



Oregon

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 10/02/2014
Jurisdiction: City of Albany
Local file no.: DC-01-14
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 09/30/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 001-14 {22417}
Received: 9/30/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: Albany

Local file no.: **DC-01-14**

Date of adoption: 9/24/2014

Date sent: 9/30/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 7/14/14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No; N/A

Local contact (name and title): Jeff Blaine, City Engineer

Phone: (541) 917-7633

E-mail: jeff.blaine@cityofalbany.net

Street address: 333 Broadalbain Street, PO Box 490

City: Albany

Zip: 97321-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

- | | |
|---|--|
| Exclusive Farm Use – Acres: | Non-resource – Acres: |
| Forest – Acres: | Marginal Lands – Acres: |
| Rural Residential – Acres: | Natural Resource/Coastal/Open Space – Acres: |
| Rural Commercial or Industrial – Acres: | Other: – Acres: |

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

- | | |
|---|--|
| Exclusive Farm Use – Acres: | Non-resource – Acres: |
| Forest – Acres: | Marginal Lands – Acres: |
| Rural Residential – Acres: | Natural Resource/Coastal/Open Space – Acres: |
| Rural Commercial or Industrial – Acres: | Other: – Acres: |

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Articles 2, 4, 5, 6, 8, 9, 10, 11, 12, and 22 of the Albany Development Code

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

- | | | |
|-------------|----|--------|
| Change from | to | Acres: |
| Change from | to | Acres: |
| Change from | to | Acres: |
| Change from | to | Acres: |

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: Oregon DEQ, City of Albany

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 5842

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE DEVELOPMENT CODE TEXT RELATED TO IMPLEMENTATION OF A POST-CONSTRUCTION STORMWATER QUALITY PROGRAM, AND ADOPTING FINDINGS (FILE DC-01-14).

WHEREAS, the Oregon Department of Environmental Quality requires that the City of Albany adopt, through an ordinance, a Post-Construction Stormwater Quality Program for new development and redevelopment that identifies and implements best management practices (BMPs) and ensures long-term operations and maintenance of those BMPs in order to comply with the Willamette Basin Total Maximum Daily Load; and

WHEREAS, the City of Albany's approved Willamette Basin Total Maximum Daily Load Implementation Plan identifies that the City of Albany will implement a Post-Construction Stormwater Quality Program for new development and redevelopment projects in Fiscal Year 2014-15; and

WHEREAS, the proposed Post-Construction Stormwater Quality Program will meet Willamette Basin Total Maximum Daily Load requirements; and

WHEREAS, the proposed Post-Construction Stormwater Quality Program will help protect the water quality of Albany's lakes, rivers, and streams; and

WHEREAS, the City of Albany created a Post-Construction Stormwater Quality web site and conducted several public outreach efforts to discuss the proposed program, including a kick-off meeting with the development community, draft program review with the development community, a public open house, a presentation to the Albany Area Chamber of Commerce, and review meetings with the Planning Commission and City Council; and

WHEREAS, in addition to the identified public outreach efforts, the Albany City Council held a public hearing on September 10, 2014, on the proposed Albany Municipal Code revisions creating the Post-Construction Stormwater Quality Program; and

WHEREAS, the Albany City Council adopted Ordinance 5841 amending the Albany Municipal Code and creating a Post-Construction Stormwater Quality Program; and

WHEREAS, amendments to the Albany Development Code are required to integrate the Post-Construction Stormwater Quality Program into existing development standards and to preserve buildable area; and

WHEREAS, on August 18, 2014, the Planning Commission held a public hearing on the proposed Albany Development Code amendments and made a recommendation to the City Council based on public testimony and findings of fact; and

WHEREAS, the Albany City Council held a public hearing on September 10, 2014, concerning the proposed amendments recommended by the Planning Commission, reviewed the testimony presented at the public hearing, findings in the staff report, and deliberated.

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

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

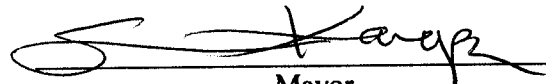
Section 2: The Albany Development Code text is hereby amended as shown in the attached 'Exhibit B' for Articles 2, 4, 5, 6, 8, 9, 10, 11, 12, & 22.

Section 3: This Ordinance shall be effective on January 1, 2015.

Passed by the Council: Sept 24, 2014

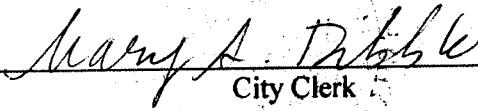
Approved by the Mayor: Sept 24, 2014

Effective Date: Jan 1, 2015



Mayor

ATTEST:



City Clerk

EXHIBIT A
Staff Report



Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT

Development Code Amendment - DC-01-14

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, September 10, 2014
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

The City of Albany has developed a post-construction stormwater quality program in compliance with state and federal regulations. The purpose of a post-construction stormwater quality program is to remove contaminants that become suspended in stormwater runoff before it leaves a development site and enters stormwater systems that discharge to lakes, rivers, and streams. This is accomplished by requiring new development and redevelopment projects to construct stormwater quality facilities. Albany has chosen to emphasize natural treatment facilities which are essentially stormwater swales and planters. The stormwater planters installed with the recent Broadalbin, Oak Street, and Jackson Street projects are good examples of natural treatment facilities.

Albany's post-construction stormwater quality program development process began nearly four years ago and is nearing completion. A multi-department team of City employees and a consultant helped to shape the program. Albany's post-construction stormwater quality program is supported through amendments to the Albany Municipal Code (AMC), Albany Development Code (ADC), and the City's Engineering Standards and Standard Construction Specifications. These documents have been made available to the development community, the public, City Council, and the Planning Commission for their review and comment on several different occasions. Most recently, an open house was held at Albany's Main Library on May 20, 2014, to review the program, followed by a joint Planning Commission and City Council meeting on June 9, 2014. At the June 9th meeting the City Council and Planning Commission directed staff to start the formal adoption process which began with the August 18, 2014 Planning Commission public hearing.

PLANNING COMMISSION RECOMMENDATION

After reviewing the staff report and considering testimony at a public hearing on August 18, 2014, the Albany Planning Commission, by a vote of 6-0, recommends Council APPROVAL of the proposed Development Code amendments to ADC Articles 2, 4, 5, 6, 8, 9, 10, 11, 12, and 22 that will support implementation of a post-construction stormwater quality program required by the Oregon Department of Environmental Quality (DEQ) under the City's Willamette River Basin Total Maximum Daily Load (TMDL) Implementation Plan.

GENERAL INFORMATION

DATE OF REPORT: August 29, 2014
FILE: DC-01-14

TYPE OF APPLICATION: Legislative Development Code Amendment (Type IV) to amend portions of ADC Articles 2, 4, 5, 6, 8, 9, 10, 11, 12, and 22 that will support implementation of the City's Post-Construction Stormwater Quality Program

REVIEW BODIES: Planning Commission and City Council

STAFF REPORT PREPARED BY: Jeff Blaine, City Engineer; and David Martineau, Planner III

APPLICANT: Jeff Blaine, City Engineer; City of Albany; 541-917-7633

ADDRESS/LOCATION: Citywide

NOTICE INFORMATION

A Notice of Public Hearing was published in the *Albany Democrat Herald* on August 11, 2014. The development code text amendment staff report was posted on the City's Web site. At the time this staff report was completed, no comments have been received.

CITY COUNCIL DECISION OPTIONS

The City Council may do one of the following:

- 1) Enact, amend or defeat all or part of the proposal under consideration, or
- 2) Refer some or the entire proposal back to the Planning Commission for further consideration.

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

Within five working days of the City Council decision, the Director shall notify any person who participated in the proceedings leading to the decision. The notice shall briefly describe the final action taken, state the date and effective date of the decision, and explain the requirements for appealing the action under ORS 197.830 to 197.845.

APPEALS

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

STAFF ANALYSIS

**Development Code Amendment
File DC-01-14**

The Albany Development Code (ADC) 2.290 contains the following review criteria that must be met for this Development Code amendment to be approved. Code criteria are written in *bold italics* and are followed by the Proposed Findings and Conclusions.

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

Relevant Comprehensive Plan goals and policies are written in <i>italic</i> type and considered as a separate review criterion following the description of the major revisions.
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FINDINGS OF FACT

Statewide Planning Goal 6-Air, Water, and Land Resources Quality: Water Quality, Goal 1: Reduce water pollution in

the Albany area and ensure that future land use activities enhance or at least maintain water quality.

Statewide Planning Goal 6-Air, Water, and Land Resources Quality: Water Quality, Policy 1: Require all new or expanding developments to comply with applicable water quality standards, using assistance where available from the Department of Environmental Quality, county Environmental Health Departments, etc.

Statewide Planning Goal 6-Air, Water, and Land Resources Quality: Water Quality, Policy 2: Cooperate with local, state, and federal agencies that have primary responsibility to assist in minimizing the quantity of pollutants (from point or non-point sources) entering the surface streams, lakes, and groundwater.

Statewide Planning Goal 11-Public Facilities and Services: Storm Drainage, Policy 2: Cooperate with the Department of Environmental Quality and the Environmental Protection Agency to restrict discharge of polluted storm water into any "waters of the state."

Statewide Planning Goal 11-Public Facilities and Services: Storm Drainage, Implementation Method 2: Where detention basins are used, they should be integrated into the development with landscaping and open space features.

Statewide Planning Goal 11-Public Facilities and Services: Storm Drainage, Implementation Method 4: Developments, including parking lots, will be required to prepare drainage plans and provide drainage improvements that are compatible with the master storm drainage plan. These plans shall be reviewed for all drainageway improvements and new developments.

Statewide Planning Goal 11-Public Facilities and Services: Storm Drainage, Implementation Method 5: Develop Development Code standards and administrative policies for the review of drainage which include the following criteria:

- a. Emphasize the use and improvement of natural drainageways.*
- b. Investigate the desirability of detention ponds or conventional systems.*
- c. Indicate how any drainage facility will be maintained.*
- d. Minimize the amount of impervious surfaces.*
- e. Where possible, provide storm water easement conforming substantially to natural drainageways.*
- f. Maintain unrestricted flow from runoff originating elsewhere.*
- g. Make provisions for planned increases in drainage flow resulting from upstream development.*
- h. Where useful, consider a present or future mechanism to control the rate of runoff discharge so that excess capacity of drainageways does not occur.*
- i. Protect structures and lots from damage caused by ponding and runoff.*
- j. Ensure that downstream properties and/or structures will not be harmed by runoff originating from the development.*
- k. Ensure that the drainage system connects to an approved drainageway.*

Statewide Planning Goal 11-Public Facilities and Services: Storm Drainage, Implementation Method 8: Establish ordinances to define the City's authority to direct the orderly development and management of the drainage system.

- 1.1 The City's Comprehensive Plan is adopted to implement statewide planning goals.
- 1.2 To implement these Comprehensive Plan goal requirements, the City is required to evaluate implementing ordinances to assure plan and ordinance consistency.
- 1.3 Statewide Goal 6, Air, Water, and Land Resource Quality, identifies a goal of reducing water pollution in the Albany area and ensuring that future land use activities at least maintain water quality.
- 1.4 Statewide Goal 11, Public Facilities and Services, requires that Albany restrict discharge of polluted stormwater into "waters of the state."

CONCLUSIONS

- 1.1 The proposed amendments will help maintain or improve water quality and restrict discharge of polluted stormwater into “waters of the state” consistent with state and federal requirements.
- 1.2 The proposed Development Code amendments are consistent with the Comprehensive Plan goals and policies.
- 1.3 The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

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

The applicable Development Code policies and purposes are identified in *italic* type and considered as a separate review criterion.

FINDINGS OF FACT

ADC Article 1–General Administration–Section 1.020 states, “the general purpose of this Code is to set forth and coordinate City regulations governing the development and use of land. The Code is more specifically intended to do the following:

- (1) Serve as the principal vehicle for implementation of the City’s Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.*
- (2) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.*
- (3) Facilitate prompt review of development proposals and the application of clear and specific standards.*
- (5) Guide public and private planning policies and actions to ensure provision of adequate water, sewage, transportation, drainage, parks, open space and other public facilities and services for each development.*

ADC Article 12-Drainage Management Practices-Section 12.570 states, “Development must employ drainage management practices approved by the City Engineer that minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties. Drainage management practices must include, but are not limited to, one or more of the following practices:

- (1) Temporary ponding or detention of water;*
- (2) Permanent storage basins;*
- (3) Minimization of impervious surfaces;*
- (4) Emphasis on natural drainageways;*
- (5) Prevention of uncontrolled water flow from the development;*
- (6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;*
- (7) Collection of runoff from impervious surfaces and transportation to a natural drainage facility with sufficient capacity to accept the discharge; and*

(8) Other practices and facilities designed to transport storm water and improve water quality.”

Article 2-Site Plan Review-Section 2.400 states, “Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

- 2.1 Albany Development Code (ADC) Section 1.020 states that the Code is specifically intended to satisfy relevant requirements of state and federal law.
- 2.2 State and federal law require implementation of a post-construction stormwater quality program for compliance with the Willamette River Basin Total Maximum Daily Load (TMDL) Implementation Plan.
- 2.3 ADC Section 2.400 states that the intent of site plan review is to promote functional, safe, and attractive development that maximize compatibility with the natural environment.
- 2.4 The proposed amendments prioritize natural treatment systems to protect water quality.
- 2.5 ADC Section 12.570 requires development to employ drainage management practices that, among other practices, minimize impervious surfaces and improve water quality.

CONCLUSIONS

- 2.1 The proposed amendments will facilitate compliance with state and federal laws, promote compatibility with the natural environment, and provide drainage management practices that incentivize reductions in impervious surfaces.
- 2.2 The proposed Development Code amendments are consistent with the purposes of the Code.
- 2.3 Staff concludes this criterion has been satisfied.

EXHIBIT B

**Albany Development Code Amendments
Articles 2, 4, 5, 6, 8, 9, 10, 11, 12 and 22**

CHAPTER 2

EDITS

building textures, colors, architectural features and height; landscaping, screening and buffering; noise, vibration, odors or other similar nuisances; hours for certain activities; time period within which the proposed use shall be developed; duration of use; and preservation of natural vegetation and open space.

- 2.265 **Application Contents.** As applicable, application contents shall be the same as those required for site plan review in Section 2.490.

DEVELOPMENT CODE AMENDMENTS

- 2.270 **Purpose.** The Development Code implements the goals and policies of the Comprehensive Plan, which reflects community values and needs. Because these values may change with time and because new techniques for implementing the Plan may become more appropriate, the Code must have some mechanism for response to those changes. Amendments to the Code should occur as needed to maintain a close relationship between it and the Comprehensive Plan.
- 2.280 **Procedures.** Code amendments shall be processed as a Type IV procedure in accordance with the legislative procedures of Sections 1.580-1.660. Exception: The Director may initiate and approve amendments for the following types of corrections through a Type I procedure: typographical, grammatical, and cross-referencing errors. [Ord. 5635, 1/11/06]
- 2.290 **Review Criteria.** The request may be approved if the Council finds that the application meets the following criteria:
- (1) The proposed amendments 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.

NONCONFORMING SITUATIONS

- 2.300 **Purpose.** Some lots, developments, and uses in the City of Albany were lawful before this Code was adopted or amended, but would no longer be allowed under the current terms of this Code. These provisions are intended to permit such nonconforming situations to continue, but not to encourage their perpetuation.
- 2.310 **Status and Documentation of a Nonconforming Situation.** Nonconforming situation regulations apply only to situations that were legally established. Nonconforming uses that were not allowed when established have no grandfather rights and must be removed. The property owner or applicant must document that a nonconforming situation was legally established and was maintained over time. Evidence that it was maintained over time might consist of building permits, utility hookups, tax records, business licenses, lease agreements, business receipts, or telephone directory listings. [Ord. 5832, 4/9/14]
- 2.320 **Types of Nonconforming Situations.** A lot of record may be nonconforming because it does not meet the dimensional or area standards currently required in a particular zoning district. A specific site may be nonconforming because it contains either a nonconforming use, an allowed residential use that exceeds the allowed density, a nonconforming development, or a combination of these. [Ord. 5338, 1/28/98]

SITE PLAN REVIEW

- 2.400 Purpose. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]
- 2.410 *Section removed by Ordinance 5767 adopted December 7, 2011.*
- 2.415 Procedure. A Type I-L limited land use procedure is followed for a Site Plan Review application with the Director acting as the review body. A Site Plan Review application that includes Hillside Development is reviewed as a Type III procedure (See Sections 6.170 through 6.230). [Ord. 5832, 4/9/14]
- 2.420 Relationship to Other Regulations. When a land use application is approved based on review criteria in this Code, the applicant must still comply with other applicable codes, ordinances, statutes, and regulations. [Ord. 5445, 4/12/00]
- 2.430 Applicability. In general, Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain a legal nonconforming use will be processed in accordance with Section 2.350. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]
- (1) Any development that requires Site Plan Review, unless specifically exempt in Section 1.070.
 - (2) A change of use or reuse of a building or site when the use is allowed through Site Plan Review, and that requires construction of three or more new parking spaces, additional loading areas, or that modifies site circulation or access. [Ord. 5832, 4/9/14]
 - (3) Building additions or use expansions greater than 2,000 square feet or greater than 25% of existing building area, whichever is less, or any expansion that requires three or more new parking spaces, additional loading areas, or modifies site circulation or access. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]
 - (4) New parking areas or expansions to existing parking areas greater than 1,000 square feet or modifications that change site circulation or access. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]
 - (5) Temporary placement of a manufactured home for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies. (See Sections 10.470-10.490.) [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]
- 2.440 *Section removed by Ordinance 5767 adopted December 7, 2011.*
- 2.450 Review Criteria. Site Plan Review approval will be granted if the review body finds that the application meets all of the following criteria that are applicable to the proposed development.
- (1) Public utilities can accommodate the proposed development.
 - (2) **The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.**

- (2) (3) The transportation system can safely and adequately accommodate the proposed development.
- (3) (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (4) (5) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (5) (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- (6) (7) The site is in compliance with prior land use approvals. [Ord. 5832, 4/9/14]
- (7) (8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370. [Ord. 5832, 4/9/14]

[Ord. 5445, 4/12/00; Ord. 5635, 1/11/06; Ord. 5720, 08/12/09; Ord. 5764, 12/1/11; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]

2.460 Conditions of Approval. The City may attach conditions to the approval of a Site Plan Review application in order to ensure that the proposal will conform to the applicable review criteria. Conditions of approval should be specific to the proposal and the facts set in the staff report for the application. In addition to conditions of approval, a list of general Code provisions that apply to the application may be attached to the approval. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]

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

2.490 Application Contents. A Site Plan Review application must include:

- (1) A completed application form.
- (2) A mailing list of property owners within 300 feet of the entire site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The list must be compiled from the most recent property tax assessment roll. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site. [Ord. 5767, 12/7/11]
- (3) One set of conceptual drawings, including floor plans, lighting details, and building elevations and materials.
- (4) A conceptual landscape plan showing the type and location of proposed landscaping and screening, **including any vegetated post-construction stormwater quality facilities.**
- (5) A site plan showing the following applicable information:
 - (a) Assessor's map and tax lot number and lot and block description or other legal description.
 - (b) Lot dimensions and total lot area.
 - (c) North arrow.
 - (d) Location of all existing and proposed structures, including minimum distances from all structures to property lines.

- (e) Percentage of the lot covered by all existing and proposed structures and paved areas. **Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.**
- (f) Adjacent zoning designations and land uses including approximate location of buildings, accesses, streets, sidewalks, curbs, easements, and utilities.
- (g) Locations and dimensions of rights-of-way of all abutting streets (whether public or private) and existing and proposed driveways.
- (h) Size and location of all utilities.
- (i) Locations, dimensions, and nature of any existing and proposed easements.
- (j) Location of any non-access strips.
- (k) Natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed finished grade contours at 1-foot intervals, or at a larger interval if approved by the City Engineer.
- (l) Clearly identify any existing and proposed swales, ditches, or other drainage ways.
- (m) Location, size, **type** and capacity of the existing and proposed drainage system including pipe size, slope, **and** detention facilities, ~~and water quality facilities~~. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, and capacity of the downstream drainage system that would serve the proposed development. Also provide any supporting calculations.
- (n) **Location, size, type and capacity of all existing and proposed post-construction stormwater quality facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.**
- (o) Typical cross sections at adjacent property boundaries showing pre-and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
- (p) Location and species of trees larger than 25 inches in circumference (**approximately 8 inches in diameter**) measured at 4-1/2 feet above mean ground level from the base of the trunk. **To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences, which are greater than 6 inches in circumference. Identify any trees proposed for protection and the method of protection.**
- (q) Location and dimensions of delivery and loading areas.
- (r) Location and dimensions of parking and circulation areas.
- (s) Location and dimensions of trash disposal areas.
- (t) Location of proposed signs. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]
- (u) Location and type of proposed pedestrian amenities and common areas (when applicable).
- (v) Location of airport height restrictions.
- (w) Location of floodplains.
- (x) Location of hillsides with slopes greater than 12 percent.
- (y) Location of wetlands.
- (z) Location of riparian corridors.
- (aa) Location of Willamette Greenway.
- (bb) Location of historic districts, structures and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites. [Ord. 5720, 08/12/09]

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

CHAPTER 4

EDITS

TABLE 1

Commercial and Industrial District Development Standards								
STANDARD	OP	NC	CC	RC	TD	IP	LI	HI
MINIMUMS								
Lot size (sq. ft.)(1)	None	None(2)	None	None	None	3 acres(4)	None	None
Lot width	None	None	None	None	None	None	None	None
Lot depth	None	None	None	None	None	None	None	None
Front setback	10'	10'	10'	10'	10'	15'(11)	15'(11)	15'
Interior setbacks -abutting non-res'l	5'	None	None	None	None	15'(6)	None	None
Interior setbacks - abutting res'l district	10'(5)	10'(5)	10'(5)	10'(5)(6)	10'(5)(6)	30'(11)	40'(11)	50'
MAXIMUMS								
Building Size	None(10)	None(10)	100,000 (13)	None	None	None(10)	None	None
Lot size (sq. ft.)	None	30,000(2)	None	None	None	None	None	None
Height (8)	30'	30'	50'	None	None	50'(12)	None	None
Lot Coverage (7)	70%	80%	90%	90%	None	80%	None	None
Landscaped Area (3)	100%	100%	100%	100%	100%	100%	100%	100%
Open Space	(9)	(9)	(9)	N/A	N/A	N/A	N/A	N/A

N/A means not applicable.

- (1) The minimum lot size for residential units is 1,600 s.f. per unit. No minimum lot size is required for non-residential development.
- (2) New NC zones may be no more than 30,000 s.f. of contiguous land.
- (3) All yards adjacent to streets. **Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas.**
- (4) The minimum lot size for supporting commercial uses may be smaller than 3 acres.
- (5) Structures on property abutting residential districts and/or uses require 1 foot of setback for each foot of finished wall height with a minimum setback of 10 feet.
- (6) No setbacks are required for buildings abutting railroad rights-of-way.
- (7) Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures. [Ord. 5768, 12/7/11]
- (8) Unless in Airport Approach Overlay District. See Sections 4.400 to 4.440.
- (9) Ten or more multiple-family units require common open space. See Section 8.220.
- (10) The maximum business footprint for supporting commercial uses allowed in IP is 5,000 square feet. The maximum business footprint for convenience-oriented and personal service-oriented retail uses in NC and OP is 5,000 square feet. [Ord. 5742, 7/14/10]
- (11) When adjacent to or across the street from residentially zoned land, the setback shall be 1 foot for each foot of building height over 30 ft. Buildings may increase in height ("step" up) as the setback increases. For example, at the minimum setback in LI, a building may be 30 feet tall but may increase in height up to 50 feet when set back 50 feet from the property line.
- (12) Higher structures permitted by Conditional Use approval.
- (13) The maximum building size may be exceeded for non-commercial and non-office uses when the building is multi-story.

[Table and footnotes amended by Ord. 5445, 4/12/00, Ord. 5555, 2/7/03, Ord. 5556, 2/21/03; Ord. 5742, 7/14/10, Ord. 5768, 12/7/2011]

CHAPTER 5

EDITS

HOME BUSINESS STANDARDS

5.085 Home Businesses. See Article 3, Residential Zoning Districts, Sections 3.090 to 3.180, for home business standards. Ord. 5555, 2/7/03]

DEVELOPMENT STANDARDS

5.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment; site intensity, building mass and open space. The standards also promote energy conservation, needed privacy, and safe and efficient parking areas for new development; and improve the general living environment and economic life of a development. Table 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-family developments are located in Article 8.

[Ord. 5445, 4/12/00; Ord. 5768, 12/7/11]

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

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

N/A means not applicable.

(1) Single-family homes or duplexes must have a 3' interior setback for single-story buildings, and a 5' interior

- setback for two-story buildings. See Sections 5.150 and 5.160 for zero lot line options. [Ord. 5742, 7/14/10]
- (2) All yards adjacent to streets. **Approved vegetated post-construction stormwater quality facilities are allowed in landscaped areas.**
 - (3) Lots with alley access may be up to 10% 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 one foot of setback for each foot of wall height with a minimum setback of ten feet. For developments 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 for single-family detached development shall only include the area of the lot covered by buildings or structures. [Ord. 5768, 12/7/11]
 - (7) See minimum floor area ratio requirements in ADC 5.120.
 - (8) Garage setback for non-vehicle entrance must conform to 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.
 - (11) For multi-family and commercial developments, no parking or circulation will be allowed between the building with the primary entrance and the adjacent street. [Ord. 5742, 7/14/10]
 - (12) Ten or more residential units may require common open space. See Section 8.220.
 - (13) The building and business footprint maximum is 80,000 square feet if a grocery store occupies at least fifty percent (50%) of the total square footage. This footprint may include one or more businesses or attached buildings. For purposes of this section, a grocery store is defined as a business that sells primarily food and household supplies. Ancillary grocery uses include uses such as pharmacy, bakery, and florist.
 - (14) Properties adjacent to the Willamette River see also the Willamette Greenway standards in Sections 5.200 – 5.207 and Sections 6.500-6.560.
 - (15) Except for residential development, which has a maximum setback of 25 feet. See Sections 8.200 – 8.300 for multiple-family residential design standards.
 - (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.

[Table and footnotes amended by Ord. 5555, 2/7/03; Ord. 5556, 2/21/2003; Ord. 5627, 7/27/05; Ord. 5673, 6/27/07; Ord. 5768, 12/7/2011]

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]

**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	Interior setback = 3 feet
Detached, walls greater than 8 ft. tall	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.

CHAPTER 6

EDITS

ARTICLE 6 NATURAL RESOURCE DISTRICTS

6.010 Overview. The natural resource districts are intended to protect valuable natural resources within the City of Albany while allowing reasonable economic use of property.

The Open Space zoning district is a base zone that specifies allowed land uses adjacent to some water resources in Albany.

The Natural Resource overlay districts address development activities within specific natural resource areas and are applied over a base zone. The overlay district requirements are in addition to the requirements of the base zone and other City of Albany ordinances.

The following zoning and overlay districts are included in this article:

- Open Space zoning District (OS)
- Floodplain overlay district (/FP)
- Hillside Development overlay district (/HD)
- Significant Natural Resource overlay districts
 - o Riparian Corridor Overlay (/RC)
 - o Significant Wetland Overlay (/SW)
 - o Habitat Assessment Overlay (/HA)
- Willamette River Greenway overlay district (/WG)

[Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 5764, 12/1/11]

OPEN SPACE ZONING DISTRICT (OS)

6.020 Purpose and Intent. The Open Space zoning district is intended for the continuation and preservation of existing agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, flood conveyance, and uses that do not involve the construction of structures other than minor accessory facilities required to conduct the principal use. [Ord. 5764, 12/1/11]

6.030 Uses Permitted. The following uses are permitted outright in Open Space zoning districts if they meet the requirements of any applicable Natural Resource Overlay districts:

- (1) One single-family dwelling on a lot legally created before July 1, 1991, or on a lot that meets the requirements of 6.310(B)(1) and other standards in Article 6.
- (2) Paths and bridges for pedestrians and bicycles.
- (3) Parks and recreational facilities identified in the City's Parks, Recreation & Open Space master plan.
- (4) New agricultural uses, where trees and native vegetation are not removed and where no buildings are constructed.
- (5) Water-dependent and water-related uses.
- (6) Removal of native vegetation in conjunction with an approved use.
- (7) **Vegetated post-construction stormwater quality facilities planted with native plants, with design approval from the City Engineer.**

Ord. 5764, 12/1/11]

species as "sensitive, critical." The overlay identifies an area of high likelihood of turtle nesting, foraging, or migration routes. The overlay district regulations provide a limited level of protection (as identified in the Thornton Lakes ESEE Analysis). Voluntary methods of turtle habitat protection and enhancement are encouraged and essential.

6.280 Lands to Which These Regulations Apply. The procedures and requirements of this section apply only to property that is within a Significant Natural Resource overlay district.

A. Riparian Corridor overlay district (/RC): The Riparian Corridor overlay district extends 50 feet upland from the Ordinary High Water mark, measured horizontally.

If the Riparian Corridor overlay district area includes all or portions of a significant wetland, the district extends upland 50 feet, measured horizontally from the edge of the significant wetland. Fish-bearing waterways, and the significant wetlands associated with such waterways, are included in the Significant Wetland overlay district.

(1) The Riparian Corridor boundary applies to the following Albany water resources (and in-stream lakes):

- o Calapooia River
- o Burkhart Creek
- o Cathey Creek
- o Cox Creek
- o Crocker Creek
- o Horseshoe Creek
- o Oak Creek
- o Periwinkle Creek
- o Thornton Lakes
- o Truax Creek

(2) The Willamette River Riparian Corridor is located within the Willamette River Greenway District boundary. All development on properties within the Willamette River Greenway District is subject to the regulations beginning in Section 6.500, but is not subject to the riparian corridor overlay regulations.

B. Significant Wetland overlay district (/SW): The Significant Wetland overlay district is comprised of fish-bearing waterways below the Ordinary High Water Mark, the wetlands associated with riparian corridors, and higher quality isolated significant wetlands, in the City's Local Wetland Inventory (LWI), and as amended through wetland delineations approved by the DSL and the ACE, if applicable. Notice to, and potentially permits from, DSL and ACE are still required for potential impact to all wetlands regulated by DSL or ACE.

C. Habitat Assessment overlay district (/HA): This overlay district extends 75 feet from the Ordinary High Water mark upland from East and West Thornton Lakes.

6.290 Exempt Activities. The following activities are exempt from Natural Resource Impact Review as would otherwise be required within the Significant Natural Resource overlay districts. Many of these exemptions are provided in recognition of the Albany ESEE analyses and pre-existing uses. Land use reviews as required by other sections of this Code and compliance with other local (floodplain, fill, encroachment, etc.), state, and federal regulations is still required. As a result, these activities should still be conducted in a manner that minimizes impact to Albany's significant natural resources.

(1) Emergency procedures necessary for the immediate safety or protection of life or property, including removing hazardous trees and stream bank stabilization.

(2) Removal of refuse or any fill that is in violation of local, state or federal regulations or in-channel erosion or flood control measures approved by City of Albany Public Works, DSL, ACE and any

other applicable state or federal regulatory agency. Removal or placement of material in waters of the State must be consistent with State of Oregon Removal-Fill regulations (ORS 196.795-990) and the ACE fill regulations.

- (3) City construction of public infrastructure, such as transportation, stormwater, sewer, and water utilities. This exemption requires unimproved but disturbed areas to be replanted with native vegetation.
- (4) Private construction of public infrastructure. The location and construction of public transportation and utility facilities and structures as identified in a City-adopted master plan. This exemption requires that unimproved but disturbed areas are replanted with native vegetation.
- (5) The use of pre-existing right-of-way or easements for public infrastructure, franchise utilities, and railroads. Planting and maintaining native vegetation is encouraged.
- (6) Implementation of erosion prevention or flood control measures provided the measures have received any required approvals and permits from local, state or federal regulatory agencies with jurisdiction over the proposed activity.
- (7) Farming practices such as grazing, plowing, planting, cultivating and harvesting, that either existed on the property prior to the date of adoption of these provisions or do not include new or expanded structures, roads, or other facilities involving grading, excavation, fill, native vegetation removal, or new drainage measures.
- (8) Maintenance of existing structures, impervious surfaces, and landscaped areas as described below:
 - (a) Ongoing maintenance of pre-existing landscaped areas, including perimeter mowing, as long as natural vegetation is not disturbed and there is no excavation, filling or reduction of natural resource area. Use of integrated pest management methods is encouraged.
 - (b) Ongoing maintenance of existing development, such as repair, replacement, and use of existing buildings, roads, paths, utilities, bridges, culverts, fences, flood control structures, drainageways or facilities, detention facilities, water quality facilities, and other structures and impervious surfaces, provided that such practices avoid sedimentation and other discharges into streams, lakes, or wetlands and do not add impervious surface or remove additional vegetation.
- (9) Removal of live vegetation for the following purposes:
 - (a) Restoration and enhancement projects that have received required approvals from the appropriate local, state, or federal agency.
 - (b) Removal of non-native and invasive plants, including noxious weeds if consistent with local, state, and federal regulations, and replanted with species on the City's native plant list.
 - (c) Planting native vegetation on the City's native plant list.
 - (d) Felling of trees planted as Christmas trees or orchard trees.
- (10) Residential development activities, such as construction of home additions, decks, patios, sheds, gardens, landscaping, etc., that impact no more than 2,000 square feet (cumulatively), or 20% of the Habitat Assessment overlay district area within a property, whichever is less. Development activities will be reviewed at the time of application for building permits when applicable.

Regardless of the exemption to the local Natural Resource Impact Review requirements, protection of the turtle species is regulated by the State of Oregon.

This exemption only applies to the Habitat Assessment overlay district. If the proposed activity is also located within other Significant Natural Resource overlay districts the requirements of those districts still apply.

- (11) Construction of an approved, vegetated post-construction stormwater quality facility (e.g. swale), located in a portion of the Riparian Corridor that is in Degraded Quality condition and planted with native plants.**

6.300 Activities Subject to Natural Resource Impact Review. A Natural Resource Impact Review will be required for proposed development activities in the Significant Natural Resource overlay districts that are not specifically exempted from review. The review will take place concurrent with any land use application or building permit. In instances when neither is required, the Natural Resource Impact Review will be conducted independently through either a Type I or I-L process as designated below. The standards for reviewing proposed development activities in the Significant Natural Resource overlay districts are found in Section 6.310.

A. Activities subject to review include:

- (1) Land divisions;
- (2) New structures, or exterior expansion of the footprint of any structure or driveways (Type I);
- (3) Increases in impervious surfaces (Type I-L);
- (4) Site modifications, including grading, excavation, fill or native vegetation removal (Type I-L);
- (5) Private construction of public and privately owned transportation facilities and utilities not exempt through 6.290(4) or 6.290(11) (Type I-L); and
- (6) Activities within the Habitat Assessment overlay district not exempt under ADC 6.290 (Type I).

B. When a proposed use or activity requires a Natural Resource Impact Review, in addition to what is required for any concurrent land use applications or building permits, the applicant shall submit a scaled site plan to the City that that shows:

- (1) Topographic contours at two-foot intervals;
- (2) Ordinary high water (OHW) mark of all lakes, streams, or other waterways;
- (3) Location of Riparian Corridor and Habitat Assessment overlay districts based on OHW;
- (4) Location of Significant Wetland overlay district based on the LWI or DSL-approved delineation or determination;
- (5) The 100-year flood boundary and elevation;
- (6) Existing vegetative cover and species composition;
- (7) Existing and proposed site improvements;
- (8) How the requirements of the applicable review standards in ADC 6.310 will be met; and
- (9) A mitigation plan if required per ADC 6.400-6.410.

6.310 Natural Resource Impact Review Standards

A. General Requirements for Significant Natural Resource overlay districts. A proposed activity will not be approved unless all of the following are true:

- (1) The proposed activity is allowed under the requirements of the base zone.
- (2) There are no other reasonably feasible options or locations outside the Significant Natural

CHAPTER 8
EDITS

MULTIPLE FAMILY DEVELOPMENT

- 8.200 Purpose. These sections are intended to set standards for quality designs in new multiple family development. Good design results when buildings are visually compatible with one another and adjacent neighborhoods and contribute to a residential district that is attractive, active and safe. [Ord. 5445, 4/12/00]
- 8.210 Relationship to Historic Overlay Districts. For residential property inside the Historic Overlay Districts, see Article 7 for additional historic review criteria. [Ord. 5445, 4/12/00]
- 8.220 Recreation and Open Space Areas. In all new multiple family developments, a portion of the land not covered by buildings and parking shall be of adequate size and shape and in the proper location to be functional for outdoor recreation and relaxation. The standards are also intended to ensure that project open space is an integral part of the overall development design, not merely leftover space. In larger developments there should be a variety of common space activities.
- (1) Common Space. For projects of 10 or more units, common open space shall be required at a ratio of 0.25 square feet for each 1.0 square feet of living space. In lieu of the common space standards below, new construction of 10 or more units in the CB, HD, LE, WF and MUR zoning districts shall provide one indoor or outdoor common area amenity at least 250 square feet, with no dimension less than 20 feet. [Ord. 5832, 4/9/14]
- (a) Areas designated as common space shall be at least 500 square feet in size with no horizontal dimension less than 20 feet. The space shall be functional or protect natural features, and shall include one or more of the following types of uses:
- swimming pools, spas, and adjacent patios and decks
 - developed and equipped adult recreation areas
 - sport courts (tennis, handball, volleyball, etc.)
 - community centers
 - food and ornamental gardens
 - lawn, deck or hard surface areas in which user amenities such as trees, shrubs, pathways, covered picnic tables, benches, and drinking fountains have been placed
 - natural areas
- (b) Developments shall provide a mix of passive and active recreational uses from the above list if the open space can accommodate more than one use.
- (c) Indoor or covered recreational space may count towards 50 percent of the common open space requirement.
- (d) No more than 20 percent of the common space requirement shall be on land with slopes greater than 20 percent.
- (e) Areas Excluded. Streets and parking areas, including areas required to satisfy parking lot landscape standards, shall not be applied toward the minimum useable open space requirement. Required setback areas may be applied toward the minimum useable open space requirement, except active, noise-generating amenities must meet required setbacks.
- (f) Designated on Site Plan. Areas provided to satisfy the minimum common space requirement shall be so designated on the development site plan and shall be reserved as common space. Adult recreation areas shall not be allowed in any required setback and shall be centrally located.
- (g) Open Space and Recreation Area Credit. A credit, not to exceed 25 percent of the common space requirements, may be granted if there is direct access by a pedestrian path, not exceeding 1/4 mile, from the proposed multiple family development to an improved public park and recreation area or public school playground.
- (h) **Approved vegetated post-construction stormwater quality facilities are allowed in common open space areas.**

- (4) Where drop off facilities are provided, they shall be designed to meet the requirements of the American with Disabilities Act but still provide for direct pedestrian circulation.
- (5) Internal roadways shall be designed to slow traffic speeds. This can be achieved by keeping road widths to a minimum, allowing parallel parking, and planting street trees to visually narrow the road. [Ord. 5445, 4/12/00]

8.360 Pedestrian Amenities. Amenities such as awnings, seating, special paving and planters can have a dramatic affect on the pedestrian environment. Commercial developers should give as much thought to the pedestrian environment as they give to vehicle access, circulation and parking. The standards for pedestrian amenities are related to the scale of the development and also provide the flexibility for the developer to select the most appropriate amenities for the particular site and use.

- (1) All new commercial structures and improvements to existing sites shall provide pedestrian amenities. The number of pedestrian amenities shall comply with the following sliding scale.

<u>Size of Structure or Improvement</u>	<u>Number of Amenities</u>
Less than 5,000 sf	1
5,000 – 10,000 sf	2
10,001 – 50,000 sf	3
More than 50,000 sf	4

- (2) Acceptable pedestrian amenities include the following improvements. No more than two of any item may be used to fulfill the requirement:
 - (a) Sidewalks at least 10 feet wide with ornamental treatments (e.g., brick pavers), or sidewalks that are 50 percent wider than required by the Code.
 - (b) Benches or outdoor public seating for at least four people.
 - (c) Sidewalk planter(s) enclosing a total of 8 square feet.
 - (d) Pocket parks or decorative gardens (minimum usable area of 300 square feet).
 - (e) Plazas (minimum usable area of 300 square feet).
 - (f) Street trees 50 percent larger than required by the Code.
 - (g) Weather protection (awnings, etc.).
 - (h) Other pedestrian amenities that are not listed but are similar in scale and benefit.
- (3) **Pervious pedestrian amenities can include approved vegetated post-construction stormwater quality improvements.**
- (4) Pedestrian amenities shall meet the following standards:
 - (a) Amenities shall be located outside the building main entrance, along pedestrian corridors, or near transit stops. Amenities shall be visible and accessible to the general public from an improved public or private street. Access to pocket parks, plazas, and sidewalks must be provided by a public right-of-way or a public access easement.
 - (b) Amenities are not subject to setback requirements.
 - (c) Amenities are consistent with the character and scale of surrounding developments. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement). [Ord. 5445, 4/12/00]

8.445 Pedestrian Network.

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

Standards.

- (1) Sidewalks must be located to provide the shortest direct connection from the public street sidewalk(s) to all customer entrances.
- (2) Sidewalks must be located to provide the shortest direct connection between all on-site customer entrances.
- (3) Sidewalks must be located along every public street frontage and both sides of on-site private streets. These sidewalks must be separated from the street by a tree-lined landscape strip. **Approved vegetated post-construction stormwater quality facilities are allowed in the landscape strip.**
- (4) Extra-wide sidewalks are encouraged to provide space for tables and chairs and other pedestrian amenities, creating a concentration of activity to serve as the neighborhood center.
- (5) Sites larger than eight acres shall create an open space or plaza with amenities such as benches, monuments, kiosks or public art. Amenities shall be in prominent locations, interconnected with the uses and walkways on the site, and be landscaped. **Approved vegetated post-construction stormwater quality facilities are allowed in these areas.** [Ord. 5556, 2/21/03]

8.450 Privacy Considerations.

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

Standard.

- (1) Non-residential uses and parking areas shall be arranged to minimize infringement on the privacy of adjoining residents. [Ord. 5556, 2/21/03]

8.460 Parking Areas.

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

Standards.

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

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

[Ord. 5556, 2/21/03]

8.470 Perimeter Parking Area Landscaping.

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

Standards.

- (1) All parking areas (excluding entranceways) adjacent to a public street shall be screened with:
 - (a) A low continuous hedge of evergreen shrubs, trees and plantings that are at least 3 feet tall within 2 years and grow to provide an evergreen screen of at least 70%; OR
 - (b) A berm 3 feet tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs; OR
 - (c) A low decorative masonry wall at least 3 feet tall in combination with landscaping; OR
 - (d) A combination of any of these methods.
- (2) The landscape plan shall be prepared by a licensed landscape architect. [Ord. 5556, 2/21/03]

8.475 Signs.

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

Standards.

- (1) For integrated centers, an overall sign and graphics program shall be provided as part of the development application to ensure that stand-alone signs are consolidated and that signs complement the character of the neighborhood.
- (2) Monument signs are preferred rather than freestanding signs. [Ord. 5556, 2/21/03]

CHAPTER 9

EDITS

- 9.040 Elimination of Existing Space. If a parking space has been provided in connection with an existing use or added to an existing use, the parking space may not be eliminated if elimination would result in less space than required by this Code.
- 9.050 Company Vehicles. Required parking spaces must be made available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and may not be used for storage of company vehicles or materials. Spaces for company vehicles must be provided in addition to the number of spaces required by this Code.
- 9.060 Maintenance. Parking lots must be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions must be improved to comply with the standards of Section 9.120.
- 9.070 Mixed Uses. In the case of mixed uses, the total requirement for off-street parking spaces is the sum of the requirements for the various uses. Off-street parking facilities for one use may not be considered as providing parking facilities for any other use, except as provided below.
- 9.080 Joint Use of Parking Facilities. The Planning Commission or Hearings Board, upon application by all involved property owners, may authorize the joint use of parking facilities, provided that:
- (1) The applicant shows that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed.
 - (2) The parking facility for which joint use is proposed is no farther than 500 feet from the building or use required to provide parking.
 - (3) The parties concerned in the joint use of off-street parking facilities shall provide evidence of an agreement for the joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities shall be for a period of at least 10 years and shall provide for maintenance of jointly used parking facilities.
- 9.090 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (See Section 8.120). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met.
- (1) Delineation of individual parking spaces, including handicapped parking spaces.
 - (2) Loading areas and docks.
 - (3) Circulation area necessary to serve spaces.
 - (4) Location of bicycle and motorcycle parking areas.
 - (5) Access to streets, alleys, and properties to be served.
 - (6) Curb cuts.
 - (7) Type of landscaping, fencing or other screening materials.
 - (8) Abutting land uses.
 - (9) Grading, drainage, **post-construction stormwater quality facilities**, surfacing, and subgrading details.

- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications of signs and bumper guards.
- (13) Location of planter bays when required.
- (14) Proposed number of employees and amount of floor area applicable to the parking requirements for the proposed use.

9.100 Downtown Assessment District. Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of Article 5.) However, improvement of parking areas within this District must comply with the standards of this Article.

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:

- (1) General. All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.
- (2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- (3) Surfacing. All required parking, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director. Parking lot surfacing shall not encroach upon the public right-of-way except when it abuts a concrete public sidewalk, or has been otherwise approved by the Director of Public Works. **Pervious pavements, such as as pervious asphalt or pervious concrete, may be allowed by the Director of Public Works.** [Ord. 5832, 4/9/14]
- (4) Drainage. All parking lots must provide a drainage system to dispose of the runoff generated by the impervious surface. **Post-construction stormwater quality facilities are required per Title 12 of the Albany Municipal Code when applicable.** Provisions shall be made for the on-site collection of drainage water to eliminate sheet flow of such water onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works.
- (5) Perimeter Curb. Perimeter curbing is required for protection of landscaped areas and pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas except those required in conjunction with a single- or two-family dwelling or approved overflow parking areas shall provide a curb at least 6 inches high along the perimeter of all parking areas. **Exceptions may be allowed for connections to approved vegetated post-construction stormwater quality facilities.** [Ord. 5832, 4/9/14]
- (6) Wheel Bumper. All parking stalls fronting a sidewalk, alleyway, street or property line, except for those required in conjunction with a single- or two-family dwelling, shall provide a secured wheel bumper at least 6 inches high and at least 6 feet long, set back from the front of the stall at least 2-1/2 feet, but no more than 3 feet. If the sidewalk is widened to 7 feet 6 inches to allow for vehicle encroachment, no wheel bumpers are required.
- (7) Turnaround. Except for single-family and duplex dwellings, groups of more than two parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley.

LANDSCAPING

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

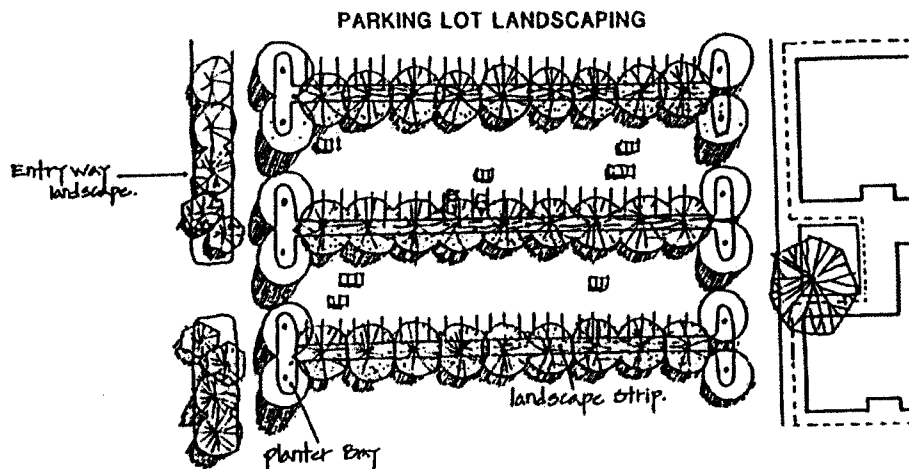
- (6) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) are required to be landscaped before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
 - (a) One tree at least 6 feet tall.
 - (b) Four 1-gallon shrubs or accent plants.
 - (c) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (7) Landscaping Required – Non-Residential. All required front and interior setbacks, exclusive of accessways and other permitted intrusions, must be landscaped before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial industrial districts is as follows:
 - (a) One tree at least 6 feet tall for every 30 feet of street frontage.
 - (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
 - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
 - (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.
- (3) Alternate Plan – Non-Residential - The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:
 - (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
 - (b) The appropriate government agency grants written permission for use of the right-of-way; and
 - (c) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
 - (d) The Director finds that the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
 - (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent this Code for high quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c).

[Ord. 5752, 3/9/11]

9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce storm water runoff, and direct traffic. **Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged.** Parking lots must be landscaped in accordance with the following minimum standards: [Ord. 5720, 08/12/2009]

- (1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay there shall be curbed planters at least 5 feet wide, excluding the curb. **Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities.** Each planter shall contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 08/12/09]

- (2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum 5-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.
- (3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a 5-foot strip of landscaping materials.
- (4) Alternate Plan. An alternate plan may be submitted that provides landscaping of at least five percent of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain 1 tree at least 10 feet tall and decorative ground cover containing at least 2 shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 08/12/09]
- (5) Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection.



- 9.160 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit. [Ord. 5768, 12/7/11]
- 9.170 Identification of Existing Trees. In all proposed developments, existing trees over **25 inches in circumference (9 8 inches in diameter)** as measured **3 4.5 feet above mean ground level from the base of the trunk feet from ground level will shall** be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. **To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.** Clusters of trees in open space and floodplain areas may be noted in approximate locations.
- 9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans:
- (1) Single-family dwellings, duplexes and triplexes.
 - (2) Accessory buildings.

- (3) Changes internal to an existing structure.
- (4) Building additions involving less than 500 square feet.

- 9.182 Street Trees Prohibited on Right-of-Ways. Because of their potential negative impact on the public infrastructure, it is unlawful to plant any of the following trees in or on any street right-of-way or parking strip in the City: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.
- 9.184 Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the Director of Public Works approves the site as one where the tree roots will not be likely to interfere with public sewers.
- 9.186 Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of 8 feet above sidewalks, or 14 feet above streets or alleys. No trees, shrubs, or plants more than 18 inches tall shall be planted in the public right-of-way abutting roads having no established curb and gutter.
- 9.188 Trimming, Removal. The city manager or duly authorized representative may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.
- 9.189 Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 9.190 Completion Guarantees. Occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:
- (1) Occupancy is requested between December 1 and March 1.
 - (2) A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. **Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection (5) below, no additional security under this subsection is required for that part of the landscaping.**
 - (3) The applicant and City agree to a specified installation completion date. The date chosen will be the soonest date possible after it is safe to plant (i.e. chance of freezing has passed).
 - (4) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned. [Ord. 5446, 5/10/2000]
 - (5) **Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits.**
- 9.200 Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. **Private post-construction stormwater quality facilities located in landscaped areas and required under Title 12 of the Albany Municipal Code shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City consistent with the requirements of Albany Municipal Code Title 12.**

existing trees that is a minimum of 4 feet tall, secured with metal T-posts, no closer than 6 feet from the trunk or within the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone. [Ord. 5764, 12/1/11]

- (c) During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.
- (d) No damaging attachment, wires, signs or permits may be fastened to any protected tree.
- (e) Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree as required in subsection (5)(b) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
- (f) The installation of utilities, irrigation lines or any underground fixture requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height as described in the chart below. [Ord. 5445, 4/12/00]

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
8-9	5
10-14	10
15-19	12
Over 19	15

BUFFERING AND SCREENING

- 9.210 General Requirements/Matrix. In order to reduce the impacts on adjacent uses of a different type, buffering and screening is required in accordance with the matrix that follows Section 9.300. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required. [Ord. 5445, 4/12/00]
- 9.220 Delineation of Area. A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.
- 9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, and landscaping and approved vegetated post-construction stormwater quality facilities. No buildings, access ways or parking areas are allowed in a buffer area except where an access way has been approved by the City.
- 9.240 Buffering. The minimum improvements within a buffer area consist of the following:
 - (1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for

- (8) Measuring Fence Height. 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. Fence height includes the height of the fence, wall, or picket and does not include the posts, or arbors and trellises at entrance gates.

[Ord. 5446, 5/10/00; Ord. 5689, 3/12/08]

- (9) Maintenance. Every fence, whether required or not, will be maintained. No fence is allowed to become or remain in a condition of disrepair including, but not limited to noticeable leaning, missing slats, broken supports, and overgrowth of weeds or vines.

9.385 Screening. Whenever a sight-obscuring fence, wall or hedge is required under the provisions of this Code, it must meet the following provisions and the vision clearance standards in Section 12.180:

- (1) Opacity. In order to be “sight-obscuring,” fences and walls must be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence or wall. Hedges must be an evergreen species that will meet the standards year-round within 2 years of planting.

[Ord. 5742, 7/14/10]

- (2) Height. Fences and walls will be a minimum of 6 feet tall. Hedges will be of a species capable of attaining a height of at least 6 feet within 2 years of planting, given their age, height and health when planted.

[Ord. 5742, 7/14/10]

- (3) Maintenance. Fences and walls will be maintained in safe condition and opacity is maintained as required in subsection (a) of this section. Wooden materials will be protected from rot, decay, and insect infestation. Plants forming hedges will be replaced within six months after dying or becoming diseased to the point that the opacity required in subsection (a) of this section is not met.

[Ord. 5742, 7/14/10]

9.390 Non-conforming Fences. Existing fences that were constructed legally and/or that were in place at the time the property was annexed to the City that do not meet the current fencing standards shall be considered a legal non-conforming use, provided that the barbed wire or upturned barbed selvage does not extend over a street or alley and where it does slant toward the public right-of-way, it is located not less than one foot from said right-of-way.

[Ord. 5446, 5/10/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5673, 6/27/07; Ord. 5689, 3/12/08; Ord. 5742, 7/14/10; Ord. 5751, 3/9/11]

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, **degraded water quality** 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. 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.

[Ord. 5555, 2/7/03]

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.

[Ord. 5555, 2/7/03]

CHAPTER 10

EDITS

A walkway at least 3 feet wide shall be provided from each manufactured home main entrance to the nearest public or private street.

- i. Public Sidewalks. Setback sidewalks are required along all public streets within parks and on perimeters adjoining a public right-of-way. The sidewalks shall be set back 6 feet and be a minimum of 5 feet wide.
- ii. Private Sidewalks or Paths. The developer may construct walking/biking paths in combination with open space and buffer areas to create a park-like setting and “gathering places” in lieu of sidewalks on private streets. The “path” shall circulate throughout the community, providing pedestrian access throughout the development and access to parks and other amenities.

Parking.

- i. Home Parking. Each manufactured home space must provide two (2) on-site parking spaces.
- ii. Visitor Parking. If the park streets do not allow on-street parking, visitor parking of one space per eight units shall be provided in clustered community parking areas so that no home is more than 200 feet from a parking area.
- iii. Office and Common Building Parking. Office and common buildings shall be provided with one space for each 300 square feet of floor area. This requirement may be partially filled by required visitor parking located within 300 feet of the building.

Lighting. All streets shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.

Street Identification. All streets shall be named and identification signs shall be provided according to applicable City requirements. All spaces shall be addressed.

Entry Signage. One freestanding non-illuminated sign identifying the manufactured home park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to the clear vision area requirements of Section 12.180.

Park Information Sign. A permanent map layout of a park is required for parks with more than 30 spaces.

- (2) Common and Recreation Areas. Common and recreation areas shall be located within the park development. All homes shall be within 600 feet of a common area and children’s play area. **Approved vegetated post-construction stormwater quality facilities are allowed in common and recreation areas.**

- (a) Common Area. A minimum of 200 square feet of outdoor or indoor recreation or gathering area shall be provided for manufactured home spaces less than 5,000 square feet. Spaces larger than 5,000 square feet shall provide a minimum of 100 square feet of common space per home space. Common areas may be in one or more locations in the park. Recreation and children’s play areas may count towards the common area requirement.

Recreation Area Standard. At least one recreation area must be a minimum of 5,000 square feet. If the manufactured home park is smaller than 30 spaces, then only 2,500 square feet of recreation area is required.

Children’s Play Area Standards. A separate play area must be provided in all manufactured home parks to accommodate children. The play area must be a minimum of 2,500 square feet in area with at least 100 square feet of play area provided for each manufactured home space.

Credits. If the manufactured home park is within one half mile of a public park or public school playground that has similar recreational amenities, the standard in subsection

(b) may be reduced by one-fourth (1/4) if there is a pedestrian connection to the public park.

- (3) **Park Landscaping.** A landscape plan for the park is required with the site plan application. This plan shall be drawn to scale. The plan will show the location of existing trees, vegetation proposed to be removed, vegetation proposed to be retained, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted, contour lines indicating any earth sculpting to be used, **approved vegetated post-construction stormwater quality facilities within the landscape area** and other pertinent landscape information.

All common areas within a manufactured home park – exclusive of required buffer areas, buildings, and streets – shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area.

- (a) One 10-foot tree or two trees at least 5 feet in height.

Three shrubs or perennials.

The remaining area must be landscaped in an attractive ground cover (see Article 9).

Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials. Fencing closer than 15 feet to the public right-of-way shall be subject to the zoning district's restrictions on front yard fencing.

- (4) **Storage Areas.** Manufactured home parks may provide outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained (gravel is acceptable) in accordance with City Standards and provide buffering and screening as required in Article 9.
- (5) **Utilities.** All manufactured home parks shall provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All utilities shall be located underground unless waived by the City Engineer where underground service would require an exception to local prevalent conditions. **Approved vegetated post-construction stormwater quality facilities are allowed.**
- (6) **Fire Hydrants.** If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park must have water supply mains designed to serve fire hydrants. Hydrants must be provided within 500 feet of any space or structure. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city. [Ord. 5445, 4/12/00]

10.290 Manufactured Home Space Requirements.

- (1) **Manufactured Home Spaces.** Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number. In design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
- (a) Minimum Lot width - 30 feet.
Minimum Lot depth - 40 feet.

A walkway at least 3 feet wide shall be provided from each manufactured home main entrance to the nearest public or private street.

- i. Public Sidewalks. Setback sidewalks are required along all public streets within parks and on perimeters adjoining a public right-of-way. The sidewalks shall be set back 6 feet and be a minimum of 5 feet wide.
- ii. Private Sidewalks or Paths. The developer may construct walking/biking paths in combination with open space and buffer areas to create a park-like setting and “gathering places” in lieu of sidewalks on private streets. The “path” shall circulate throughout the community, providing pedestrian access throughout the development and access to parks and other amenities.

Parking.

- i. Home Parking. Each manufactured home space must provide two (2) on-site parking spaces.
- ii. Visitor Parking. If the park streets do not allow on-street parking, visitor parking of one space per eight units shall be provided in clustered community parking areas so that no home is more than 200 feet from a parking area.
- iii. Office and Common Building Parking. Office and common buildings shall be provided with one space for each 300 square feet of floor area. This requirement may be partially filled by required visitor parking located within 300 feet of the building.

Lighting. All streets shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.

Street Identification. All streets shall be named and identification signs shall be provided according to applicable City requirements. All spaces shall be addressed.

Entry Signage. One freestanding non-illuminated sign identifying the manufactured home park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to the clear vision area requirements of Section 12.180.

Park Information Sign. A permanent map layout of a park is required for parks with more than 30 spaces.

- (2) Common and Recreation Areas. Common and recreation areas shall be located within the park development. All homes shall be within 600 feet of a common area and children’s play area. **Approved vegetated post-construction stormwater quality facilities are allowed in common and recreation areas.**

- (a) Common Area. A minimum of 200 square feet of outdoor or indoor recreation or gathering area shall be provided for manufactured home spaces less than 5,000 square feet. Spaces larger than 5,000 square feet shall provide a minimum of 100 square feet of common space per home space. Common areas may be in one or more locations in the park. Recreation and children’s play areas may count towards the common area requirement.

Recreation Area Standard. At least one recreation area must be a minimum of 5,000 square feet. If the manufactured home park is smaller than 30 spaces, then only 2,500 square feet of recreation area is required.

Children’s Play Area Standards. A separate play area must be provided in all manufactured home parks to accommodate children. The play area must be a minimum of 2,500 square feet in area with at least 100 square feet of play area provided for each manufactured home space.

Credits. If the manufactured home park is within one half mile of a public park or public school playground that has similar recreational amenities, the standard in subsection

(b) may be reduced by one-fourth (1/4) if there is a pedestrian connection to the public park.

- (3) **Park Landscaping.** A landscape plan for the park is required with the site plan application. This plan shall be drawn to scale. The plan will show the location of existing trees, vegetation proposed to be removed, vegetation proposed to be retained, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted, contour lines indicating any earth sculpting to be used, **approved vegetated post-construction stormwater quality facilities within the landscape area** and other pertinent landscape information.

All common areas within a manufactured home park – exclusive of required buffer areas, buildings, and streets – shall be landscaped and maintained in accordance with the following minimum standards per each 1,000 square feet of open area.

(a) One 10-foot tree or two trees at least 5 feet in height.

Three shrubs or perennials.

The remaining area must be landscaped in an attractive ground cover (see Article 9).

Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials. Fencing closer than 15 feet to the public right-of-way shall be subject to the zoning district's restrictions on front yard fencing.

- (4) **Storage Areas.** Manufactured home parks may provide outside or covered storage areas for recreational vehicles or other equipment used by park residents provided that such areas are surfaced and drained (gravel is acceptable) in accordance with City Standards and provide buffering and screening as required in Article 9.
- (5) **Utilities.** All manufactured home parks shall provide each lot or space with storm drainage, public sanitary sewer, electric, telephone, and public water, with easements dedicated where necessary to provide such services. All utilities shall be located underground unless waived by the City Engineer where underground service would require an exception to local prevalent conditions. **Approved vegetated post-construction stormwater quality facilities are allowed.**
- (6) **Fire Hydrants.** If a manufactured home space or permanent structure in the park is more than 500 feet from a public fire hydrant, the park must have water supply mains designed to serve fire hydrants. Hydrants must be provided within 500 feet of any space or structure. Each hydrant within the park must be located on a vehicular way and conform in design and capacity to the public hydrants in the city. [Ord. 5445, 4/12/00]

10.290 Manufactured Home Space Requirements.

- (1) **Manufactured Home Spaces.** Manufactured home spaces shall be indicated on the development plan and each space clearly identified by number. In design of a manufactured home park, it shall be demonstrated that planned spaces can reasonably accommodate a variety of manufactured home types with accessory structures and required setbacks.
- (a) Minimum Lot width - 30 feet.
Minimum Lot depth - 40 feet.

CHAPTER 11

EDITS

- 11.030 Relationship to Other Local Regulations. All proposed development governed by this article must meet the applicable on-site improvements of Article 9 (e.g., off-street parking, landscaping, buffering and screening) ~~and~~ the applicable Natural Resource District Requirements of Article 6 (e.g., open space, floodplain, hillside development, significant wetlands, habitat assessment, riparian corridor, and Willamette River Greenway), **and the post-construction stormwater quality requirements in Title 12 of the Albany Municipal Code.** [Ord. 5764, 12/1/11]
- 11.040 Pre-application Conference. A pre-application conference, in accordance with Section 1.202, is required prior to submittal of an application for any land division. A pre-application conference is not mandatory for property line adjustments.
- 11.050 Acceptance of Application. The Director will review the application for compliance with established application requirements within thirty (30) working days. If the application is found to be incomplete, the Director will notify the applicant of the reasons, and advise the applicant of the requirements for an acceptable application.
- 11.060 Expiration Dates. See Section 1.080 for expiration of land division appeals. [Ord. 5768, 12/7/11]
- 11.065 Recording Final Plats. Once city approval is granted for a final plat, it must be recorded within 45 days with the Linn or Benton County Records Division unless an extension is approved by the City and the County Surveyor's Office. If the final plat is not recorded within 45 days, it expires. [Ord. 5475, 4/11/2001; Ord. 5768, 12/7/11]
- 11.080 Subsequent Land Divisions and Property Line Adjustments. No subsequent land division or property line adjustment may be approved on the same lot or parcel until the previously approved land division or property line adjustment has been filed and recorded, or the previous approval is withdrawn or otherwise invalidated.

LOT AND BLOCK ARRANGEMENT

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

- (a) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
 - (b) Name of the record owners of all contiguous land parcels.
 - (c) How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.
- (3) The tentative plat shall be drawn to a standard engineer's scale where 1 inch equals 20 - 60 feet; or for areas over 100 acres, 1 inch equals 200 feet (1"=200').
 - (4) The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county or in the same area within six miles of Albany and must be approved by the Director and the County Surveyor.
 - (5) Date, north point, and scale of drawing.
 - (6) Location of the land division by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
 - (7) Names and addresses of the property owner(s), subdivider, surveyor, and engineer, if applicable.
 - (8) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; and other important features, such as railroad rights-of-ways, and City boundary lines.
 - (9) The location on the site and in the adjoining streets or property of existing and proposed sanitary sewers, storm sewers **drain facilities, (including post-construction stormwater quality facilities, detention facilities and supporting calculations)**, and water mains and services, culverts, ditches and drain pipes, all other utilities such as electric, gas and telephone conduits with invert elevations of sanitary and storm sewers at points of proposed connections. [Ord. 5720, 08/12/09]
 - (10) Contour lines **showing proposed excavations, fills and grading and** having the following minimum intervals:
 - One foot contour intervals for ground slopes less than five percent.
 - Two foot contour intervals for ground slopes between five and ten percent.
 - Five foot contour intervals for ground slopes exceeding ten percent.

The elevations of all control points which are used to determine the contours. Contours shall be related to City of Albany datum.
 - (11) Approximate location of areas subject to storm water inundation or overflow with approximate high water elevation.
 - (12) Location, width, direction and flow of all water courses.
 - (13) Location of properties within the 100-year floodplain and other areas subject to flooding or ponding (see the Floodplain standards in Article 6).
 - (14) Location of the following significant natural resources:
 - (a) Significant wetlands identified on the City's Local Wetlands Inventory;
 - (b) Significant riparian areas on the City's Riparian Corridor Inventory;
 - (c) Significant wildlife habitat, if known;
 - (d) Existing channels or **drainage ways** as shown in the most current version of the City of Albany Stormwater Master Plan; and
 - (d) Slopes greater than 12 percent.

[Ord. 5764, 12/1/11]

- (15) Location of the following natural features
 - (a) Non-significant wetlands identified on the City's Local Wetlands Inventory, and other wetlands;
 - (b) ~~Wooded areas with 5 or more~~ **Trees over 25 inches in circumference (approximately ± 8 inches in diameter) measured 4½ feet above from the mean ground level from the base of the trunk. (To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference), and**
 - (c) Springs; **and**
 - (d) **Trees proposed for protection and method of protection.** [Ord. 5764, 12/1/11]
- (16) Existing uses of the property and adjacent property within 100 feet, including the location of all existing structures **and other impervious surfaces** to remain on the property.
- (17) Zoning of and adjacent to the tract.
- (18) Any proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the City.
- (19) Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of all easements.
- (20) Approximate dimensions of all lots, minimum lot size, proposed lot numbers, and block numbers [see Section 11.230 (11)].
- (21) Sites, if any, allocated for multiple-family dwellings, shopping centers, churches, industry, parks, schools, playgrounds, or public or semi-public buildings.
- (22) The following additional information must be submitted with the tentative plat:
 - (a) The names and addresses of all owners within 300 feet of the proposed land division.
 - (b) Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.
 - (c) All public improvements proposed to be installed and the approximate time of installation including the method of financing.
 - (d) Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the tentative plat, the additional details shall be submitted at least 30 days prior to approval of the final plat.
 - (e) An urban conversion plan for large acreage subdivisions. [Ord. 5562, 10/10/03]

11.220 Final Plat Review Criteria. Approval of a final subdivision or partition plat will be granted if the review body finds that the applicant has met the following criteria:

- (1) The final plat is in substantial conformance with the tentative plat.
- (2) Conditions of approval attached to the tentative plat have been satisfied.

11.230 **Final Plat Submittal.** A partition or subdivision final plat must include the following information:

- (1) The date, scale, north point, legend, and controlling topography such as creeks, ditches, highways, and railroad right-of-way.
- (2) Legal description of the tract boundaries and the City of Albany case file number of the subdivision or partition.
- (3) Name and address of the owner(s), subdivider, and surveyor.
- (4) Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - (a) Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the land division.
 - (b) Adjoining corners of adjoining subdivisions.
 - (c) Other monuments found or established in making the survey of the land division or required to be installed by provisions of this Code.
- (5) National Geodetic Survey Control points as recorded in the County Surveyor's office; description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
- (6) The location and width of streets and easements intercepting the boundaries of the tract.
- (7) The location of the 100-year floodplain for any body of water or natural drainageway (see Section 6.070), together with the method or source of such determination.
- (8) Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.
- (9) The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the center line. For streets that curve, curve data shall be based on the street center line and, in addition to center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
- (10) Public utility and private easements, **including access easements to the City of Albany for inspection and maintenance of approved private and/or public post construction stormwater quality facilities**, clearly identified and, if already of record, their recorded reference. When possible, the bearing, and sufficient ties to locate the easement with respect to the land division, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication. The purposes of easements shall also be identified.
- (11) Lot numbers beginning with the number "1" and continuing consecutively through the subdivision. No block numbers or letters will be used unless the subdivision is a continued phase of a previously recorded subdivision of the same name that has previously used block numbers or letters.
- (12) Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale, the following phrasing shall be used when identifying open space dedications:

- (h) Detailed building and landscaping plans and elevations.
- (i) A transportation impact analysis, where required by the City Engineering Division of the Public Works Department.
- (j) A development schedule for commencement and of construction, or a phasing schedule if phased development is proposed.
- (k) If the development will be divided into different ownerships, any additional information generally required for a land division tentative plat approval and not required above.
- (l) **Other applicable site plan review information in Section 2.490(5).**

[Ord. 5832, 4/9/14]

Interim submittal requirement repealed per Ord. 5832, 4/9/14.

- (2) Final submittal requirements in addition to the information on the approved preliminary plan:
 - (a) The character and location of signs.
 - (b) Plans for street improvements and grading or earth-moving plans.
 - (c) Any additional requirements of final land division submittal, if the land is to be divided.

[Ord. 5832, 4/9/14]

11.310 Preliminary Plan Submittal Review Criteria. A planned development request will be granted interim approval by the review body if the development meets the Site Plan Review criteria of Section 2.450 and all of the following applicable criteria:

- (1) The increased flexibility in Code standards and permitted uses will result in an improved development for the City, the surrounding area, and users of the development as compared to strict compliance with Code provisions.
- (2) The project design results in a more efficient provision of open space or utilization of the natural features of the site.
- (3) The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.
- (4) Provisions will be established to ensure the continued maintenance of any common areas.
- (5) More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.
- (6) The planned development satisfies the development standards in Section 11.330. [Ord. 5832, 4/9/14]

11.320 Conditions of Approval. The City may attach conditions of approval of a planned development to ensure that the proposal will conform to the applicable review criteria.

11.325 Phasing Planned Developments. The applicant may provide for development of the project in phases. Each phase shall provide a proportionate share of the development facilities and amenities as approved. See Section 1.080 for land use approval time periods. [Ord. 5832, 4/9/14]

11.330 Planned Development Standards. In conjunction with standard requirements for setbacks and landscaped areas, the following standards apply to planned developments:

- (1) Open Space and Common Areas in Residential, Mixed-Use and other Non-Industrial Planned Developments. Open space or common areas shall be provided for common enjoyment. In all residential developments and mixed use developments, 25 percent of the gross land area shall be devoted to open space, outdoor living area or common areas as follows.
- (a) Land that may be counted towards the open space requirement includes:
 - Natural resources accessible to the public;
 - Common recreational space or commonly enjoyed amenities accessible to residents, including indoor or rooftop amenities – the total square footage of indoor amenities will be subtracted from the total land area; and
 - Common landscaped areas and paths, but excluding sidewalks and planter strips in the right-of-way.
 - (b) Locations, shapes, sizes and other characteristics of open spaces shall be consistent with their proposed uses and the purposes of the planned development.
 - (c) Land in the right-of-way may not count towards the open space requirement unless designed with larger planter strips to allow for mature trees, a multi-use path, or a landscaped median.
 - (d) Side and rear yards may not count towards the minimum open space requirements.
 - (e) Outdoor open space or living areas required by this Article may be dedicated to the City provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks by one-half and if the City agrees to accept the dedication. The square footage of land dedicated for public parks shall be deemed a part of the development site for the purpose of computing density.
 - (f) **Approved vegetated post-construction stormwater quality facilities are allowed in open space, outdoor living area and common areas.**

[Ord. 5832, 4/9/14]

- (2) Natural Resources. The planned development shall provide for the protection of significant landscape features including Oak groves, heritage trees as defined by the Albany Municipal Code and land located within Albany’s natural resource overlay districts and any historic sites and landmarks. Natural and cultural resources shall integrate the proposed development with the environmental characteristics of the site and adjacent uses.

[Ord. 5832, 4/9/14]

- (3) Underground Utilities. In any planned development, all electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground by the developer, unless allowed above ground by the review body.

- (4) Density. When calculating density of a proposed planned development, the gross area including streets and park land dedications shall be included, except for land in the Significant Wetland and Waterway overlay district. The maximum density permitted per zoning district is outlined below.

	RS-10	RS-6.5	RS-5	RM	RMA	OS
Maximum dwelling units per acre	4	6	8	25	35	1*

*Allows 1 residential unit per existing lot

[Ord. 5832, 4/9/14]

- (5) Building Spacing and Yard Requirements. The plan shall provide adequate building separation to allow for light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping shall be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise.

[Ord. 5832, 4/9/14]

- (4) The fourth priority for natural area designation is to create “open spaces” in and around neighborhoods. This priority is satisfied by any of the following:
 - (a) Continuity of adjacent open space corridors or parkways.
 - (b) A network of interconnected open space corridors.
 - (c) A buffer between neighborhoods.

11.470 Creation of Permanent Natural Areas.

- (1) Natural areas in a cluster development may be set aside and managed in one or more of the following ways:
 - (a) Portions of one or more individual lots; or
 - (b) Common ownership by residents of the development; or
 - (c) Third party (non-profit organization) whose primary purpose is to hold or manage the open space, subject to a reversionary clause in the event of dissolution of the non-profit organization; or
 - (d) Dedicated to City of Albany, if the City agrees to accept ownership and maintain the space.
- (2) Except for Subsection (1)(d) above, natural areas shall be subject to restrictive covenants and easements reviewed by the Community Development Director and recorded and filed when the subdivision plat for the project area is recorded. Except when allowed in 11.480, an easement shall include permanent provisions prohibiting the placement of structures or impervious surfaces, alteration of the ground contours, or any other activity or use inconsistent with the purpose of these provisions. [Ord. 5562, 10/10/03; Ord. 5668, 4/11/07]

11.480 Protection of Permanent Natural Areas.

- (1) If any applicable overlay districts allow it, the development may encroach into permanent natural areas, only under the following circumstances:
 - (a) Meets the requirements of all overlay districts in Articles 4, 6 and 7; and**
 - (ba) The encroachment is necessary to meet transportation, or utility infrastructure requirements, or post construction stormwater quality requirements; or**
 - (cb) The encroachment is necessary to provide bike or walking trails that connect to existing or proposed parks or trails, inventoried natural features, or areas zoned Open Space or otherwise protected as permanent natural areas.**
[Ord. 5801, 2/13/13]
- (2) Permanent alteration by grading may be authorized for the purpose of natural resource enhancement, such as wetland, riparian, or wildlife habitat restoration.
- (3) Significant wetlands, riparian corridors, and intermittent streams preserved as natural areas in a cluster development may be used for conveyance of storm waters only when the applicant has demonstrated that the discharge is compatible with the protection of the natural resource. These natural features shall not be used for drainage improvements, such as detention or retention ponds, or any other utility improvement necessary for development of the lots.
- (4) Areas set aside for permanent natural areas in a cluster development cannot be further subdivided.
- (5) Fences are permitted in and around the natural areas if consistent with the expressed purpose of the natural areas.
- (6) Provisions must be established to ensure the continued maintenance of areas designated as natural areas through Cluster Development. See Section 11.470.
[Ord. 5562, 10/10/03; Ord. 5668, 4/11/07]

CHAPTER 12

EDITS

- (1) "Neighborhood activity centers" includes, but is not limited to, existing or planned schools, parks, shopping areas, transit stops or employment centers;
- (2) "Safe, convenient and adequate" means bicycle and pedestrian routes, facilities and improvements that:
 - (a) Are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips;
 - (b) Provide a reasonably direct route of travel between destinations, such as between a transit stop and a store; and
 - (c) Meet needs of cyclists and pedestrians, considering destination and length of trip, and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile. [Ord. 5281, 3/26/1997; Ord. 5339, 1/28/1998]

12.045 Relationship to Other Development Code Articles. This article provides the public improvement standards to be used with the procedural and design requirements contained in the articles on land divisions, site plan review, and manufactured home parks.

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

STREETS

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

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

Streets (including alleys) within and adjacent to a development shall be improved in accordance with the standards in this Article. In addition, any new street or additional street width planned as a portion of an approved street plan shall be dedicated and improved in accordance with this Article.

When the City Engineer determines that a required street improvement would not be timely, the City Engineer may accept a Petition for Improvement/Waiver of Remonstrance for a future assessment district. [Ord. 5445, 4/12/2000]

The City Engineer may approve adjustments to the required street right-of-way and planter widths when necessary to accommodate approved street-side post-construction stormwater quality facilities.

12.070 Creation of Streets. Streets are usually created by approval of a subdivision or partition plat. However, the City Council may also approve creation of a street by acceptance of a deed. If creating a street unintentionally results in a land partition, the owner is not required to apply for partition approval as long as the resulting parcels comply with Code standards.

12.080 Classification of Streets. Arterial and collector streets are designated in the Transportation System Plan. [Ord. 5445, 4/12/2000]

12.090 Creation of Access Easements. In general, creating access easements between property owners is discouraged. However, sometimes an access easement is the only viable way to provide access to a developable lot. The review body will approve an access easement when the applicant has demonstrated that all of the following criteria have been met:

- (1) No more than two parcels or uses will be served by the proposed access easement;
- (2) There is not enough room for a public right-of-way due to topography, lot configuration, or placement of existing buildings; and
- (3) The City Engineer has determined that there is no need for a public street in this location.

12.100 Access to Public Streets. With the exceptions noted in Section 1.070, the location and improvement of an access point onto a public street shall be included in the review of a development proposal. In addition, the following specific requirements shall apply to all access points, curb cuts, and driveways:

- (1) Approaches and driveways to City streets and alleys must be paved and constructed in accordance with the Standard Construction Specifications. Driveways serving more than one property shall be paved the full length of the shared portion. [Ord. 5720, 08/12/2009]
- (2) Driveways for single- and two-family dwellings must have a minimum width of 10 feet and a maximum width of 24 feet (not to exceed the width of the driveway curb cut) and minimum separation of 5 feet.

Up to four multiple-family units that front on a public street may have separate driveways. The driveways shall meet the same standards as for single- and two-family dwellings.

Driveways for all other uses must have widths of 12-16 feet for one-lane (one-way) driveways, 24-32 feet for two-lane driveways, and 36 feet for three-lane driveways. Three-lane driveways must have designated lanes and turning movements. Industrial driveways shall have a width of 24-48 feet. There must be a minimum separation of 22 feet between all driveways except for single- and two-family dwellings. The width of a driveway will be determined by measuring at the curb line and will exclude the transitions which must conform to standards fixed by the City Engineer.

- (3) All driveways must be located as far as practical from a street intersection, and in no instance shall the distance from an intersection be less than the following, as measured from the nearest curb return radius:

Arterial Street	40 feet
Collector Street	20 feet
Local Street	10 feet

At intersections with bulbouts or post-construction stormwater quality curb extensions incorporated into the curb return the measurement will be made from the nearest curb return radius. When different classes of streets intersect, the distance required is between an access point and the intersection of the street type that requires the greater distance.

- (4) The location, width, and number of accesses to a public street may be limited for developments that are subject to site plan review. All development that proposes access to an arterial street is subject to site plan review and the design requirements of 12.230.

- (5) Access points to a public street shall be the minimum necessary to provide reasonable access while not inhibiting the safe circulation and carrying capacity of the street. [Ord. 5720. 8/12/2009]
- (6) Properties with frontage on more than one street may be restricted to access on the street(s) of a lower classification through site plan, land division, or other review procedures.
- (7) A common access point at a property line is encouraged and may be required in order to reduce the number of access points to streets. Construction of common access points must be preceded by recording of joint access and maintenance easements.
- (8) With the exception of single-family residential development, approach grades must not exceed 10 percent slope within 20 feet of a public street. Driveways for single-family residential development shall comply with applicable fire and building codes.
- (9) Access to designated state highways is subject to the provisions of this Article in addition to requirements of the State Highway Division and State Department of Transportation. When regulations of the City and State conflict, the more restrictive requirements apply.
- (10) For developments on property larger than five acres in contiguous ownership fronting on an arterial street or limited access highway, a frontage road may be required in order to provide a single access determined by the review body to be the most appropriate location for safety and convenience.
- (11) When access is allowed on an arterial street, efforts shall be made to locate it adjacent to the interior property line where it could be shared by the adjacent property. [Ord. 5338, 1/28/1998; Ord. 5445, 4/12/2000]

12.110 Street Location, Width and Grade. The location, width, and grade of all streets must conform to any approved transportation master plan or recorded subdivision plat. When location of a street is not shown in an approved street plan, the arrangement of streets in a development shall either provide for the continuation or appropriate projection of existing principal streets in the surrounding areas or conform to a plan for the neighborhood approved or adopted by the City to meet a particular situation where topographical or other conditions made continuance of or conformance to existing streets impractical or where no plan has been previously adopted.

In addition, new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties. In determining the location of new streets in a development or street plan, consideration shall be given to maximizing available solar access for adjoining development sites.

Street grades must be approved by the City Engineer, who will consider drainage and traffic safety.

12.120 Rights-of-Way and Roadway Widths. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum shown in the following table. Where a range is indicated, the width shall be determined by the City Engineer. **Reductions in roadway width may be allowed to facilitate curb extensions required for approved street side post-construction stormwater quality facilities in the landscape strip/planter area. Reductions require approval of the City Engineer.**

Type of Street	Minimum Rights-of-Way Width	Minimum Roadway Width
Arterial	70-120 feet	40-70 feet
Collector	60-80 feet	36-48 feet
Local*	42-56 feet	22-32 feet
Radius for turnaround at end of cul-de-sac	43 feet	36 feet
Alley	14-20 feet	12-20 feet

* When street rights-of-way are less than 60 feet wide, a parallel public utility easement 7-foot-wide shall be dedicated on both sides of the right-of-way unless waived by the City Engineer.

[Ord. 5445, 4/12/2000]

12.122 **Local Residential Streets.** There are two classes of local streets, based on projected traffic volumes. The applicant is responsible for demonstrating that each proposed street is designed for the appropriate traffic volume.

Locating approved street-side post-construction stormwater quality facilities in the landscape strip is encouraged. To accommodate the facilities, the City Engineer may approve isolated reductions in roadway width for curb extensions and larger landscape strip areas from those shown in the following subsections. The City Engineer may also approve locating the back of sidewalk immediately adjacent to the property line.

- (1) **Minor Local Streets.** The minor local street design is intended to be the predominant street type in residential neighborhoods. A minor local street will have fewer than 1,000 average trips per day (ADT) when all future street connections are made. The standard design is a 30-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 54-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides of the street. See Figure 1.

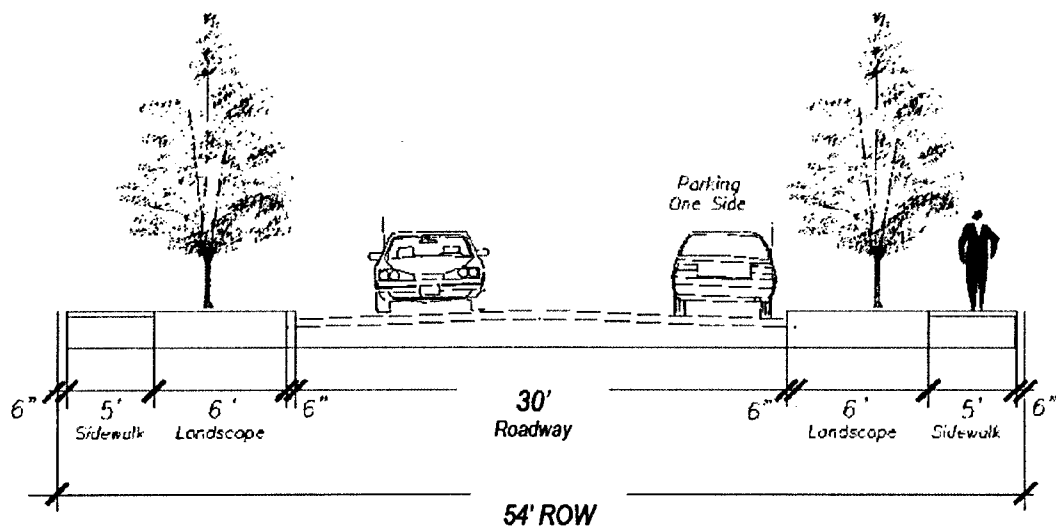


Figure 1: Minor Local Street

- (2) **Optional Design for Minor Local Streets.** In lieu of the standard design in subsection (1), a minor local street may have a 28-foot-wide paved surface within a 52-foot right-of-way, with parking on both sides, when the following performance standards are met:
- (a) Provisions are made to ensure that emergency response vehicles have adequate access to all properties on the street. A 40-foot-long clear area must be provided for every two properties along each side of the street. The clear area may be created with parking restrictions created by adjoining driveways or other method approved by the City Engineer.
 - (b) The street will have fewer than 1,000 average daily trips per day (ADT) when all future street connections are made.
- (3) **Network Local Streets.** A network local street will have more than 1,000 ADT. The standard design is a 28-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure 2.

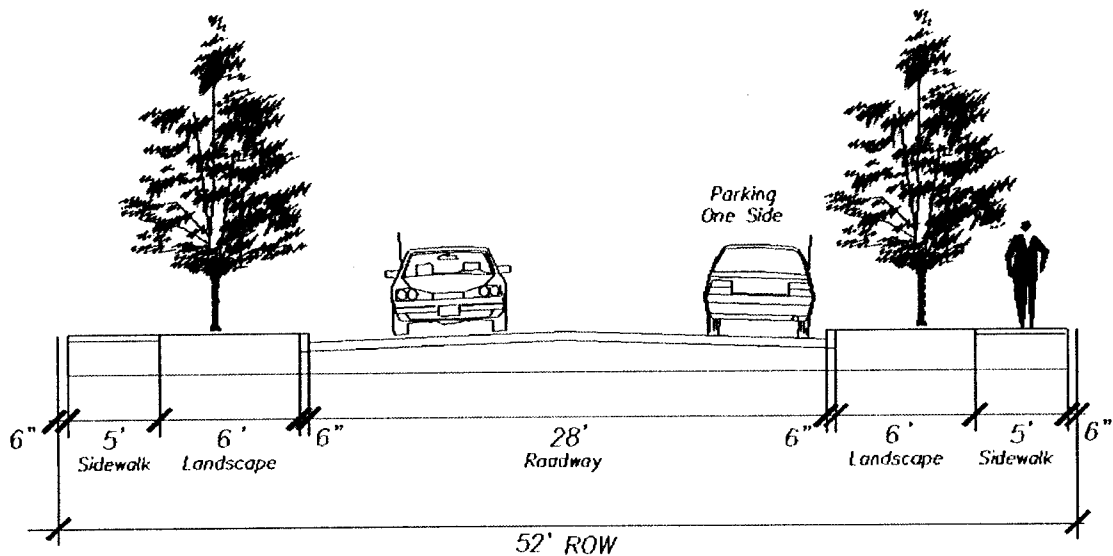


Figure 2: Network Local Street

- (4) **Alley Option.** Alleys are encouraged in residential neighborhood design. A narrower minor local street (22-foot paved surface) will be allowed with alley access because the alley will reduce some of the parking and access functions usually found on the frontage street. All private utilities must be located in the alley, and no curb cuts will be permitted along the street. The standard 6-foot planter strip and 5-foot setback sidewalks are required along the frontage street. See Figure 3. As an incentive, lots with alley access may be up to 10 percent smaller than the minimum lot size of the zone. See Table 1, Article 3.

SIDEWALKS

- 12.290 **Requirement.** All development for which land use applications are required by Section 1.060 must include sidewalks adjacent to public streets. This requirement also applies to new single-family houses and duplexes if they are located on arterial or collector streets or on curbed local streets, if there is an existing sidewalk within 500 feet on the same side of the street.

Sidewalks shall be built when arterial and collector streets are constructed and at the discretion of the City Engineer during their reconstruction. This provision shall also apply to local streets that serve commercial and multi-family development. Sidewalks are required on both sides of all streets. If an interim street standard is being constructed which does not include bike lanes or sidewalks, interim bikeways or walkways for pedestrians shall be provided by paved roadway shoulders at least 8 feet wide on arterials and 6 feet on other streets. Provision of sidewalks may be waived when the street serves a use or combination of uses that generate fewer than 50 trips a day (based on ITE standards) and cannot be continued or extended to other properties. [Ord. 5445, 4/12/2000]

- 12.300 **Design, Width, and Location.** All sidewalks must be constructed, replaced or repaired in accordance with the Standard Construction Specifications. The required width and location of sidewalks is as follows:

- (1) The required width for a sidewalk on an arterial or collector street is 7 feet. This may be reduced to 6 feet if the sidewalk is separated from the curb by a landscaped planter strip at least 5 feet wide. When there is inadequate right-of-way for additional width and no additional right-of-way can be obtained as a condition of development approval, the sidewalk width may be reduced to 5 feet. In all cases, any right-of-way remaining outside the sidewalk is to be landscaped and maintained by the adjoining property owner.
- (2) Sidewalks along residential and other local streets must be at least 5 feet wide. A planter strip at least 6 feet wide shall 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. **Locating approved street-side post-construction stormwater quality facilities in the planter strip is encouraged.**
- (3) In the Historic Downtown and Central Business districts, as defined on the zoning map, sidewalks must be at least 10 feet wide and be installed adjacent to the curb.
- (4) Regardless of other provisions contained in this article, any sidewalk project that is less than 200 feet in length and connects on either end to an existing sidewalk may be designed to match the existing pattern with the approval of the City Engineer.
- (5) When obstructions exist or are proposed (including, but not limited to, mailboxes, utility poles, trees, planters, fire hydrants, signs, benches, bus stops, **post-construction stormwater quality facilities**, etc.), provisions must be made to maintain a minimum of 4 feet of unobstructed sidewalk width on local streets, 5 feet on collector and arterial streets, and 6 feet in the Historic Downtown (HD) and Central Business (CB) districts.
- (6) Clustered mailboxes shall be on an accessible path and shall include a 72" minimum accessible turning space. Adjacent sidewalks may be incorporated in the measurement of the turning space. Where constructed in the public right-of-way, construction shall be in accordance with the Standard Construction Specifications. [Ord. 5780, 05/09/2012]
- (7) Maintenance of sidewalks and planter strips shall be the continuing obligation of the adjacent property owner except **for approved post-construction stormwater quality facilities located in**

planter strips or when the lot backs onto an arterial. **Other than approved post-construction stormwater quality facilities, planter strips** shall be landscaped and maintained in like manner to the front yard setback requirements of Article 9.

- (8) Sidewalks shall be designed to parallel streets in line and grade and shall avoid unnecessary meandering from the curb line and elevation changes except as necessary to avoid significant trees or traverse topographic barriers.
- (9) Public paths not adjacent to a public street shall be a minimum of 10 feet wide. [Ord. 5445, 4/12/2000]

12.310 Conformance to Street Grades. All sidewalks constructed adjacent to a street must be placed upon the street grade as established at the time of sidewalk construction. If a space is left between the property line and the sidewalk and/or between the sidewalk and the curb, the space shall be filled and surfaced with earth or other approved material level with the sidewalk. **Exceptions to level grade between the sidewalk and curb are allowed with approved street-side post-construction stormwater quality facilities.**

12.320 Timing of Sidewalk Construction. **In some instances,** sidewalk construction may be deferred until the proposed improvement on the property is completed. **Deferral of sidewalk construction requires the approval of the City Engineer.** No occupancy permit shall be issued by the Building Official for a development until the provisions of this Article are satisfied.

The City Engineer may authorize a future improvement assurance (as described in Section 12.600) when, in his opinion, the construction of the sidewalk is impractical for one or more of the following reasons:

- (1) Sidewalk grades have not been and cannot be established for the property in question within a reasonable length of time;
- (2) Forthcoming installation of public utilities or street paving would be likely to cause severe damage to the new sidewalk;
- (3) Street right-of-way is insufficient to accommodate a sidewalk on one or both sides of the street; or
- (4) Topography or elevation of the sidewalk base area makes construction of a sidewalk impractical or economically infeasible.

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 ~~are~~ **identified below. Where street side post-construction stormwater quality facilities are proposed on a new public street, the option selected must match the planting option selected for the post-construction stormwater quality facilities as identified in Title 12 of the Albany Municipal Code:**

- (1) Submit a street tree plan to the City for planting and establishing trees within the public rights-of-way that meets the tree planting standards in the Urban Forestry Management Plan. The City Forester shall either approve or deny the plan based on the plan's compliance with these requirements.

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

12.535 Storm Drainage Plan Approval. Preliminary storm ~~sewer~~ **drainage management** plans and systems must be submitted to the City Engineer as part of the Tentative Plat or Site Plan Review application. These plans must provide enough information to enable the City Engineer to determine that the proposed development is feasible, but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

[Ord. 5720, 8/12/2009]

12.540 **Easements.** When a subdivision is traversed by a watercourse, drainageway, channel or stream, a public storm water easement ~~or drainage right-of-way~~ conforming substantially to the lines of the watercourse and further width as the City Engineer determines will be adequate for conveyance and maintenance shall be provided. Improvements to the drainage way, streets, or parkways parallel to watercourses may be required.

12.550 **Accommodation of Upstream Drainage.** A culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the Storm Drainage Master Plans, and sound engineering principles, and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.

12.560 **Effect on Downstream Drainage Facilities.** When the City Engineer anticipates that the ~~additional~~ run-off resulting from the development will overload ~~or cause damage to~~ an existing drainage facility, the review body will withhold approval of the development until provisions have been made for improvement, ~~or ef-prevention,~~ of said potential condition.

12.570 **Storm Drainage Management Practices.** Development must employ storm drainage management practices approved by the City Engineer that minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties. **As required by Title 12 of the Albany Municipal Code, the development must also employ post-construction storm water quality management practices approved by the City Engineer that regulate the quality of the stormwater leaving the site.** Drainage management practices must include, but are not limited to, one or more of the following practices:

- (1) Temporary **and permanent** ponding or detention of water;
- (2) ~~Permanent storage basins~~ **Post-construction stormwater quality facilities;**
- (3) Minimization of impervious surfaces;
- (4) Emphasis on natural drainageways;
- (5) Prevention of uncontrolled water flow from the development;
- (6) Stabilization of natural drainageways as necessary below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion;
- (7) Collection of runoff from impervious surfaces and transportation to a natural drainage facility with sufficient capacity to accept the discharge; and

(8) Other practices and facilities designed to transport storm water and improve water quality.

- 12.575 **Extension Along Property Frontage and Within Interior.** Storm mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 12.580 **Design Requirements for New Development.** All new development within the City must, when appropriate, provide for the continuation or appropriate projection of existing storm sewer drain lines or drainageways serving surrounding areas. Extensions may be required through the interior of a property to be developed when the City Engineer determines that the extension is needed to provide service to upstream properties.
- 12.581 **Restriction of Development.** The review body may restrict development approvals where a deficiency exists in the storm water system or portion thereof that cannot be corrected as part of the development improvements.
- 12.585 **NPDES Permit Required.** A National Pollutant Discharge Elimination System (NPDES) permit must be obtained from the Department of Environmental Quality (DEQ) for construction activities (including clearing, grading, and excavation) that disturb one or more acre of land, or whatever the current standard is at the time the application is submitted. [Ord. 5720, 8/12/2009]

CHAPTER 22

EDITS

Impervious surface: An improved, altered, or constructed surface which generally prevents infiltration of surface water including, but not limited to, paved streets, graveled or paved areas such as parking lots and driveways, oiled, macadam or other treated surfaces, walkways, roof surfaces and patios.

Indoor Recreation Area: A room or rooms within an enclosed building designed and used for recreational purposes by the public and/or occupants of a residential development. Activities provided within an indoor recreation area may include, but are not limited to, the following: indoor swimming pools, saunas, gymnasiums, exercising rooms, dance floors, tennis or handball courts, and games such as pool, ping pong, shuffleboard, etc. See ADC 22.100.

Infill: Development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, and streets and other public services are readily available. [Ord. 5742, 7/14/10]

Junkyard: Any premises upon which any of the following are kept outside an enclosed building:

- a. The principal components of more than four (4) inoperable and unregistered vehicles.
- b. The principal components of more than five (5) inoperable washers, dryers, hot water heaters, stoves, ranges, televisions, video cassette recorders, radios, stereos, or other major appliances.
- c. More than six (6) inoperable bicycles or lawnmowers.

This definition is not intended to include salvage yards, which are separately defined in this Code.

[Ord. 5281, 3/26/97]

Kennels: A lot or premise on which three or more adult dogs are kept overnight, whether by the owner(s) of the dogs or by person(s) providing facilities and care, whether or not for compensation. An adult dog is one that has reached the age of six months. [Ord. 5742, 7/14/10]

Land Division: The legal creation of a lot or parcel of land through the process of subdividing or partitioning land per ORS 92.010; or through recording a condominium plat as defined in ORS Chapter 100.; or if there were no applicable planning, zoning or land division ordinances or regulations, by deed or land sales contract. [Ord. 5742, 7/14/10]

Landscaping: The term “landscaping” includes ground cover, trees, grass, bushes, shrubs, flowers, and garden areas and ornamental concrete or stonework areas and artificial turf or carpeting. [Ord. 5742, 7/14/10]

Loading Space: An off-street space or berth on the same lot with a main building or contiguous to a group of buildings for the temporary parking of commercial vehicles while loading or unloading that abuts a street, alley, or other appropriate means of ingress and egress.

Lot: A single unit of land that is created by a subdivision. Lots may be occupied by principal and accessory structures, together with the yards or open spaces required, and must have legal access to public right-of-way. “Lot,” “parcel,” and “property” may be used interchangeably in this Code to refer to a separate property regardless of its derivation. [Ord. 5742, 7/14/10]

Lot, Corner: A lot abutting two intersecting streets, other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees. [Ord. 5768, 12/7/11]

Lot, Coverage: That portion of a lot which, when viewed directly from above, would be covered by a building, or structure, pavement, or any area not vegetated or in a naturally permeable state. Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures. [Ord. 5768, 12/7/11]

Outdoor Living Area: Outdoor or semi-outdoor area designed to provide a more pleasant and healthful environment for the occupants of a dwelling unit and the neighborhood in which such the dwelling unit is located. It includes natural ground areas, landscaped areas, balconies, porches, patios, terraces, verandas, outdoor swimming pools, play areas, tennis courts, walkways, and similar areas developed for active or passive recreational activities. Outdoor living area does not include accessways, parking and loading areas, strips between buildings less than ten feet in width, storage areas, and other areas not usable for outdoor activities.

Owner: When used in relationship to real property, “owner” means the legal owner of record or, when there is a recorded land sales contract in force, the purchaser of the land.

Parcel: a single unit of land that is created by a partition of land. [Ord. 5742, 7/14/10]

Parking Area, Private: Privately or publicly owned property, other than streets and alleys, on which parking spaces and travel aisles are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required and not open for use by the general public.

Parking Area, Public: Privately or publicly owned property other than streets or alleys, on which parking spaces and travel aisles are defined, designated, or otherwise identified for use by the general public, either free or for remuneration.

Parking Space: A permanently maintained paved surface with approved access for one standard-size automobile.

Partition: The process of dividing a single property to create not more than three parcels of land that does not include the creation of a road or street within a calendar year for sale, taxation, development, or other purpose. [Ord. 5742, 7/14/10]

Pedestrian Way/Walkway: Any paved public or private route intended to provide pedestrian access to adjacent streets and properties. [Ord. 5742, 7/14/10]

Person: A person, his heirs, executors, administrators, or assigns, and also includes a firm, partnership, or corporation, it’s or their successors or assigns, or the agent of any of the aforesaid and the singular includes the plural.

Pervious Pavement: A range of sustainable materials and techniques for permeable pavements that allow the movement of stormwater through the surface. Types of pervious pavement include porous asphalt, pervious concrete and paving stones.

Pharmacy: A business primarily devoted to the sale of prescription drugs, medicines, supplies and equipment related to health needs. [Ord. 5742, 7/14/10]

Planned Development (PD): A tract of land developed under provisions of this Code that provides for flexibility and innovation in design and placement of structures. The terms Planned Development (PD) and Planned Unit Development (PUD) may be used interchangeably. See Article 11 for Planned Development Standards. [Ord. 5742, 7/14/10]

Plat, Final: A final drawing or map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision or a partition and includes a final subdivision plat, replat or partition plat. See ORS 92.010. [Ord. 5742, 7/14/10]

Post-construction stormwater quality: The quality of stormwater runoff, after construction is complete, from a development or redevelopment project.

Post-construction stormwater quality facility: Permanent stormwater infrastructure incorporated into a development or redevelopment project designed to reduce pollutant loads and runoff velocity from impervious surfaces and which may also include improvements constructed to reduce the quantity of stormwater runoff leaving the site.

Primary Structure: A structure or combination of structures of main importance or function on a site. In general, the primary use of the site is carried out in a primary structure. The difference between a primary and accessory structure is determined by comparing the size, placement, similarity of design, use of common building materials, and the orientation of the structures on a site. [Ord. 5742, 7/14/10]

Primary Use: An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. [Ord. 5742, 7/14/10]

Private Driveway: A driveway to serve residential premises.

Property: When used in this Code, property refers to a piece of land, lot or parcel and all of the structures thereon. "Lot," "parcel," and "property" may be used interchangeably in this Code to refer to a separate property regardless of its derivation. [Ord. 5742, 7/14/10]

Property Line: See Lot Line. [Ord. 5742, 7/14/10]

Public Need: A conclusion based on presentation of factual evidence that demonstrates that a particular request for a change is in the best public interest for economic, social, and environmental reasons.

Qualified Professional: A person with extensive knowledge in the relevant subject matter, and whose combination of training, education, certification and experience qualify him/her to perform services of a professional nature and to make credible findings and recommendations. The Director has the authority to accept or reject the qualifications of a professional if they are not deemed suitable to the relevant subject matter. [Ord. 5764, 12/1/11]

Ramada: A structure having a roof extending over a manufactured home or manufactured home space designed for protection of the manufactured home from sun and rain.

Reasonably Feasible: Means that, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation. [Ord. 5764, 12/1/11]

Replat: The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat. [Ord. 5742, 7/14/10]

Residential Care Facility: Any private or public institution maintained and operated for the care, boarding, housing, training, or rehabilitation of six or more physically, mentally, or socially handicapped or delinquent, elderly, or drug or alcohol dependent persons in one or more buildings on contiguous properties. See Section 22.260, Residential Care or Treatment Facility and ORS Chapter 443. [Ord. 5742, 7/14/10]

Right-of-way: The area between boundary lines of a street.

Roadway: The portion or portions of a street right-of-way available for vehicular traffic.