

## ARTICLE 9 ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

*Staff Comments: No changes are proposed to 9.100 to 9.390 at this time.*

### ENVIRONMENTAL

9.400 Purpose. These regulations are designed to protect all uses in all zones from certain objectionable off-site impacts associated with nonresidential uses. These impacts include noise, vibration, odors, and glare. The standards ensure that uses provide adequate control measures or locate in areas where the community is protected from health hazards or nuisances. The use of objective standards provides a measurable means of determining specified off-site impacts. This method protects specific industries or firms from exclusion in a zone based solely on the general characteristics of similar industries in the past.

9.405 Exemptions. The off-site impact standards do not apply to machinery, equipment, and facilities that were at the site and in compliance with existing regulations at the effective date of these regulations. Any new or additional machinery, equipment, and facilities must comply with the standards of this chapter. Documentation is the responsibility of the proprietor of the use if there is any question about when the equipment was brought to the site.

9.410 Relationship to ~~State and Federal~~ Other Regulations. The environmental standards are in addition to all other regulations of the Albany Municipal Code. ~~In addition to the regulations of this Code, each use, activity, or operation within the City of Albany shall must comply with the~~ applicable state and federal standards pertaining to noise, odor, and discharge of matter into the atmosphere, ground, sewer system, or stream. These standards do not replace or supercede regulations of the Department of Environmental Quality (DEQ), relevant county regulations, or standards such as the Uniform Building Code or Uniform Fire Code.

9.410 Relationship to Other Local Regulations. Other local regulations of an environmental nature include those in Article 6 on Special Purpose Districts (i.e., floodplain, wetlands, hillsides, Willamette Greenway) and those of the Fire Department and Building Division.

9.420 Evidence of Compliance. Prior to approval of a development application, the Director may require submission of evidence demonstrating compliance with ~~S~~state, ~~F~~federal and local environmental regulations and receipt of necessary permits.

9.430425 Responsibility. Compliance with ~~S~~state, ~~F~~federal and local environmental regulations is the continuing obligation of the property owner and operator.

9.430 Measurements. Measurements for compliance with these standards are made from the property line or within the property of the affected site. Measurements may be made at ground level or at habitable levels of buildings.

If the City does not have the equipment or expertise to measure and evaluate a specific complaint, it may request assistance from another agency or may contract with an independent expert to perform such measurements. The City may accept measurements made by an independent expert hired by the owner or operator of the off-site impact source. If the City contracts to have measurements made and no violation is found, the City will bear the expense, if any, of the measurements. If a violation is found, City expenses will be charged to the violator. Nonpayment of the costs is a violation of the Code.

9.435 Neighborhood Compatibility. If a site is located within 300 feet of residentially zoned property and environmental impacts regulated by this article have not been adequately determined, the Community Development Director may require that a proposed use be considered under the Conditional Use process to provide an opportunity for public review and comment and to establish conditions to mitigate potential impacts.

9.440 Noise. The City noise standards are stated in Albany Municipal Code Title 7, Public Peace, Morals and Safety. In addition, the Department of Environmental Quality (DEQ) has regulations that apply to firms adjacent to or near noise-sensitive uses such as dwellings, religious institutions, schools, and hospitals.

(1) Additional City Standards. The following restrictions are in addition to the State DEQ Department of Environmental Quality (DEQ) standards for purposes of City noise regulation:

(1)(a) For purposes of measuring permitted sound levels from noise generating sources under the provisions of DEQ rules, any point where a noise sensitive building could be constructed under the provisions of this Code shall apply as if such point contained a noise sensitive building.

(2)(b) Within the Industrial Park (IP) and Waterfront (WF) Zoning Districts, each property or building under separate ownership ~~from a noise-generating source~~ shall be considered a noise sensitive property under the provision of DEQ rules with the exception that the allowable noise levels shall be increased by 5 db.

(2) Expert Evaluation. A noise analysis may be required in the development review process to show that a proposed activity can meet the noise standards or that residential uses are adequately buffered from noise sources.

(3) Mitigation Measures. The following noise mitigation measures may be required through development review:

a. increased building setbacks;

b. special berms and heavy vegetation areas;

c. site layout to establish buffer areas or locate low-noise buildings to serve as buffer between the noise-sensitive areas and the sound source;

d. special sound insulation construction techniques;

e. improvements as recommended by the DEQ or a qualified noise consultant;

f. issuance of a bond or other financial agreements to ensure that the required noise reduction features are installed.

9.450 Visible Emissions. Within the ~~Commercial-mixed-use, commercial, Districts~~ and the IP and WF Industrial Park ~~D~~zoning districts, there shall be no use, operation, or activity which results in a stack or other point source emission, other than an emission from space heating, or the emission of pure uncombined water (steam) which is visible from a property line.

9.455 Water Quality. Direct discharge of storm water and process waste from operation of industries shall comply with the water quality standards adopted by DEQ and as authorized in a National Pollutant Discharge Elimination System (NPDES) Permit.

9.460 Vibration. Continuous, frequent, or repetitive vibrations ~~No vibration other than that caused by highway vehicles, trains, and aircraft that exceed 0.002g peak may not be produced.~~ shall be permitted in any given district which is discernible without instruments at the property line of the use concerned.

Exceptions: Vibrations from temporary construction and vehicles that leave the site (such as trucks, trains, or aircraft) are exempt; vibrations lasting less than 5 minutes per day are also exempt. Vibrations from primarily on-site vehicles and equipment are not exempt.

Measurements. Seismic or electronic vibration measuring equipment may be used for measurements when there are doubts about the level of vibration.

- 9.470 Odors. Continuous, frequent, or repetitive odors or ~~the~~ the emission of odorous gases or other matter in such quantities as to be readily detectable at any point beyond the property line of the use creating the odors is prohibited. Odor is regulated by the Department of Environmental Quality.

Exceptions: An odor detected for less than 15 minutes per day is exempt.

- 9.480 Glare and Heat. No direct or sky-reflected glare **in excess of 0.5-foot candles of light**, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, visible at the lot line shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted by this Code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line of the source. **Strobe lights visible from another property are not allowed, except as may be required by the Federal Aviation Administration.**

- 9.490 Insects and Rodents. All materials including wastes shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health hazard.

- 9.500 Hazardous Waste. Hazardous wastes are subject to the regulations of OAR 340.100-110, Hazardous Waste Management.