is proposed in locations easily accessible to employment and public services.

Development standards in the Residential Medium Density (RM) and RMA zones will allow for a variety of housing types and densities.

On-street parking is proposed to be allowed to count toward minimum parking standards in the Mixed Use Residential (MUR) zone. This would allow for more "live-work" housing opportunities and the conversion of some residences to light commercial uses in this zone.

1.3 *Require residential densities to be commensurate with the availability and adequacy of public facilities and services (Goal 10, Housing).*

The proposed amendments to the zoning districts' purpose statements and the minor amendments to the development standards for some residential zones will help achieve appropriate densities in locations that have available and adequate public services.

1.4 *Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents; and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives (Goal 10, Housing).*

The new RMA zone will protect some residential land for attached single- and multi-family housing.

The changes to the accessory apartment standards would result in more affordable housing choices throughout the City and will add needed dwelling units and diversity in housing choices in single-family zones.

The changes to the development standards in the RS-5 (Residential Single Family) zone and the new RM and RMA zones will continue to allow for a variety of housing choices and lot sizes.

- 1.5 *Encourage new residential developments to provide housing choices that allow for persons to stay within their neighborhoods (“age in place”) as their housing needs change (proposed policy).*

The proposed amendments would allow “granny flats” (accessory apartments in detached buildings) in more situations.

The diversity of development allowed in the RS-5, RM and RMA zones would allow for developments with a variety of housing types that could accommodate persons of all ages and income levels.

- 1.6 *Ensure that the City's land use planning process and its policy framework is workable and understandable for local officials, staff, and the public. Ensure that the degree of application and review is commensurate with the size and complexity of various development requests (Goal 14, Urbanization, Development Review).*

Many of the proposed amendments to the Code would clarify existing language and standards and make it easier to use and understand.

- 1.7 *Allow bed and breakfast establishments in residential areas when it can be determined that they will be compatible with the surrounding neighborhood in terms of traffic, parking, use intensity, and size of structure (Goal 10, Housing).*

Amendments in Article 3 would allow on-street parking abutting a property to be counted towards minimum parking requirements for bed and breakfast establishments (B & Bs). We also propose that the Conditional Use procedure for B & Bs be changed to a Type II procedure, which would allow neighbors to request a public hearing rather than requiring one automatically.

CONCLUSION

- 1.1 The proposed amendments to the Development Code better achieve the goals and policies of the Comprehensive Plan than the existing language.

(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

The following purpose statements are relevant to the proposed amendments to the Development Code. Each purpose is written in *italics* and treated as a separate review criterion.

- 2.1 *Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany [ADC 1.020(1)].*

The proposed amendments will help implement the Comprehensive Plan goals and policies, as discussed under the previous section, in a manner that protects the welfare of the citizens of Albany.

- 2.2 *Satisfy relevant requirements of federal law, state law, statewide planning goals, and administrative rules [ADC 1.020(2)].*

The proposed amendments are being done as part of the City's periodic review work program, which is administered by the Oregon Department of Land Conservation and Development.

- 2.3 *Facilitate prompt review of development proposals and the application of clear and specific standards [ADC 1.020(3)].*

Many of the proposed Code changes provide clarification of existing standards, including many amendments to Article 3 and the street tree planting standards in Article 12.

- 2.4 *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.*

Property owner interests were taken into consideration when drafting the proposed housing-related amendments to the Development Code.

CONCLUSION

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

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ZONING MAP AMENDMENTS (ZC-04-07)

The Albany Development Code contains the following review criteria that must be met for these legislative Zoning Map amendments to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

(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 in accordance with Section 2.080.

FINDINGS OF FACT

- 1.1 The proposed Zoning Map amendments are being coordinated with proposed Development Code and Comprehensive Plan text and Map amendments related to State Planning Goal 10, Housing.
- 1.2 Accept for a handful of property owner requests, the properties proposed to be rezoned are already zoned residential and are also designated residential on the Comprehensive Plan Map. In a couple of instances, the zoning is proposed to be changed so that is compatible with the Comprehensive Plan designation.
- 1.3 Some of the proposed zone changes result from changing the RM-5 and RM-3 properties to the new zone names RM, Residential Medium Density, and RMA, Residential Medium Density Attached.
- 1.4 Many zone changes are being proposed in already developed areas to better reflect how the areas have developed.
- 1.5 The zoning amendments are consistent with the zoning district and Plan designation purpose statements.

CONCLUSION

- 1.1 The proposed zone changes are consistent with existing or proposed Comprehensive Plan Map designations.
- (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.***

FINDINGS OF FACT

- 2.1 The proposed Zoning Map amendments are comparable to the current zoning designations. A majority of the proposed zone changes do not require Plan Map changes.
- 2.2 Most of the proposed zone changes are to areas that have already developed, where the current multi-family zoning is proposed to be changed to a single-family zoning district to better reflect the single-family uses in the neighborhood.
- 2.3 The few requests to change from commercial or industrial to residential designations involve very little land and are on collector or arterial streets, which are able to handle the potential increase in traffic.
- 2.4 The purpose of the proposed Zoning Map amendments is to establish a more efficient land use pattern that may reduce vehicle trips for daily needs and locate medium- and higher-density housing close to major streets and commercial uses.
- 2.5 The proposed zoning amendments were reviewed against the Institute of Transportation Engineers (ITE) Trip Generation manual. Most of the map changes had no net impact or increase in the number of PM peak trips, or were found to generate very few additional trips.

CONCLUSION

- 2.1 The proposed Zoning Map amendments should have little or no impact on current or anticipated transportation facilities outlined in the Albany *Transportation System Plan*. Transportation facilities are adequate to meet future development resulting from the proposed Zoning Map amendments.
- (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.**

FINDINGS OF FACT

- 3.1 General. The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review. In general, the proposed zone changes should not impact the major facility plans. Facilities are reviewed by sector.
- Three map amendments would add medium-density land in the East I-5 area and are located on major arterial streets (Knox Butte Road, Santiam Highway/Highway 20, and Spicer Road).
- 3.2 Water – South of Highway 20. Recent water system improvements (2005-2006) in the area east of I-5 and south of Highway 20 have completed a significant water system loop for that area. These projects have significantly improved fire flows in the area and have provided multiple feeds to ensure uninterrupted service for these customers.
- 3.3 Water - Knox Butte. A water reservoir is planned for Knox Butte, near Scrael Hill Road. This reservoir will provide emergency storage for the areas east of I-5.
- 3.4 Sewer – Highway 20 to Knox Butte Road. *The Wastewater Facility Plan* indicates that there are interceptor mains in this sewer basin that are not adequately sized to accommodate ultimate development in this area. The City is currently conducting a study of the pipe capacities for this basin to determine the extent of the deficiencies. At this time, it is uncertain how much additional development can be accommodated within this basin before upgrades are necessary. The study is expected to be completed in late 2007 or early 2008.
- 3.5 Sewer – Knox Butte Road. *The Wastewater Facility Plan* shows pipe size deficiencies in Knox Butte Road, west of the Century Drive lift station. Subsequent studies by engineering consultants for the City indicate that these lines are not undersize and have the capacity to serve this sewer basin at full development.
- 3.6 Schools. A school site is proposed in East I-5, north of Knox Butte Road. It will help accommodate future elementary and/or middle school needs in this area.

CONCLUSION

- 3.1 The existing or proposed public utilities can accommodate the proposed zoning changes and Comprehensive Plan land use designations outside the City limits.

- (4) Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic district will not be jeopardized as a result of the proposed rezoning.***

FINDINGS OF FACT

- 4.1 In general, the proposed Zoning Map amendments will not significantly change the types of uses currently allowed. There is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- 4.2 Floodplains. Most properties proposed to be rezoned are not in the floodplain, based on the July 7, 1999, Flood Insurance Rate Map (FIRM) Community Panels. When development is proposed in these areas, it will be required to meet standards for floodplain development,
- 4.3 Wetlands. The local wetland inventories identify wetlands on some properties in East I-5.
- 4.4 Slopes. The properties proposed to be rezoned are level to gently sloping.
- 4.5 Significant Natural Vegetation. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. None of the proposed Zoning map amendments are in the National Register Historic Districts.

CONCLUSION

- 4.1 There is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- (5) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.***

FINDINGS

- 5.1 The proposed amendments are being considered concurrently with amendments to the Albany Development Code, Comprehensive Plan and Comprehensive Plan Map in order to meet requirements for Statewide Planning Goal 10, Housing. In general, the proposed Map amendments are consistent with the Comprehensive Plan and Plan Map.
- 5.2 The proposed zone changes achieve the Plan and zone purpose statements and the goals and policies of the Plan.
- 5.3 The Comprehensive Plan goals and policies are addressed under the Comprehensive Plan amendments Criterion 2 (File CP-04-07).

CONCLUSION

- 5.1 The proposed Zoning Map amendments are consistent with the Comprehensive Plan and the Comprehensive Plan Map. This criterion is satisfied.

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COMPREHENSIVE PLAN MAP AMENDMENTS (CP-04-07)

The Albany Development Code (ADC) contains the following review criteria which must be met for legislative amendments to the Comprehensive Plan to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

(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

The goals and policies of the Albany Comprehensive Plan shown below in *italics* are relevant to the proposed housing-related Map amendments. Albany's Plan supports statewide planning goals and incorporates policies from relevant area plans.

GOALS:

- *Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan remains current and responsive to community needs (Goal 2, Land Use Planning).*
- *Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens (Goal 10, Housing).*
- *Create a city of diverse neighborhoods where residents can find and afford the values they seek (Goal 10, Housing).*

POLICIES (Goal 10, Housing unless noted):

- *Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.*
- *Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.*
- *Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.*
- *Encourage a mix of housing types and residential densities in the Urban Residential Reserve area that conform to the population and density projections adopted by the City of Albany and where infrastructure is available or can be made available.*
- *Require residential densities to be commensurate with the availability and adequacy of public facilities and services.*
- *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 the efficiency of energy use (Goal 14, Urbanization, Directing Growth).*
- *Encourage design innovation but ensure that site design considers site characteristics, potential impacts on surrounding areas, and applicable Comprehensive Plan policies, i.e., access, vegetation, soils, slopes, public facilities and services, energy conservation, recreation, natural and other hazards, etc. (Goal 14, Urbanization, Development Review).*

- 1.1 In order for the Comprehensive Plan to remain current and responsive to Albany's needs to 2025, Map amendments are needed to ensure enough land is available to meet the needs of all of Albany's residents.
- 1.2 The proposed addition of Residential Medium Density (MDR) land on the Comprehensive Plan Map will support the Plan goals and policies in the following ways:

ORDINANCE EXHIBIT I

- Additional MDR land is needed for projected attached single- and multi-family medium-density housing needs to 2025, as shown in the Housing Needs Analysis.
 - The MDR land is proposed along major streets and close to commercial services and employment sites.
 - The areas proposed to be MDR are in locations that are already served or can be served by public utilities.
- 1.3 Some land designated Urban Residential Reserve (URR) outside the city limits in East Albany is proposed to become Low Density Residential (LDR) or MDR to conform to population and density projections.
- 1.4 Comprehensive Plan Map Plate 7: Slopes is being replaced with a more site-specific map that will be easier to use and to identify areas with slopes 12 percent or more. *(Note the Hillside Development Standards were recently updated as a Periodic Review task and the Code references this particular Plate.)*

CONCLUSION

- 1.1 The proposed legislative Comprehensive Plan Map amendments are consistent with the goals and policies of the Comprehensive Plan.

(2) A legislative amendment is needed to meet changing conditions or new laws.

FINDINGS OF FACT

- 2.1 Albany's residential Buildable Lands Inventory concluded that more medium-density residential land will be needed to meet housing needs to 2025.
- 2.2 The proposed legislative Plan Map amendments are necessary to have enough residential land available to provide a variety of housing types to meet housing and residential land needs to 2025.

CONCLUSION

- 2.1 This criterion is met because the legislative amendments to the Comprehensive Plan are necessary in order to meet Albany's changing conditions and provide for future housing needs.

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COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF DECISION

DATE OF NOTICE: June 29, 2007
DATE OF DECISION: June 27, 2007
FILES: CP-04-07, DC-02-07, and ZC-04-07
TYPE OF APPLICATION: Amendments to the Albany Comprehensive Plan, Albany Development Code and Zoning Map relating to Periodic Review that address Goal 10 Housing.
REVIEW BODY: City Council
APPLICANT: City of Albany Community Development Department – Planning Division
APPLICANT'S REP: Anne Catlin, Community Development Planner

On June 27, 2007, the Albany City Council adopted Ordinance No. 5673 to make amendments to the Albany Comprehensive Plan, Development Code, and Zoning Map. The amendments address changes relating to residential lands and development standards. The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. Adoption of these amendments to the Comprehensive Plan relate to partial completion of Periodic Review work tasks #1 and #3 (Buildable Lands and Growth Management Implementation).

A copy of Ordinance No. 5673 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Project Planner Anne Catlin at (541) 917-7550.

If you believe the City did not satisfactorily complete the partial work tasks or the work tasks did not comply with the statewide planning goals, you may object to the State Department of Land Conservation and Development (DLCD). To file an objection, you must do three things. First, address these requirements in your objection:

1. Show how you participated in the City's periodic review either by speaking at a public hearing or by sending written comments about the work task, and
2. Explain your objection to the action taken by the city. Be specific and try to relate the objection to a specific law or rule that has been violated, and
3. Recommend a specific change to the work task that would resolve your objection.

Second, submit a written objection to DLCD; Attention – Periodic Review Specialist (635 Capitol Street NE, Suite 150; Salem, OR 97301). DLCD must receive the objection no later than **JULY 20, 2007**. Third, send a copy of the letter to the Albany Community Development Department; PO Box 490; Albany, OR 97321. (See Oregon Administrative Rule Chapter 660, Division 25 for specific requirements for participating in periodic review. Note especially OAR 660-025-0149 regarding objections to a work task submittal. http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_025.html) If you have questions about DLCD's review of this work task, call Albany's regional representative, Marguerite Nabeta at (541) 682-3132.


Council President