



## ALBANY CITY COUNCIL AGENDA

---

**Monday, February 25, 2019**

4:00 p.m. Work Session  
Municipal Courtroom, City Hall  
333 Broadalbin Street SW

- 4:00 p.m. CALL TO ORDER
- 4:00 p.m. ROLL CALL
- 4:05 p.m. BUSINESS FROM THE PUBLIC
- 4:10 p.m. WAVERLY DRIVE REDUCED SPEED SCHOOL ZONE – Ron Irish. [Pages 2-20]  
*Action Requested:* Information, discussion, and direction.
- 4:25 p.m. WATER TREATMENT PLANT ENERGY MANAGEMENT PROJECTS – Kristin Preston.  
[Presentation at meeting]  
*Action Requested:* Information and discussion.
- 4:45 p.m. RECEIVING THE MAYOR'S VETO OF ORDINANCE NO. 5924 – Mayor Konopa.  
[Pages 21-47]  
*Action Requested:* Information and decision.
- 5:15 p.m. RECESS TO EXECUTIVE SESSION TO DISCUSS TRADE OR COMMERCE IN  
ACCORDANCE WITH ORS 192.660(2)(g).
- 6:15 p.m. RECONVENE
- 6:20 p.m. BUSINESS FROM THE COUNCIL
- 6:25 p.m. CITY MANAGER REPORT
- 6:30 p.m. ADJOURNMENT

The location of this meeting is accessible to the disabled. If you have a disability that requires accommodation, please notify the City Manager's Office in advance of the meeting: [cmadmin@cityofalbany.net](mailto:cmadmin@cityofalbany.net) | 541-791-0206 or 541-917-7519.



# MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

Jeff Blaine, P.E., Public Works Engineering and Community Development Director

FROM: Staci Belcastro, P.E., City Engineer

Ron Irish, Transportation Systems Analyst

DATE: February 15, 2019, for the February 25, 2019, City Council Work Session

**SUBJECT:** Waverly Drive Reduced Speed School Zone

Relates to Strategic Plan theme: A Safe City

## Action Requested:

Staff recommends Council authorize a reduction in the length of the reduced speed zone on Waverly Drive next to South Albany High School (SAHS).

## Discussion:

On November 5, 2018, Council requested that the Traffic Safety Commission (TSC) review the current reduced speed school zone on Waverly Drive next to SAHS and provide a recommendation regarding whether or not any modifications should be made. The decision to refer the issue to the TSC was based on input received from residents questioning the need for the reduced speed school zone. To assist the TSC in their review of the school zone, staff prepared an engineering study (Attachment 1) based on the Oregon Department of Transportation's (ODOT) *A Guide to School Area Safety*. The ODOT guidelines encourage reduced speed school zones for elementary and middle schools but do not automatically encourage their use for high schools. The guidelines suggest additional justification based on an evaluation of crossing safety is needed for the creation of reduced speed school zones at high schools.

The engineering study prepared by staff included: a review of existing road and crossing conditions, traffic volume and speed data, pedestrian crossing counts, and crash history. During study preparation, staff met with representatives from SAHS and also received input from residents. The study evaluated two Waverly Drive crossings within the existing school zone: one at 36<sup>th</sup> Avenue and a mid-block crossing 625 feet south of 36<sup>th</sup> Avenue. The study found that conditions at the 36<sup>th</sup> Avenue crossing justified its inclusion in a reduced speed school zone. Conditions for a reduced speed school zone were not met for the mid-block crossing to the south. Consequently, modifications to the existing zone are recommended. Specifically, the engineering study recommends:

*"Crossing conditions for Waverly Drive at 36<sup>th</sup> Avenue warrant its inclusion in a reduced speed school zone as part of an effort to address student crossing safety concerns. The reduced speed school zone should remain posted to be in effect "School Days 7:00 a.m. to 5:00 p.m." The length of the reduced speed school zone should be limited to approximately 200 feet on either side of the crossing at 36<sup>th</sup> Avenue in order to enhance driver compliance. The existing 1,200-foot reduced speed school zone takes a driver 41 seconds to traverse at 20 mph. A shortened reduced speed school zone centered on 36<sup>th</sup> Avenue would take a driver less than 14 seconds to traverse at 20 mph."*

*"The existing pedestrian crossing at the median island south of 36<sup>th</sup> Avenue will be outside the reduced speed school zone but should remain posted as a school crossing."*

While it was not yet complete, staff discussed the engineering study with the Bicycle and Pedestrian Advisory Commission (BPAC) at their meeting on January 22, 2019. The BPAC was divided, and there was no consensus of opinion. Some members supported leaving the existing reduced speed school zone in place with no changes. Other members supported the reduced length school zone recommended by the engineering study. One member supported elimination of the reduced speed school zone altogether.

The TSC will review the engineering study at their meeting on February 18, 2019. Staff will provide a verbal report of the TSC's discussion to Council at the work session on February 25, 2019.

**Budget Impact:**

A reduction in the length of the school zone would not have a budget impact.

RGI:kc

Attachment (1)

# **City of Albany Engineering Study**

## **South Albany High School Waverly Drive Reduced Speed School Zone**

January 2019



## INTRODUCTION

Albany's City Council has requested an evaluation of the reduced speed school zone that currently exists on Waverly Drive along the east boundary of South Albany High School (SAHS). Residents have expressed concern that the reduced speed school zone could be causing drivers unnecessary delay and safety issues while not providing students with the desired safety benefits. The purpose of this study is to evaluate the operation of the reduced speed zone and make recommendations concerning whether it should be retained, modified, or removed.

## APPLICABLE REGULATIONS AND GUIDELINES

The City of Albany has the authority to determine where school zones and school reduced speed zones are located on roadways under city jurisdiction. School zones should comply with the applicable sections of the Manual on Uniform Traffic Control Devices (MUTCD) and must comply with applicable Oregon Revised Statutes (ORS). Oregon Department of Transportation (ODOT) has published a *Guide to School Area Safety* that is based on the MUTCD and ORS and provides guidance intended to assist local jurisdictions with decisions regarding implementation of school zones.

### MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES

The MUTCD is a set of nationally adopted traffic control guidelines and standards. For school zones it contains standards regarding sign size, spacing, and design, as well as the pattern or sequence of signs needed to establish a school zone. The standard sign pattern for a reduced speed school zone with a school crossing consists of: an advance crossing sign, a reduced speed school sign, a pedestrian crossing sign, and a sign indicating the end of the school zone.

### OREGON REVISED STATUTES

The ORS statutes establish two types of school zones: those immediately adjacent to school grounds and school crossings that are not adjacent to school grounds. Reduced speed zones adjacent to school grounds are in effect on "School Days, 7:00 a.m. to 5:00 p.m." or "When Lights Flash" if a flashing light system is utilized. Reduced speed zones not adjacent to school grounds are in effect "When Children Present" or "When Lights Flash" if a flashing light system is utilized. There is no option to utilize "When Children Present" for school zones that are adjacent to school grounds.

### ODOT GUIDELINES

ODOT's *A Guide to School Area Safety* (2017) recommends that decisions regarding school zones and reduced speed school zones be determined based on an engineering study. The guide contains recommendations for circumstances where school zones are encouraged, where they require further justification, and where they are discouraged. The use of a reduced speed school zone at unwarranted locations can have several adverse impacts. Driver delay is increased without an accompanying improvement in pedestrian crossing safety and driver respect for and compliance with the school zone (and others within a city) can decrease. The guidelines recommend that the length of school zones be kept short to enhance driver compliance. The importance of 20 mph school zones are described by the guide as follows: "*Slower speeds provide more reaction time to unexpected actions of a child. Any collision at lower speed will generally cause less injury, as well. The severe injury rate for pedestrians or bicyclists struck by a vehicle at higher speeds*

*is much greater than at lower speeds. A pedestrian struck by a vehicle at 40 mph is almost certain to have severe or life-threatening injuries. If the vehicle is going 30 mph, a pedestrian still has a nearly 50 percent chance of dying or facing life-altering injuries. Crash survivability is significantly better when vehicle speeds are less than 20 mph. Even 5 mph can make a big difference to the pedestrian.”*

School speed zones are encouraged under ODOT guidelines when all the following conditions exist:

- The roadway is adjacent to the school grounds (not limited to the front of school buildings).
- There is at least one marked school crosswalk within the proposed school zone which is not protected by a signal or STOP sign.
- The property houses a public or private elementary or middle school (grades K-8).
- The posted speed is 40 mph or below.

Implementation of school speed zones require further justification where any of the following conditions exist:

- The school is a public or private high school.
- The school is a publicly funded early childhood education program housed in a building that is or was previously owned by the school district.
- The marked school crosswalk is at a signalized intersection.
- The marked school crosswalk is at a STOP sign.
- The marked school crosswalk is on a roadway segment not adjacent to the school grounds.

## **EXISTING CROSSING CONDITIONS**

Waverly Drive is classified as a minor arterial street and has an underlying speed limit of 40 mph. The road has a curb to curb width of 48 feet and provides for: a vehicle travel lane in each direction; a two-way center turn lane; on street bike lanes; and sidewalks. A 20-mph reduced speed school zone of approximately 1,200 feet in length is currently posted from just north of SAHS's south boundary to a point about 200 feet north of 36<sup>th</sup> Avenue. The school zone is in effect on “School Days, 7:00 a.m. to 5:00 p.m.”

The school property is separated from Waverly Drive with a six-foot fence. The school zone contains two designated school pedestrian crossings across Waverly Drive. One is on the south side of 36<sup>th</sup> Avenue and includes: pedestrian ramps, a marked crosswalk, and pedestrian school crossing signs supplemented with a pedestrian activated RRFB flashing light system.



*Waverly/36<sup>th</sup> Avenue – Looking South*

The second pedestrian crossing is located 625 feet south of 36<sup>th</sup> Avenue and includes: pedestrian ramps; a marked crosswalk; pedestrian school crossing signs; and a median island refuge. The crossing does not have a pedestrian activated flashing light system. A gate in the fencing of the school property exists at the crossing. The gate is currently locked and does not allow for pedestrian access to or from the school.



*Median Island Crossing*



## TRAFFIC CHARACTERISTICS

A 24-hour traffic volume and speed count was conducted on Waverly Drive on November 27, 2018. The data collection point was 150 feet south of 36<sup>th</sup> Avenue. Counts taken at that location represent the number of vehicles on Waverly Drive that could potentially conflict with pedestrians at both existing crossing locations. The total 24-hour traffic volume was 9,718. The traffic volume when the reduced speed school zone was in effect (7:00 a.m. to 5:00 p.m.) was 5,340, representing 55 percent of the daily total. Traffic speeds, as would be expected, were heavily influenced by the time of operation of the reduced speed school zone. Between the hours of 7:00 a.m. and 5:00 p.m., the average speed was just over 24 mph. Ten percent of drivers exceeded 35 mph, and three percent exceeded 40 mph. Average vehicle speed when the reduced speed school zone was not in effect was 36 mph, with 18 percent of drivers exceeding 40 mph.

Pedestrian crossing volumes were observed prior to the start of school on the morning of December 12, 2018. A total of 20 students were observed using the crossing at 36<sup>th</sup> Avenue, and none were seen using the crossing at the median island to the south. The pedestrian crossing movements occurred during the AM peak traffic hour on Waverly Drive (627 vehicles).

Pedestrian crossing volumes were observed at the release of class on the afternoons of both November 13, 2018, and November 18, 2018. On average, 36 students per day utilized the school crossing at 36<sup>th</sup> Avenue and 8 students per day crossed at the median island school crossing to the south. The one-hour traffic volume during the student crossing movements was 741, less than PM peak traffic hour but about 18 percent higher than traffic during the AM peak hour.

When class is released, a significant vehicle queue consisting of passenger vehicles and school buses develops on the eastbound 36<sup>th</sup> Avenue approach to Waverly Drive. The queue extends several hundred feet back from the intersection and can involve 20 or more vehicles. The queue occurs just after students are released from class and disburses within about 20 minutes.



*36<sup>th</sup> Avenue -- Looking East*

The queued vehicles together with southbound vehicles in the right turn lane can limit the sight distance southbound drivers on Waverly Drive have of students approaching the school crossing.



*Waverly – Looking South*

## CRASH HISTORY

A review of ODOT's crash database revealed a total of seven reported crashes occurring within the reduced speed school zone in the 10-year period between January 1, 2008, through December 31, 2017.

- February 23, 2012: Rear-end property damage only crash at the Waverly/36<sup>th</sup> intersection involving two southbound vehicles. The crash occurred at 6:00 p.m. when the regulatory speed limit was 40 mph. One vehicle was rear ended while stopped; strong possibility there was a pedestrian within the crosswalk at 36<sup>th</sup> Avenue.
- January 23, 2017: Rear-end injury crash at the Waverly/36<sup>th</sup> intersection involving two northbound vehicles. The crash occurred on a school day at 7:00 a.m. One vehicle was rear ended while stopped; strong possibility that a student was within the crosswalk at 36<sup>th</sup> Avenue.
- November 20, 2011: Single vehicle fixed object roll over crash involving a fatality. An elderly southbound driver crossed both lanes and hit a tree opposite the high school track. The crash occurred on a Sunday and is unlikely to be related to the school zone or pedestrian crossings.
- July 29, 2010: Angle injury crash at the Waverly/36<sup>th</sup> intersection involving a southbound driver and northbound driver making a left turn. The crash occurred on a school day at 8:00 a.m. Driver ages were 34 and 83. Driver error was failure to yield; unlikely to be related to the school zone or pedestrian crossings.
- November 21, 2013: Angle injury crash at the Waverly/36<sup>th</sup> intersection involving a southbound driver and eastbound driver making a left turn. The crash occurred on a school day at 6:00 p.m. Driver ages were 18 and 71. Driver error was failure to yield; unlikely to be related to the school zone or pedestrian crossings.
- January 27, 2008: A head-on property damage only crash north of 40<sup>th</sup> Avenue. Occurred on a Sunday during icy road conditions; unlikely to be related to the school zone or pedestrian crossings.

- August 14, 2016: A rear-end property damage only crash north of 40<sup>th</sup> Avenue between two northbound vehicles. Occurred on a Sunday during day light hours; not related to the school zone; strong possibility crash was related to a pedestrian in the median island crossing.

## **SCHOOL DISTRICT INPUT**

The School District has not provided comments on the reduced speed school zone on Waverly Drive at the time of writing of this report. The District may choose to provide comments at a later date.

## **PUBLIC INPUT**

Public input into the question of the reduced speed school zone on Waverly Drive has been mixed, with support both for and against retention.

Residents in favor of retaining the speed zone believe that it is necessary to protect student safety given the volume and speed of traffic on the roadway.

Residents wishing to have the speed zone removed believe that it is not necessary for high school students, often delays drivers at times when there are no students present and could increase the risk of rear-end crashes when drivers slow suddenly when entering the reduced speed zone. There has been some interest in converting the school zone to flashing light operation in the event it remains. That option would highlight periods of expected student crossing activity and reduce driver delay during periods when students are not expected to be utilizing the crossing.

## **NEED ANALYSIS FOR REDUCED SPEED SCHOOL ZONE**

The purpose of a reduced speed school zone is to improve student safety at crossings. The presence of a reduced speed school zone alerts drivers to the potential for pedestrian crossing movements, and the lower vehicle speeds help to reduce the severity of any vehicle/pedestrian crashes that might occur.

The pedestrian crossings on Waverly Drive serve a high school. In this situation ODOT guidelines do not automatically recommend use of a reduced speed school zone. To meet ODOT guidelines, an engineering study that documents additional justification in terms of crossing safety benefits is needed. The existing school zone on Waverly Drive contains two marked crossings. Each needs to be evaluated independently to verify if conditions warrant its inclusion in a reduced speed school zone. The evaluation is essentially a risk assessment for students taking into account student crossing volumes, traffic volume and speed, crash history, and crossing improvements and conditions that affect safety.

Traffic volumes on Waverly Drive are high throughout the course of the average weekday. The streets underlying 40 mph speed limit means that any pedestrian crashes that do occur at those speeds are likely to involve severe or life-threatening injuries.

A significant number of students must cross Waverly Drive when walking to and from residential neighborhoods to the east. Students that utilize the crossings in the morning on the way to school do so during the peak AM traffic hour. Students that use the crossings when school gets out must contend with even higher volumes of traffic on Waverly Drive.

Use of historic crash data for a corridor is one way to evaluate safety and crash risk. ODOT data includes seven reported crashes occurring within the school zone during the 10-year analysis period. Three of the reported crashes were rear-end crashes at marked pedestrian crossings and likely involved the presence of a pedestrian in the crosswalk. In none of the three was a pedestrian injured. One of the three crashes occurred on the morning of a school day when the reduced speed zone was in effect. The other two crashes occurred outside the reduced speed time frame when the regulatory speed limit was 40 mph. There were no reported crashes involving drivers being rear-ended while reducing speed to enter the school zone.

Because pedestrian crashes tend to be serious but infrequent, another way to evaluate pedestrian crash risk is to compare the number of pedestrian crossing movements to the vehicular traffic characteristics (volume, speed, conflicting movements, sight distance, gap distribution, etc.). There are two marked crossings on Waverly Drive within the school zone. The north crossing at 36<sup>th</sup> Avenue has substantially higher student crossing volumes than does the median island crossing to the south. At 36<sup>th</sup> Avenue pedestrians are exposed to vehicle conflicts for the entire 48-foot crossing of the roadway. Because the crossing at 36<sup>th</sup> Avenue occurs at an intersection, pedestrians using the crossing must contend with both through and turn movement vehicle conflicts. In addition, the eastbound queue that develops on 36<sup>th</sup> Avenue when school is released results in significant short-term congestion at the intersection at the precise time when student crossing demand is at its highest. The combination of queueing on eastbound 36<sup>th</sup> Avenue and southbound right turning vehicle can impact sight distance between pedestrians and drivers approaching the crossing.

Conditions justifying consideration of a reduced speed zone for the school crossing at 36<sup>th</sup> Avenue include:

- The crossing supports a high number of student crossing movements between the high school and the residential neighborhoods to the east.
- Waverly Drive is an arterial roadway and has a high volume of vehicle traffic throughout the day.
- The underlying speed limit on Waverly Drive is 40 mph. Vehicle/pedestrian crashes that occur at those speeds are almost certain to result in severe or life-threatening injuries.
- ODOT crash data for the crossing at 36<sup>th</sup> Avenue includes reported crashes that likely occurred during pedestrian movements, both when the reduced speed zone was and was not in effect.
- The eastbound approach to the Waverly/36<sup>th</sup> intersection becomes congested and develops a substantial queue when school gets out. That queue occurs when pedestrian crossing movements are at their highest. The congestion and queue result in conditions that have an adverse impact on pedestrian crossing safety. Drivers tend to lose patience under congested conditions (which can lead to poor decision making), and the queue impacts sight distance and visibility between approaching drivers and pedestrians.
- Removing the reduced speed school zone would have the effect of increasing vehicle speeds on Waverly Drive when students are walking to and from school, thereby increasing the severity of any crashes that do occur.



Conditions at the median island crossing to the south of 36<sup>th</sup> Avenue tend to not support its inclusion in a reduced speed zone for the following reasons:

- The number of student crossing movements is low.
- The median island refuge allows pedestrians to cross one direction of traffic at a time, limiting their exposure to two separate 18-foot crossings.
- The crossing is not at an intersection, and, as a result, there are no vehicle turn movements to conflict with pedestrian crossings.

## **REDUCED SPEED SCHOOL ZONE RECOMMENDATION**

Crossing conditions for Waverly Drive at 36<sup>th</sup> Avenue warrant its inclusion in a reduced speed school zone as part of an effort to address student crossing safety concerns. The reduced speed school zone should remain posted to be in effect on “School Days 7:00 a.m. to 5:00 p.m.” The length of the reduced speed school zone should be limited to approximately 200 feet on either side of the crossing at 36<sup>th</sup> Avenue in order to enhance driver compliance. The existing 1,200-foot reduced speed zone takes 41 seconds to traverse at 20 mph. A shortened reduced speed zone centered on 36<sup>th</sup> Avenue would take a driver less than 14 seconds to traverse at 20 mph.

The existing pedestrian crossing at the median island south of 36<sup>th</sup> Avenue will be outside the reduced speed school zone but should remain posted as a school crossing.

## **“SCHOOL DAYS 7:00 A.M. TO 5:00 P.M.” vs. “WHEN FLASHING”**

ORS 811.111 provides the City with the option of posting a reduced speed school zone on Waverly Drive as either “School Days 7:00 a.m. to 5:00 p.m.” or “When Flashing.” ODOT guidelines do not include a discussion regarding when one method for posting a school zone would be preferred over the other. Albany does not currently have any reduced speed school zones posted for “When Flashing.”

Agencies that have posted a school zone for “When Flashing” have typically done so to either draw extra driver attention to the presence of the school zone or to reduce driver delay on busy streets during periods when students are not expected to be utilizing a crossing. The use of a flashing light system has both initial and on-going costs. The initial installation cost of a flashing light system is approximately \$25,000. Operation of the system would require close coordination with the school district. Operational costs include expenses for both routine maintenance and eventual replacement. Use of a flashing light system for the reduced speed school zone on Waverly Drive is not recommended for the following reasons:

- The compliance rate for the existing reduced speed zone is good. The average vehicle speed on school days when the signs are in effect is 24 mph, a reduction of 12 mph from periods when the speed zone is not in effect. The compliance rate would be expected to improve with the recommended shorter school zone.
- Driver delay for the recommended school zone will be minimal. Total driver time to traverse the school zone will be less than 14 seconds. Drivers traversing the school zone at 40 mph would save less than 7 seconds.

- The recommended school zone is short and already includes a pedestrian activated flashing light system at the 36<sup>th</sup> Avenue crossing. The addition of a second flashing light system on either side of the crossing could result in driver distraction/confusion.
- The use of a flashing light system would necessitate initial construction and ongoing maintenance and replacement costs.

Attachments: (public input letters)

Since the ODOT brochure, Guide To School Area Safety, page 1, states "Location and limits for school zones and school speed zones should be determined on the basis of an engineering study that includes relevant data and needs identified by school or community members." and since no such study in recent memory has been done on Waverly Drive boarding the South Albany High School, we the residents of Albany, ask that if no such study has been done, then the City of Albany have a traffic engineering study done for the school traffic sign which states a 20mph zone on Waverly Drive, boarding the South Albany High School.

Diane Conrad

Patricia Cooley

Dianne Crooker

Dana Edwards

Janet Glancy

Barbara Hauge

Don Hauge

Ed Hemmingson

June Hemmingson

Elgin Rau

Irene Rau

Dianne Sadler

Ron Sadler

Debbie Weber

Don Weber

11/7/18

I was here **August 8**, 2018 Waverly Drive school traffic sign reducing speed to 20mph, for South Albany HS.

**Appreciate** the council's attention to this matter in **worksession on Sept 10**. Your consensus to leave the sign as is, which reduces speed to 20mph. **Safety**.

To **address safety** concerns I and group of listed residents in this letter now present the following **request**:

“Since the ODOT brochure, Guide To School Area Safety, page 1, states “Location and limits for school zones and school speed zones should be determined on the basis of an engineering study that includes relevant data and needs identified by school or community members.” and since no such study in recent memory has been done on Waverly Drive boarding the South Albany High School, we the residents of Albany, ask that if no such study has been done, then the City of Albany have a traffic engineering study done for the school traffic sign which states a 20mph zone on Waverly Drive, boarding the South Albany High School.”

If I correctly understand the ODOT literature, the study can be done by a **local road engineer** who follows ODOT guidelines. Might mean the Albany City Transportation System Analyst can do the study.

8/8/18

After communicating with the Albany School Board, ODOT, and the Albany City Transportation System Analyst, and finding that the City of Albany has authority to change the school-zone traffic signs on Waverly Drive bordering South Albany High School, I now address Albany's mayor and council.

I ask the city council to remove the South Albany High School traffic-zone signs on Waverly Drive.

Considerations for the South Albany High School traffic-zone signs on Waverly Drive:

Because---

- (1) There is only one street east of the school within the school traffic-zone signs, Mountain View SE, which requires crossing Waverly Drive for access to the school; and there are pedestrian cross-walk strips with yellow signs and one sign with buttoned flashing signal (in both directions on Waverly Drive). (All other streets east of the high school intersecting Waverly Drive, are outside the school's traffic-zone signs.)
- (2) Waverly Drive borders only the school's athletic field, not the main entrance to the school.
- (3) The athletic field is enclosed by a 6-foot chain-link fence, except for one opening, so students from the athletic field cannot readily dash out into traffic.

(4) I have yet to witness any student cross the athletic field, pass through the open-fence crosswalk, and cross Waverly Drive.

(5) Drivers on Waverly Drive have full view of the athletic field, even if signs are hung on the chain-link fence.

(6) There is no parking on Waverly Drive within the school traffic-zone signs, so drivers have full view of pedestrians.

(7) Waverly Drive bordering the school is lined with several feet of grass and trees, so pedestrians cannot stumble directly into the street.

(8) ODOT's manual, Speed Zoning Brochure, section Speed Zone Standards, states: "Many people believe that lowering posted speeds will mean fewer accidents, but studies do not prove this."---

I believe removing the school-zone traffic signs on Waverly Drive will not cause an unsafe condition for students, and will actually allow the drivers of Albany a safer traffic pattern of constant speed on this straight part of Waverly Drive.

I think it is important for any analysis to include both pros and cons of an issue; therefore, please consider the following points along with the Traffic Engineering Study, for the final decision concerning the reduced speed sign for South Albany High School.

1. Although it is true that when a car accident actually occurs, higher speeds will result in more severe injuries, it is not true that lower speeds will result in fewer accidents. The ODOT Speed Zoning Brochure states “Many people believe that lowering posted speeds will mean fewer accidents, but studies do not prove this.” Also, in the Waverly Drive ODOT accident reports, in the past 10 years there were only 7 accidents, 1 of which was due to ice conditions, 2 were due to drivers not yielding to cars, and 1 accident was cited without cause or conditions. Consequently, this crash study does not support the need for a reduced speed school zone throughout 7AM to 5PM.

2. Some of the factors that need further justification for a reduced speed school zone are: high schools, and, when a marked school crosswalk is at a signaled intersection (as stated in The Guide to School Area Safety, page 3 under ‘Where do School Speed Zones Require Further Justification, states “The engineering study should address the relevance of these factors in the decision to implement a school speed zone in these areas.’). Since 36<sup>th</sup> Street and Waverly Drive has an RRFB (Rectangular Rapid Flashing Beacon) and the school is a high school, then reducing the school speed zone needs further justification.

3. In the Guide to School Area Safety, page 3, under ‘speed zones discouraged’, it is stated “A school speed zone is not intended to be used to address motor vehicle safety concerns. In lieu of establishing a school speed zone, a school sign (establishing a school area without a reduced speed) may serve to warn motorists approaching the school area.” In recognition of these ODOT statements then, it should be noted:

There are numerous safety measures already at the intersection of Waverly Drive and 36<sup>th</sup> Street; namely, a school zone sign, a crosswalk sign, crosswalk strips, and a self-activated flashing beacon (RRFB).

Also, the smaller amount of students crossing Waverly Drive in the school zone outside of peak AM, PM times, does not warrant reduced speed throughout 7am to 5pm.

4. Although Waverly Drive has a high traffic volume, as an arterial street it is a much wider street than a typical local street, allowing for safer traffic flow. (The crash history as described in item 1, tells of only 7 accidents in 10 years, 1 of which was due to ice conditions, 2 were due to drivers not yielding to cars, and 1 accident was cited without cause or conditions.)

5. In the Guide to School Area Safety, page 4, under What is an Engineering Study, items to be considered are the school’s drop-off and pick-up operation, including on-street parking, and, a gap study.



It should be noted that there is no parking nor pick-up, drop-off on Waverly Drive.

It should be noted that a gap study was not done, thinking the “current reduced speed would impact the study”. However, knowing gaps in traffic flow, regardless of the speed of cars, would give information on the ease and safety of crossing the street. Also, from personal observations, there are many gaps in the flow of traffic on Waverly Drive, during daytime.

6. Rather than considering that queue of cars and the traffic turning at 36<sup>th</sup> Street and Waverly Drive at peak PM times, is an adverse effect on safety for pedestrians, it can be considered that this further slowing of traffic, along with the already 25mph on 36<sup>th</sup> Street, has a beneficial effect on safety for pedestrians. And, this corner does not threaten the safety of pedestrians any more than any other crossing at an intersection.

The City of Albany has the option of eliminating a school reduced speed zone, and placing a ‘school sign’, (as explained in item 3 above). Also, the RRFB can be left in place along with crosswalk strips. These safety measures taken together, can be understood to be a high level of safety for the high school

Diane Conrad

**Irish, Ron**

---

**From:** diane conrad <mydiane@q.com>  
**Sent:** Monday, February 11, 2019 9:45 AM  
**To:** Irish, Ron  
**Subject:** Re: Waverly Drive Reduced Speed School Zone

Hi Ron, Thanks again for your response. I understand that 'when present' can only be used when the road is not adjacent to the school. Despite your analysis of the need for an all-day 20mph, I trust your presentations to the TSC and council will make clear that there is a low number of students crossing outside of peak hours, that all the signs can be left as is and marked as a school zone without interrupting the flow of traffic to 20mph, and that the use the RRFB signal serve to put a high safety factor for the 36/Waverly crossing. As stated is the ODOT manual under RRFB, page 28, "These devices have a significant effect on driver stopping compliance rates. There is evidence that they increase the distance at which motorists begin to slow for a pedestrian in a crosswalk". I am highly frustrated that I unable to be in two places at once, and have to miss the TSC meeting. Diane

---

DISCLAIMER: This email may be considered a public record of the City of Albany and subject to the State of Oregon Retention Schedule. This email also may be subject to public disclosure under the Oregon Public Records Law. This email, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you have received this communication in error, please notify the sender immediately and destroy all copies of the original message.

RECEIVED

FEB 14 2019

Initial: \_\_\_\_\_

**I hereby veto Ordinance No. \_\_\_\_\_—Accessory Dwelling Units and the following is my explanation for my decision:**

**To this day I have not heard one substantial reason to lessen our existing rules for ADU's. I base my decision by the citizens who actually live in our neighborhoods and not by who has a financial gain in this matter.**

**Accessory Dwelling Units**

**Councilors we have been divided on this issue regarding accessory dwelling units (ADU) and a compromise is needed.**

**We can acknowledge some councilors are on one side of the teeter-totter with the staff proposal of increasing the footprint, removing the parking requirement and not requiring an ADU to be owner-occupied. The other councilors are on the side of not wanting ADU's at all or smaller footprint, plus owner-occupied. However, I reluctantly support the state required (ADUs) in all existing single-family zoning, so I believe the compromise and middle of the teeter-totter is the current standards with the changes to comply with state law.**

**I do not feel detached ADU's are a solution to the lack of low-income housing and the state has placed a burden on local governments in dealing with the unintended consequences. There is no guarantee an ADU would serve a low-income tenant or mother-in-law unit, which is the intent of the state requirement with their attempt to address affordable housing. An owner of an ADU can intentionally set the rent higher than the cap of a HUD housing voucher to prevent serving people with lower incomes. Also, with fair housing laws you cannot limit how many family members can live in a rental, as long as if there is ingress and egress inside the unit. The more people living on a property could be more vehicles on the street.**

**If single-family neighborhoods start transforming into multi-family housing, this could put the demand for sprawl with more single-family neighborhoods being designed to not support an ADU. The demand for this design of new neighborhoods will be the result from residents wanting to continue living in a single-family neighborhood, a housing choice that residents have been able to make since the founding of our hometown and communities across the nation. Albany's oldest neighborhood is single family homes.**

**The compromise for the size of an ADU is with the existing code of 750 sq. ft. The staff proposal of 900 sq ft is supported by some councilors and some members want ADU's to be smaller than our current 750 sq. ft. The size increase to 900 sq. ft. is basically adding an additional bedroom to an ADU. As I have stated before, the more bedrooms could be more vehicles on the street, which can impact the neighbors of the**

**ADU. An ADU can also have an attached garage, so the footprint could be larger than 900 sq ft.**

**The staff proposed ordinance removes the current parking requirements of one off-street parking space for an ADU by allowing on-street parking, if there is enough street frontage. This promotes parking wars in our neighborhoods. We already have enough parking challenges in some existing neighborhoods, so why add more? A one-bedroom apartment complex requires one parking space, so why allow ADU's to be less? The compromise is to retain one off street parking space for the 750 sq ft ADU to be consistent with our requirements for apartments.**

**Changing our existing code for square footage could be conceived as picking a number out of a hat. By increasing the size opens the door for increases by future councils. I don't believe this is good policy and we as decision makers should strive to prevent neighborhood conflicts. If we find in the future the building size or parking should be changed, then a council can change the requirement. Right now, there is no rush to allow above the current standards as there are too many unknown outcomes with this new legislative ruling.**

**One councilor's reason to support the staff proposed ADU changes was they didn't think we would see very many ADU's built. I hope we can strive for a better reason to change our policy then "oh well, we will see what happens". This type of decision making could be similar to allowing a pig farm in the city because there wouldn't be many people wanting to raise pigs. In my opinion that is not good policy**

**making. Also, that reason to support ADU's in thinking there will not be many built is basically acknowledging there could be future conflicts, but oh well it is not in my back yard.**

**Another concern I heard was this was someone's own property rights and they should be able to do as they choose. If all decision makers set policy on allowing property owners to do as they choose, then imagine what this world would be like. I have always said what one property owner does to their property can affect the property values and livability of their neighbors. Since the founding of our own community the codes are built upon for everyone to get along and to enjoy the peacefulness of our community.**

**Another piece of the proposed ordinance is allowing ADU's to not be owner-occupied. This opens a Pandora's Box as investors buying a house for a rental in knowing they can maximize their profit by adding an ADU for another rental. Those investors might not even live in our community, but they could be transforming many single-family neighborhoods in to multi-family. We have strived in our community to build great neighborhoods and ADU's go against that objective and goal in our own strategic plan.**

**This compromise does not prevent today an ADU or mother in law unit to be built, as ADU's are in our code already as owner-occupied.**

**A question was raised about enforcing an owner-occupied ADU. All changes in use, codes and conditions for approval**



**are recorded on the county's tax account and summary for existing properties. So, anyone wanting to buy a property have the avenues to be informed of the rule for an ADU and a neighbor can always seek the information on-line if there is a problem with an ADU in their neighborhood. This is no different than the recording of a property with a conditional use permit.**

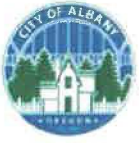
**I would rather support the state in requiring ADU's in new developments, so they can plan for the infrastructure to support the density. Adding density to existing older neighborhoods with aging infrastructure only puts a demand for an unplanned upgrade to our system in the future.**

**We are elected to build a livable community for our residents to enjoy the peacefulness of their homes that they have invested in. I feel this compromise lessens the impacts to existing neighborhoods and protects their investments. Remember changes can be made in the future, but challenges can arise if you change later by reducing the rules. This compromise does not bring on challenges.**

**Councilors we have been mulling over this issue and our existing rules for ADU's is the middle ground. As you can see, some of you have not budged on the one-side of the ordinance and some have not on the other side. This is the middle of the road for the compromise, which is in front of you and I please ask for your support, so we can put this issue to rest.**

  
**Sharon Konopa, Mayor of Albany**





AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY DEVELOPMENT CODE TEXT AND ADOPTING FINDINGS AND DECLARING AN EMERGENCY

WHEREAS, on October 15, 2018, the Albany Planning Commission held a public hearing and deliberated on proposed text amendments to the Albany Development Code relating to the siting and design of accessory dwelling units (City of Albany Planning Files DC-04-18 & DC-05-18); and

WHEREAS, on October 15, 2018, the Planning Commission recommended that the City Council approve the proposed text amendments with modifications as identified in the October 30, 2018, staff memorandum to City Council. This recommendation was based on evidence presented in the staff report and consideration of public testimony during the public hearing; and

WHEREAS, the Albany City Council held public hearings on the proposal on November 7, 2018, and January 23, 2019, and reviewed the findings of fact and conclusions included in the staff report and testimony presented at the public hearing and then deliberated; and

WHEREAS, the text amendments to the Albany Development Code considered by the Planning Commission and City Council are presented as an attachment to this Ordinance as Exhibit A.

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

Section 1: The text of the Albany Development Code is hereby amended as shown in Exhibit A of this Ordinance.

Section 2: A copy of this Ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made in the official City of Albany Development Code.

Section 3: As applicable, a copy of this Ordinance shall be filed with the Linn and Benton County Assessors' Office within 90 days of the effective date of this Ordinance.

Section 4: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: \_\_\_\_\_

Approved by the Mayor: \_\_\_\_\_

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

## ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

- 3.10 Overview The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7. [Ord 5673, 6/27/07]

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

### ZONING DISTRICTS

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

- (1) **RR—RESIDENTIAL RESERVE DISTRICT** The RR District is intended to recognize areas which, because of topography, level of services, or other natural or development factors are best served by a large lot designation. This district may be applied on an interim basis until urban services become available. The minimum lot size is five acres.
- (2) **RS-10—RESIDENTIAL SINGLE FAMILY DISTRICT** The RS-10 District is intended primarily for a lower density single-family residential environment. The average minimum lot size is 10,000 square feet.
- (3) **RS-6.5—RESIDENTIAL SINGLE FAMILY DISTRICT** The RS-6.5 District is intended primarily for low-density urban single-family residential development. The average minimum lot size is 6,500 square feet.
- (4) **RS-5—RESIDENTIAL SINGLE FAMILY DISTRICT** The RS-5 District is intended primarily for low- to moderate-density single-family development. The average minimum detached single-family lot size is 5,000 square feet. [Ord. 5673, 6/27/07]
- (5) **RM—RESIDENTIAL MEDIUM DENSITY DISTRICT** The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre. [Ord 5673, 6/27/07]
- (6) **RMA—RESIDENTIAL MEDIUM DENSITY ATTACHED DISTRICT** The RMA District is intended primarily for medium- to high-density urban residential development. All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre. [Ord 5673, 6/27/07]
- (7) **HM—HACKLEMAN-MONTEITH DISTRICT** The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-family residential structures to other uses, including multi-family residential, is not allowed.

[Ord 5555, 2/7/03; Ord 5673, 6/27/07]

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

**SCHEDULE OF PERMITTED USES**  
**Uses Allowed in Residential Zoning Districts**

Use Categories (See Article 22 for use descriptions )	Spec Cond	RR	RS-10	RS-6 5	HM	RS-5	RM	RMA
<b>RESIDENTIAL SINGLE FAMILY. One Unit per Property</b>								
Single-Family, detached	19	Y	Y	Y	Y	Y	Y	N
Single-Family, attached (zero lot line)		N	PD/CD	PD/CD	N	Y	Y	Y
<b>RESIDENTIAL TWO FAMILY Two Units per Property</b>								
2 attached units (Duplex)	3	N	Y-1, PD/CD-20	Y-1, PD/CD-20	N	Y-1, PDCD-20	Y	Y
2 detached units	2	N	PD/CD	PD/CD	S	PD/CD	Y	Y
Primary Residence with one accessory dwelling unit	4	Y	Y	Y	Y	Y	Y	Y
<b>RESIDENTIAL MULTI-FAMILY. Three or More Units per Property</b>								
3 or More Single-Family Attached Units	3	N	PD/CD	PD/CD	N	S	S	S
3 or More Multi-Family Units	3	N	N	N	N	N	S	S
Manufactured Home Parks (see Article 10)	10	N	N	S	N	S	S	S
<b>RESIDENTIAL. Care or Treatment</b>								
Assisted Living		CU	CU	CU	CU	CU	CU	CU
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y
Daycare Facility		CU	CU	CU	CU	CU	CU	S
Residential Care or Treatment Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y
<b>RESIDENTIAL. Miscellaneous</b>								
Accessory Buildings, Garages or Carports	9	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S
Bed & Breakfast	7	CUII	CUII	CUII	CUII	CUII	CUII	S
Home Businesses (See 3 090-3 160 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Recreational Vehicle Parks (See Article 10)	5, 10	N	N	N	N	N	CU	CU
Rooming or Boarding Houses		N	N	N	CU	N	S	S
Subdivision Sales Office	19	N	Y	Y	N	Y	Y	Y
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N
Temporary Residence	8	S	S	S	S	S	S	S
<b>INSTITUTIONAL</b>								
Basic Utilities		CU	CU	CU	CU	CU	CU	CU
Community Services		CU	CU	CU	CU	CU	CU	CU
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU
Hospitals		N	N	N	N	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	14	S/CU	S/CU	S/CU	CU	S/CU	S/CU	S/CU
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU
<b>COMMERCIAL -- Limited Use Types</b>								
Entertainment and Recreation Indoor Outdoor	18	CU CU	CU CU	CU CU	CU N	CU CU	CU CU	CU CU
Offices	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Restaurants, no drive-thru	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Retail Sales and Service	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Self-Serve Storage	15	N	N	N	N	N	S	N
<b>OTHER CATEGORIES</b>								
Agriculture Crop Production		Y	Y	Y	N	Y	Y	Y
On-site Sales of Site-Produced Seasonal Goods		Y	S	CU	N	CU	CU	CU
Plant Nurseries and Greenhouses		S	S	S	N	S	S	S

Use Categories	Spec Cond.	RR	RS-10	RS-6 5	HM	RS-5	RM	RMA
<b>OTHER CATEGORIES</b>								
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		Y	Y	Y	Y	Y	Y	Y
Communication Facilities	16	N	N	N	N	N	N	N
Kennels	11	S	CU	CU	N	CU	CU	N
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y

Y = Yes, allowed, no Site Plan review required

CD = Cluster Development, see Art. 11

CU = Conditional Use approval required, Type III procedure

CUII = Conditional Use approval required, Type II procedure

N = No, not allowed

PD = Planned Unit Development, see Art. 11

S = Site Plan Review required

[Ord. 5281, 3/26/97, Ord. 5555, 2/7/03, Ord. 5673, 6/27/07, Ord. 5742, 7/14/10, Ord. 5801, 2/13/13, Ord. 5832, 4/9/14, Ord. 5886, 1/6/17]

3 060 – 3 070, *Open Space district moved to Article 6, Ord. 5764, 12/1/11*

### SPECIAL CONDITIONS

3 80 General Where numbers appear in the column labeled “special conditions” or in a cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction

- (1) In the RS-6 5, RS-5, and RS-10 Districts, one duplex is permitted outright on a corner lot that meets the minimum lot size for a duplex in the zone. Exception for non-corner lots created between May 1, 2000 and January 11, 2006. A duplex is allowed on a non-corner lot created in this time period provided that the lot is at least 1.5 times the single-family minimum lot size in the zone. The lot size threshold may be reduced by use of the 10 percent transportation bonus provided the lot is not a flag lot and it meets the standards in Section 3 220.

[Ord. 5445, 4/12/2000, Ord. 5635, 1/11/06, Ord. 5673, 6/27/07]

- (2) When more than one single-family detached residence is located on a property of record in a residential zoning district and the buildings were legally constructed, the property may be divided in conformance with Article 11, even if the resulting lots do not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met.

[Ord. 5338, 1/28/98, Ord. 5673, 6/27/07]

- (3) Duplexes and multi-family development may be divided so that each can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 1, however, the amount of land on which each unit is located does not need to be split equally between the individual units - one may be larger and one smaller.

[Ord. 5673, 6/27/07]

- (4) Where detached single-family residences are permitted outright, one accessory dwelling unit (ADU) may be allowed per legally established detached single-family residence, called the “primary residence.” The ADU shall comply with the following standards.

(a) All ADUs.

- (i) Floor Area – An ADU shall not exceed 900 square feet of living space floor area or 75 percent of the primary residence living space floor area, whichever is less. Living space floor area does not include garages or carports. However, an ADU that results from the conversion of a level or floor (e.g. basement, attic or second story)



of the primary residence may occupy the entire level or floor, even if the floor area of the ADU would exceed 900 sq. ft.

- (ii) Parking - At least three off-street parking spaces shall be provided on the property to serve each set of residences (Primary and ADU). If available, one on-street parking space may count toward one required ADU parking space. To count toward a required parking space, the on-street space must abut the ADU property, shall be at least 25 feet long, and shall not obstruct any driveway or right-of-way.
- (iii) Other Development Standards - All other applicable development standards including setbacks, lot coverage, and compliance with any overlay district requirements such as those in Article - 6 Natural Resource Districts and Article 7 - Historic Overlay District shall be met. The conversion of an existing, legal, non-conforming structure to an ADU is allowed provided the conversion does not increase any non-conformity.

(b) ADUs Interior or Attached to the Primary Residence

- (i) Front Door - The front door of the ADU shall not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the ADU front door is set back at least five feet from the front facade of the primary residence.
- (ii) Setback and Height Standards - Setback and height standards are the same as for the primary residence as provided in Table 1 - Residential District Development Standards.

(c) Detached ADUs

- (i) Front Setback. The front setback shall be no less than the minimum front setback for the underlying zone in Table 1 - Residential District Development Standards. It shall also be greater than or equal to the setback of the front wall of the primary residence, or one of the front walls of the primary residence if on a corner lot.
- (ii) Interior Setback. The interior setback shall be at least five feet for one-story buildings and eight feet for two-story buildings (See Table 2 - Accessory Structure Standards).
- (iii) Maximum Height. 24 feet to the ridge of the roof.

~~One accessory apartment is permitted per primary single family residence, called the "primary residence." The accessory apartment may be:~~

- ~~(a) An addition to or within the primary residence, OR~~
- ~~(b) In a detached building built before February 1, 1998, OR~~
- ~~(c) On a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007.~~

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

- ~~(a) One of the residences is owner occupied.~~
- ~~(b) The size of an accessory apartment does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less. (Note: Accessory apartments greater than 750 square feet that were legally constructed before July 1, 2007, may remain.)~~
- ~~(c) At least three off street parking spaces are provided on the property to serve the two residences. [Ord. 5338, 1/28/98]~~
- ~~(d) All required building permits have been obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.~~
- ~~(e) The size of the property meets the minimum single family lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]~~

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

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

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

~~Maximum Height: 24 feet to the ridge of the roof [Ord. 5673, 6/27/07]~~

- (5) In the RM District, the following criteria must be met in addition to the Conditional Use criteria for permitting RV overnight parks
  - (a) The entire site must be located within 750 feet of the Interstate 5 right-of-way
  - (b) The RV park access is limited to the Interstate 5 frontage road or streets servicing primarily industrial or commercial development
- (6) "Child Care Homes" that includes the day or night time care of no more than sixteen children, including the children of the provider or the care and treatment of adults for less than 24-hours are considered a residential use of the property and are allowed outright in zones that allow single-family homes per the Oregon Revised Statutes (ORS) See ADC Section 22 200. [Ord. 5673, 6/27/07]
- (7) Bed and Breakfast facilities shall
  - (a) Be owner occupied
  - (b) Be limited to a maximum of four guest bedrooms
  - (c) Except for driveway spaces, not contain guest parking facilities in the front setback area or within 10 feet of any interior residential lot line [Ord. 5742, 7/14/10]
  - (d) Provide at least one off-street parking space for each rental room, except in the HM zone, where on-street parking along the frontage of the property line(s) may count toward the parking requirements. To count towards this standard, each on-street space must be at least 25 feet long [Ord. 5673, 6/27/07; Ord. 5768, 12/7/11]

Affordable means that the annual mortgage payments, with no more than a 10% down payment required, or the annual rent for a unit equals no more than 28 percent of the income level for which the density bonus points are being applied. Projects must have a guaranteed sale price, interest, or rental price, and include contractual obligations for continued availability to low- and moderate-income persons

#### Alley Access

- (7) Lots with alley access may be up to 10 percent smaller than the minimum lot size for the zone  
[Ord 5338, 1/28/98, Ord 5445, 4/12/00]

### SETBACKS

- 3.230 Setback Measurements All setbacks must meet the minimum standards as set forth in Tables 1 and 2 in this Article, as appropriate. Setback distances shall be measured perpendicular to all portions of a property line. In addition to the setbacks in this article, all development must comply with Section 12 180, Clear Vision Area. See also Table 2, Accessory Structure Standards [Ord 5673, 6/27/07]

**TABLE 2**

<b>ACCESSORY STRUCTURE STANDARDS</b>	
<b>STRUCTURE</b>	<b>STANDARD</b>
All Accessory Structures	Front setback, see Table 1, by zone if not noted below
Detached Structure walls less than or equal to 8 feet tall (2)	Interior setback = 3 feet (1)
Attached Structure	Interior setback = 5 feet (1)
Detached Structure walls greater than 8 feet tall (2)	Interior setback = 5 feet
<u>Detached Accessory Apartment Building Dwelling Unit</u>	<p><u>Front Setback</u> The front setback shall be no less than the minimum front setback for the underlying zone in Table 1 – Residential District Development Standards. It shall also be greater than or equal to the setback of the front wall of the primary residence, or one of the front walls of the primary residence if on a corner lot.</p> <p><del>Front setback is equal or greater than primary residence</del></p> <p>Interior setback, one-story = 5 feet (1) Interior setback, two-story = 8 feet (1)</p>
Garage or carport with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet. Other interior setbacks=see Table 1
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences greater than 6 feet tall	See Table 1, by zone, building permit required.
Outdoor swimming pools with depths greater than	Interior setback = 10 feet



## ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

- 4 10 Overview The zones created in this article are intended to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development. The site development standards allow for flexibility of development while minimizing impacts on surrounding uses. The regulations in this article promote uses and development that will enhance the economic viability of specific commercial and industrial areas and the city as a whole. Development may also be subject to the provisions in Article 8, Design Standards, Article 9, On-Site Development and Environmental Standards, and Article 12, Public Improvements. Sites within overlay districts are also subject to the provisions in Article 6, Special Purpose Districts, and Article 7, Historic Overlay Districts [Ord 5555, 2/7/03]

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

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

### ZONING DISTRICTS

- 4 20 Establishment of Commercial and Industrial Zoning Districts In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following commercial and industrial zoning districts are created

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

**TABLE 4-1  
SCHEDULE OF PERMITTED USES**

<b>Commercial, Office and Industrial Zoning Districts</b>									
<b>Use Categories (See Article 22 for use category descriptions)</b>	<b>Spec Cond</b>	<b>OP</b>	<b>NC</b>	<b>CC</b>	<b>RC</b>	<b>TD</b>	<b>IP</b>	<b>LI</b>	<b>HI</b>
<b>INDUSTRIAL</b>									
Contractors and Industrial Services		N	N	S-1	N	S-1	S-1	S-1	S
Manufacturing and Production	2	S/CU	N	S/CU,3	N	S/CU	S/CU	S/CU	S
Small-scale Manufacturing	2	S/CU	N	S/CU	S/CU	S/CU	S/CU	S/CU	S/CU
Railroad Yard		N	N	N	N	S	N	S	S
Warehousing and Distribution		N	N	N	N	N	CU	S	S
Waste and Recycling Related	4	N	N	CU	N	N	N	S/CU	S/CU
Wholesale Sales		N	N	N	N	N	S-5	S	N
<b>COMMERCIAL</b>									
Adult Entertainment		N	N	S-6	N	N	N	CU-6	N
Entertainment and Recreation									
Indoor	7	N	N	S-7	S-7	S	S/CU-7	CU-7	CU-7
Outdoor		N	N	S	S	N	N	CU-7, 11	CU
Offices		S	S	S	S	S	CU-8	N	N
Traditional Offices		S	N	S	N	N	S-8	S-9	S
Parking		N	N	S	S	S	S	S	S
Recreational Vehicle Park		N	N	CU	N	S	N	S	N
Restaurants, no drive-thru w/ drive-thru or mostly delivery	25	CU-11	S	S	S	S	S	N	N
		N	CU-10	S	S	N	CU	N	N
Retail Sales and Service		S-11	S-11	S	S	S	S-11	S/CU/N-11	N
Self-Serve Storage	12	N	N	S	S	N	CU	S	S-13
Taverns, Bars, Breweries, Nightclubs	25	CU-11	CU-11	S	S	S	CU-11	CU-11	CU-11
Vehicle Repair		N	N	S	S	N	N	S	N
Vehicle Service, Quick-gas/oil/wash		N	N	S	S	N	CU	N-14	N
<b>INSTITUTIONAL</b>									
Basic Utilities		CU	CU	CU	CU	CU	S	S	S
Community Services	15	S/CU	S/CU	S/CU	S/CU	S/CU	CU	CU	N
Daycare Facility		CU	CU	S	N	N	S	CU	N
Educational Institutions	16	N	N	CU	N	CU	S/CU	S/CU	N
Hospitals		CU	N	N	N	N	CU	CU	N
Jails and Detention Facilities		N	N	N	N	N	N	CU	N
Parks, Open Areas and Cemeteries	17	CU	CU	CU	N	CU	CU	CU	N
Religious Institutions	16	CU	CU	S	N	N	CU	CU	N
<b>RESIDENTIAL</b>									
Assisted Living Facility		CU	CU	CU	N	N	N	N	N
Home Businesses (see 3 090-3 180 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Residential Care or Treatment Facility		S	S	S	N	N	N	N	N
Single Family and Two Family Units	20	Y/CU-19	S	N	N	N	N	N	N
Three or More Units		CU	N	N	N	N	N	N	N

## EXHIBIT A

Use Categories (See Article 22 for use category descriptions )	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
Units Above or Attached to a Business		S	S	S	CU	S	S	S	N
Residential Accessory Buildings	21	Y/S	Y/S	N	N	N	N	N	N
<b>OTHER CATEGORIES</b>									
Agriculture (on Vacant Land)	22	N	N	N	Y	N	Y	Y	Y
Satellite Dish, Other Antennas, & Communication Facilities <50 ft	23	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facilities >= 50 ft	23	N	N	CU	S	CU	CU	S	Y
Kennels	24	N	N	N	CU	N	N	S	N
Non-Res I Accessory Buildings		S-18	Y	Y	Y	Y	Y	Y	Y
Passenger Terminals		N	N	S	CU	S	CU	CU	N
Rail And Utility Corridors		CU	CU	CU	CU	S	CU	S	S

Y = Yes, allowed, no Site Plan Review required

N = No, not allowed

CU = Conditional Use review, Type III procedure

S = Site Plan Review required

CUII = Conditional Use review, Type II procedure

[Ord 5555, 2/7/03, Ord 5728, 1/27/10, Ord 5742, 7/14/10, Ord 5767, 12/7/11, Ord. 5832, 4/9/14, Ord 5886, 1/6/17]

**SPECIAL CONDITIONS**

4 60 General. Where numbers appear in the "Special Conditions" column or in a particular cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction

(1) Contractors and Industrial Services in the CC, TD, IP and LI zones

(a) Limited Uses Salvage or wrecking operations are prohibited in the CC, TD, IP, and LI zones See Section 4 290 for outside storage standards

(2) Manufacturing and Production The environmental performance standards of Article 9 may limit the placement of certain uses in some districts If the site is located within 300 feet of residentially zoned land, the use may require a Conditional Use approval

(3) Manufacturing in the CC zone. Manufacturing uses in CC must have a retail storefront and sell their products to the public on site.

(4) Waste and Recycling Related Uses in the CC, LI, and HI zones

(a) Limited uses in CC Only processing and sorting operations conducted within enclosed structures less than 5,000 sq ft in total area are considered with a conditional use review

(b) Limited uses in LI Processing and sorting operations conducted within enclosed structures less than 5,000 sq ft in total area are allowed with Site Plan Review Salvage yards, junkyards, and refuse transfer stations are not permitted All other material and recycling operations are considered through a conditional use review

(c) Limited uses in HI Processing and sorting operations conducted within enclosed structures less than 5,000 sq ft. in total area and all other material and recycling operations, excluding salvage yards and junkyards, are allowed with Site Plan Review Salvage yards, junkyards, sanitary landfills, and refuse transfer stations require a conditional use review

(5) Wholesale Sales in the IP zone This use is allowed in IP only if all operations and storage are conducted entirely within enclosed buildings

tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities in existing improved parks

- (18) Non-Residential Accessory Buildings over 750 square feet in the OP zone require Site Plan Review [Ord. 5742, 7/14/10]

- (19) Single-Family and Two-Family Units in the OP zone. Single-family residences are allowed outright. Attached single-family and two-family residences require a conditional use review One accessory dwelling unit (ADU) may be allowed per legally established detached single-family residence, called the "primary residence" The ADU shall comply with the standards for ADUs in ADC 5.070(15)

[Ord 5742, 7/14/10]

- (20) Existing Single-Family Homes Single-family homes built before December 11, 2002, in any commercial or industrial zone may remain as a permitted use without being nonconforming New single-family homes are not permitted unless allowed in the zoning district See Section 4 075 Single-family includes attached units, one unit per lot

- (21) Residential Accessory Buildings, except Accessory Dwelling Units, are permitted outright with residential uses if they meet the following conditions

- (a) Detached accessory buildings, garages and carports are less than 750 square feet and have walls equal to or less than 11 feet tall
- (b) All other residential district accessory buildings, garages or carports require a site plan review [Ord 5767, 12/7/11]

- (22) Agriculture All agricultural uses established before January 8, 2003, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land The raising of livestock as a new use is not permitted. Regulations governing the keeping of animals/livestock are found in the Albany Municipal Code Title 6 [Ord 5742, 7/14/10]

- (23) Communication Facility Placement Standards Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8 500

[ Ord. 5886, 1/6/17]

Placement of antennas, satellite dish antennas, and monopoles less than 50 feet tall when measured from the ground, or when located on a rooftop, within 15 feet of a rooftop, is permitted outright in all districts subject to the following standards

- (a) Antennas or antenna supports Satellite dishes and monopoles shall not be located within any front yard setback area or within any required landscape buffer yard. [Ord 5886, 1/6/17]
- (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping
- (c) Antennas used to display sign messages shall conform to all district sign regulations in

## ARTICLE 5 MIXED USE ZONING DISTRICTS

5.000 Purpose This article is intended to define the character of Albany's mixed-use zoning districts. The mixed-use zones implement the concepts identified in the Balanced Development Patterns Project (2001) and the Town Center Plan (Central Albany Land Use and Transportation Study, CALUTS, 1996). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5 on Knox Butte Road, and south of Oak Creek near Highway 99E (Pacific Boulevard). The mixed-use zones may be applied outside of the Village Center plan designation. [Ord 5555, 2/7/03]

5 20 Overview. The mixed-use zoning districts are the center of neighborhood and commercial activity, providing a horizontal or vertical mix of retail and residential uses to serve nearby neighborhoods. Other uses may include offices, and community and personal services. Centers are easily accessible to nearby residences, are pedestrian-friendly, and relate to adjacent land uses. Commercial uses must fit the scale of adjacent neighborhoods and the desired character envisioned for each Village Center or mixed-use area. The mixed-use zones differ in permitted uses, development standards, and design based on the unique objectives of each area. Design standards may be adopted to define the unique architectural and streetscape features of each area. [Ord 5894, 10/14/17]

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

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

- Zoning Districts
- Schedule of Permitted Uses
- Development Standards

[Ord 5673, 6/27/07]

### ZONING DISTRICTS

5 30 Establishment of Mixed Use Zoning Districts In order to implement the mixed-use and livability concepts in the Town Center and Albany Comprehensive Plans, the following zoning districts are created.

- (1) **HD – HISTORIC DOWNTOWN DISTRICT** The HD district is intended for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, nightlife and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses. [Ord. 5894, 10/14/17]
- (2) **DMU – DOWNTOWN MIXED USE DISTRICT** The DMU district is intended for a mix of retail, services, institutions, offices, and housing that supports businesses in and around the Historic Downtown District. Mixed uses are encouraged both horizontally and vertically. High-density residential infill and office employment are both encouraged. [Ord. 5894, 10/14/17]
- (3) **CB – DOWNTOWN CENTRAL BUSINESS DISTRICT** The CB district is intended for a broad mix of residential and non-residential uses. Mixed uses are encouraged both horizontally and vertically. High-density residential infill is encouraged to support nearby businesses. [Ord 5894, 10/14/17]
- (4) **MUR – MIXED USE RESIDENTIAL DISTRICT** The MUR district is intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents. [Ord 5673, 6/27/07]

A number appearing opposite a use in the "special conditions" column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). These conditions are found following the schedule in Section 5 070 [Ord 5555, 2/7/03, Ord 5673, 6/27/07]

**TABLE 5-1**  
**SCHEDULE OF PERMITTED USES**

Use Categories (See Article 22 for use category descriptions)	Spec Cond	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
<b>INDUSTRIAL</b>											
Contractors and Industrial Services	1	N	N/ CU-24	N	N	CU	S	S	N	N	N
Manufacturing and Production	2	N	N / CU-24	CU-3	N	CU-3	S/CU	N	N	N	N
Small-scale Manufacturing - less than 5,000 sq ft - 5,000 to 10,000 sq ft	2	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	S/CU CU	N N	N N
Warehousing and Distribution		N	N/ CU-24	N	N	N	N	N	N	N	N
Waste and Recycling		N	N	N	N	N	N	N	N	N	N
Wholesale Sales		N	N/ CU-24	N	N	CU	N	N	N	N	N
<b>COMMERCIAL</b>											
Adult Entertainment	4	N	N	S	S	S	N	N	N	N	N
Entertainment and Recreation Indoor Outdoor		S-5 CU	S-5/ CU-24 CU-6	S N	S N	S CU-6	S N	S-5 S	S-5 N	S-5 N	CU N
Offices Traditional		S CU	S S	S S	S S	S S	S S	S S	S S	S N	S N
Industrial Parking		S	CU	CU	CU	CU	S	S	S	CU-7	CU
Recreational Vehicle Park		N	N	N	N	N	N	N	N	N	N
Restaurants, no drive-thru with drive-thru or mostly delivery	23	S CU	S N	S N	S N	S N	S S	S S	S N	CUII N	S N
Retail Sales and Service		S-8	S-8/ CU-24	S-8	S-8	S	S	S	S-8	S-8	S-8
Self-Serve Storage	9	N	N	N	N	N	N	N	N	N	N
Taverns, Bars, Breweries, Nightclubs	23	CUII	CUII	S	S / CUII (25)	S / CUII (25)	S	S	CUII	CU	CUII
Vehicle Repair		N	N/ CU-24	N	N	CU	N	S	N	N	N



## EXHIBIT A

Use Categories (See Article 22 for use category descriptions)	Spec. Cond	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
Vehicle Service, Quick (gas/oil/wash)		S	N	N	N	N	N	S	S	S	N
<b>INSTITUTIONAL</b>											
Basic Utilities	10	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Daycare Facility		S	S	S	S	S	N	CU	S	S	S
Community Services	11	CU	CU	S	S	S	S	S	S	S	CU
Educational Institutions	12	CU	CU	CU	CU	CU	CU	N	CU	CU	CU
Hospitals		N	CU	CU	CU	S	S	CU	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	13	CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Religious Institutions	12	CU	CU	CU	CU	S	S	CU	CU	CU	CU
<b>RESIDENTIAL</b>											
Residential Care or Treatment Facility	14	S	CU	S	S	S	S	N	S	S	S
Assisted Living Facility		CU	CU	CU	CU	CU	CU	CU	CU	CU	CU
Single Family and Two Family Units	15	Y-17	S/CU-16	N/Y-16	S/CU-16	S/CU-16	N-16	N	N-16	CU-16	Y
Three or More Units	17	S-17	S/CU-17	N	S/CU-17	S/CU-17	S	N	CU	CU	S
Units Above or Attached to a Business		S-17	S	S-17	S	S	S	S	S	S	S
Home Business (See 3 090-3 180 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Residential Accessory Buildings	18	Y/S	Y/S	Y/S	Y/S	Y/S	CUII	N	Y/ CUII	Y/ CUII	Y/S
<b>OTHER CATEGORIES</b>											
Agriculture (on Vacant Land)	19	N	N	N	N	N	N	N	N	N	N
Satellite Dish, Other Antennas, & Communication Facility <50 ft	20	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Communication Facility >= 50 ft.	21	CU	N	N	N	CU	CU	CU	N	CU	N
Kennels	22	N	N	N	N	N	N	N	N	N	N
Non-Res'l Accessory Buildings, larger than 750 sq ft		S	S	S	S	S	S	S	S	S	S
Passenger Terminals		CU	N	CU	CU	CU	CU	S	CU	N	N
Rail And Utility Corridors		CU	CU	N	N	CU	CU	CU	CU	CU	N

Y = Yes, allowed, no Site Plan review required

CU = Conditional Use review required, Type III procedure

CUII = Conditional Use review required, Type II procedure

N = No, not allowed

S = Site Plan Review required

[Schedule of Uses amended by Ord 5555, 2/7/03, Ord 5556, 2/21/03, Ord 5635, 1/11/06, Ord 5673, 6/27/07, Ord 5728, 1/27/10, Ord 5742, 7/14/10, Ord 5767, 12/7/11, Ord 5832, 4/9/14, Ord 5886, 1/6/17, Ord 5894, 10/14/17]



An educational institution having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children [Ord 5673, 6/27/07]

- (13) Public park development activity subject to conditional use review includes major development, expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks
- (14) Residential Care or Treatment Facility. A residential care facility (six or more residents) requires a Site Plan Review. A "residential home" (as defined in ORS Chapter 443) or group home that includes five or fewer residents is permitted outright in any zone that allows single-family residences [Ord 5673, 6/27/07; Ord 5742, 7/14/10]
- (15) Existing Single- and Two-Family. Single-family and two-family units built before December 11, 2002, may remain as a permitted use in any zone without being nonconforming. See Section 5 080 [Ord 5673, 6/27/07]

Where detached single-family residences are permitted outright, one accessory dwelling unit (ADU) may be allowed per legally established detached single-family residence, called the "primary residence". The ADU shall comply with the following standards.

(a) All ADUs.

- (i) Floor Area – An ADU shall not exceed 900 square feet of living space floor area or 75 percent of the primary residence living space floor area, whichever is less. Living space floor area does not include garages or carports. However, an ADU that results from the conversion of a level or floor (e.g. basement, attic or second story) of the primary residence may occupy the entire level or floor, even if the floor area of the ADU would exceed 900 square feet.
- (ii) Front Door – The front door of the ADU shall not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the ADU front door is set back at least five feet from the front facade of the primary residence.

- (iii) Parking - At least three off-street parking spaces shall be provided on the property to serve each set of residences (Primary and ADU). If available, one on-street parking space may count toward one required ADU off-street parking space. To count toward a required parking space, the on-street space must abut the ADU property, shall be at least 25-feet long, and shall not obstruct any driveway or right-of-way.
  - (iv) Other Development Standards – All other applicable development standards including setbacks, lot coverage, and compliance with any overlay district requirements such as those in Article – 6 Natural Resource Districts and Article 7 – Historic Overlay District shall be met. The conversion of an existing legal non-conforming structure to an ADU is allowed provided the conversion does not increase any non-conformity.
- (b) ADUs Interior or Attached to the Primary Residence:
- i Front Door – The front door of the ADU shall not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the ADU front door is set back at least five feet from the front façade of the primary residence.
  - ii Exterior additions must substantially match the existing materials, colors, and finish of the primary structure.
  - iii Setback and Height Standards – Setback and height standards are the same as for the primary residence as provided in Table 5-2. Mixed Use Village Center Development Standards.
- (c) Detached ADUs
- i Front Setback: The front setback shall be no less than the minimum front setback for the underlying zone in Table 5-2. Mixed Use Village Center Development Standards. It shall also be greater than or equal to the setback of the front wall of the primary

residence, or one of the front walls of the primary residence if on a corner lot

11 Interior Setback. The interior setback shall be as provided in Table 5-3 Accessory Structure Standards

111 Height Height standards are the same as for the primary residence as provided in Table 5-2. Mixed Use Village Center Development Standards

~~Accessory Apartments. One accessory apartment is permitted per single-family residence on a property. The single-family residence is referred to as the "primary residence" below.~~

~~The accessory apartment may be:~~

- ~~☐ An addition to or within the primary residence; OR~~
- ~~☐ In a detached building built before February 1, 1998; OR~~
- ~~☐ On a lot in a subdivision of at least 10 lots, when the tentative plat was approved after July 1, 2007.~~

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

- ~~(a) One of the residences is owner-occupied.~~
- ~~(b) The size of an accessory apartment may not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less.~~
- ~~(c) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located.~~
- ~~(d) The front door of an accessory apartment may not be located on the same façade as the front door of the primary residence unless the door already exists or the wall that contains the apartment front door is set back at least five feet from the front façade of the primary residence.~~
- ~~(e) At least three off-street parking spaces are provided on the property to serve the two residences.~~
- ~~(f) Exterior additions must substantially match the existing materials, colors, and finish of the primary structure.~~
- ~~(g) All required building permits must be obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.~~
- ~~(h) The front setback shall be greater than or equal to the location of the front wall of the primary residence. [Ord. 5673, 6/27/07]~~

**(16) Single-Family and Two-Family Units**

- (b) Limited Uses in DMU, CB, ES, LE, and WF** New construction of single-family units is limited to attached units (one unit per lot or condominiums) and two-family units (a duplex)  
[Ord 5742, 7/14/10, Ord 5894, 10/14/17]



**SETBACKS**

5 100 **Minimum Standards** Primary structures must meet the minimum setback standards in Table 5-2, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12 180, Clear Vision Area

The Accessory Structure Standards (Table 5-3) 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 5-3  
ACCESSORY STRUCTURE STANDARDS**

STRUCTURE	SETBACK STANDARD
All Accessory Structures	See Table 5-2 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
<u>Detached Accessory Dwelling Unit</u>	<u>Front Setback.</u> The front setback shall be no less than the minimum front setback for the underlying zone in Table 5-2 Mixed Use Village Center Development Standards. It shall also be greater than or equal to the setback of the front wall of the primary residence, or one of the front walls of the primary residence if on a corner lot.  <u>Interior Setback,</u> walls less than or equal to 8 feet tall = 3 feet  <u>Interior setback,</u> walls greater than 8 feet tall = 5 feet
Garage with access to an alley	Alley setback = 20 feet, less the width of the alley right-of-way, but at least 3 feet.  Other interior setbacks, see Table 5-2
Structures, including fences, intended for housing animals	Interior setback = 10 feet
Fences more than 6 ft high	District setback standard, building permit required
Outdoor swimming pools with depths greater than or equal to 24 inches	Interior setback = 10 feet
Decks less than 30 in off grade, no rails, covers	No setback from property line
Decks greater than or equal to 30 in off grade	Interior setback = 5 feet

[Ord 5445, 4/12/00, Ord 5673, 6/27/07, Ord 5894, 10/14/17]

5 110 **Measurements** Setback distances must be measured perpendicular to all portions of a lot line

5 115 **Special interior setbacks** In order to provide compatible transitions to residential zones and uses and to historic buildings, additional interior setbacks are required as follows [Ord 5894, 10/14/17]

- (1) Special interior setbacks in all Mixed Use Zones except HD, DMU, CB, and WF. Commercial or office buildings abutting residential districts and/or uses require one foot of setback for each foot of wall height with a minimum setback of ten feet. For developments abutting commercial or industrial districts, no interior setback is required. [Ord 5894, 10/14/17]
- (2) Special interior setbacks in the HD, DMU, CB and WF zoning districts. New buildings and

## ARTICLE 8 DESIGN STANDARDS

- 8 1 Overview The purpose of this Article is to establish additional standards for certain uses. These standards are intended to reduce adverse effects on surrounding property owners and the general public, to create a business environment that is safe and comfortable, to further energy conservation efforts within the City, to enhance the environment for walking, cycling, and mass transit use, and to ensure that high-quality development is maintained throughout Albany

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

- Single-Family Homes
  - Multiple Family Development
  - Commercial and Institutional Site Design
  - Supplemental Standards in Village Centers
  - Telecommunications Facilities
  - Supplemental Design Standards for the Oak Creek Transition Area
- [Ord. 5445, 4/12/00, Ord 5801, 2/13/13, Ord 5832, 4/9/14]

### SINGLE-FAMILY HOMES

- 8 100 Purpose The design standards for single-family homes are intended to create pedestrian-friendly, sociable, safe and attractive neighborhoods through human-scale design. These standards emphasize the functional relationship between the home and the street. Compatibility standards protect the architectural character of existing neighborhoods. These design standards are adaptable to many different architectural styles
- [Ord 5445, 4/12/00]

8 110 Applicability

- (1) The standards of ADC Sections 8.110 through 8.160 apply to all new single-family detached units, manufactured homes, two-family units (duplexes), and single family attached units on individual lots in all zones that allow single-family housing, except as otherwise noted
- [Ord 5894, 10/14/17]
- (2) In addition, except as otherwise noted, the standards of ADC Sections 8.110 through 8.160 apply to multifamily units with individual driveways permitted pursuant to ADC 12.100(2) that are located in the WF, CB, or DMU zone, or in the HD zone in a building where ground-floor residential use is permitted pursuant to ADC 5.070(17)
- [Ord 5894, 10/14/17]
- (3) These standards do not apply to detached accessory dwelling units, existing structures, ~~to~~-new additions to existing structures, or to manufactured home parks
- [Ord. 5894, 10/14/17]
- (4) Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards
- [Ord 5445, 4/12/00, Ord 5894, 10/14/17]

- 8 120 Relationship to Historic Overlay Districts. For property inside the Historic Overlay Districts and properties designated as Historic Landmarks, the provisions in Article 7 also apply. For development subject to historic review under Article 7, the review body may grant flexibility in meeting any of the design standards where necessary to achieve historic compatibility

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

## ARTICLE 22 USE CATEGORIES AND DEFINITIONS

The following is a list of content in this article

■ Use Categories	22 030 – 22 370
■ Definitions	22 400
■ Natural Resource Definitions	22 500

### USE CATEGORIES

[Use Categories in Sections 22 010 – 22 370 added by Ord 5555, 2/7/03]

22 010 Introduction to the Use Categories This section classifies land uses and activities into use categories based on common functional, product, or physical characteristics. The use categories provide a systematic basis for assigning present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the zoning district purpose statements.

The Schedules of Permitted Uses (by zoning district), special conditions and the development standards are located in Article 3, Residential Zoning Districts, Article 4, Commercial and Industrial Zoning Districts, and Article 5, Mixed Use Village Center Zoning Districts. The environmental performance standards in Article 9, On-site Development and Environmental Standards, may limit the placement of certain uses in some zoning districts.

#### INDUSTRIAL USE CATEGORIES

- 22 030 Contractors and Industrial Services
- 22 040 Manufacturing and Production
- 22 045 Small-scale Manufacturing
- 22 050 Railroad Yards
- 22 060 Warehousing and Distribution
- 22 070 Waste and Recycling Related
- 22 080 Wholesale Sales

#### COMMERCIAL USE CATEGORIES

- 22 090 Adult Entertainment
- 22 100 Entertainment and Recreation, Indoor and Outdoor
- 22 110 Offices
- 22 120 Parking Facility
- 22 125 Recreational Vehicle Park
- 22 130 Restaurants
- 22 140 Retail Sales and Service
- 22 150 Self-Serve Storage
- 22 155 Taverns, Bars, Breweries and Night Clubs
- 22 160 Vehicle Repair
- 22 170 Vehicle Service, Quick

#### INSTITUTIONAL USE CATEGORIES

- 22 180 Basic Utilities
- 22 190 Community Services
- 22 200 Daycare Facility
- 22 210 Educational Institutions
- 22 220 Hospitals
- 22 230 Jails and Detention Facilities
- 22 240 Parks, Open Areas and Cemeteries
- 22 250 Religious Institutions



- (3) *Accessory Uses* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

(4) *Exceptions*

- (a) Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two-thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
- (b) Single-room occupancy situations where care is provided are classified as a Group or Residential Care Home or Residential Care or Treatment Facility [Ord 5801, 2/13/13]
- (c) Dwelling units located above, behind or contiguous to a business or office on the ground floor(s) are classified as Units Above or Attached to a Business [Ord 5894, 10/14/17]

22.310 Unit(s) Above or Attached to a Business

- (1) One or more residential dwelling units located above, behind or contiguous to a business or office on the ground floor(s), where the business has street frontage [Ord 5742, 7/14/10]
- (2) *Use Examples* Apartments, condominiums, retirement center apartments, and other structures with self-contained dwelling units located above a business
- (3) *Exceptions*
  - (a) Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two-thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
  - (b) SROs that contain programs that include common dining are classified as a Group or Residential Care Home or Residential Care or Treatment Facility
  - (c) Live/work dwelling units in which the dwelling unit and the business are internally connected without passing through a common area are considered to have multiple primary uses, with the residential and non-residential uses each subject to the regulations for their respective use categories [Ord 5894, 10/14/17]

22.320 Residential Accessory Buildings

- (1) A detached building that is subordinate to and consistent with the principal use of the property located on the same property as the principal dwelling. Residential accessory buildings are permitted in residential and mixed-use zones if they meet the following standards
  - (a) Detached residential accessory buildings (other than Accessory Dwelling Units, which are addressed below), garages, and carports are allowed outright if they are less than 750 square feet and have walls equal to or less than eleven feet in height. Larger buildings may be permitted through site plan review, refer to the following standards
    - In residential zoning districts in Article 3, refer to Section 3.080(9).
    - In commercial or industrial zones in Article 4, refer to Section 4.060(21).
    - In mixed-use zones in Article 5, refer to Section 5.070(18).
  - (b) Accessory Dwelling Units apartments have special conditions in Articles 3 and 5, Sections 3.080(4) and 5.070(15) respectfully [Ord 5742, 7/14/10]

## DEFINITIONS

22.400 Definitions As used in this Code, the following words and phrases shall have the following meanings

Abut Contiguous to, for example, two lots with a common property line. However, “abut” does not apply to buildings, uses, or properties separated by public right-of-way.

Access The place, means, or way by which pedestrians or vehicles shall have ingress and/or egress to a property or parking area.

Accessory Apartment Dwelling Unit A self-contained living unit that is attached to or ~~a part of interior to the primary~~ a single-family dwelling, ~~a detached structure, or in a portion of constructed within a detached accessory structure (e.g. above a garage or workshop) built before February 1, 1998, or constructed in a subdivision platted after July 1, 2007, and~~ that is incidental and subordinate to the principal dwelling unit (primary residence) [Ord 5338, 1/28/98; Ord 5801, 2/13/13]

Accessory Building A detached building or set of buildings that is subordinate in size and purpose to the principal structure on the same property or development site under the same ownership. The use of the accessory building serves an incidental purpose to the permitted principal use in the main building(s) [Ord 5742, 7/14/10]

Accessory Use A use on the same property or development site under the same ownership that is customarily incidental, subordinate to, and compatible with the principal use and surrounding properties [Ord 5742, 7/14/10]

Access Way An unobstructed drive or roadway that provides vehicular access and connects to a public street.

Adjacent Contiguous to a property boundary or across an adjoining right-of-way.

Adult Entertainment Adult entertainment uses are sexually-oriented business entertainment uses and accessory uses which exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse. Such uses include but are not limited to, adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, nude photography studios, or eating and drinking establishments that have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

Affected Party Any person who owns property or resides on property within the notification area for a development permit application, or any person who provides written or oral testimony in regard to a development permit application and who can demonstrate standing by virtue of an affected property interest.

Alley A public way not over 30 feet wide that provides a secondary means of access to private property. An alley is not considered a “street” as used in this Code [Ord 5742, 7/14/10]

Alter, Alteration Any human-induced physical change to the existing condition or occupancy of a building or structure, or to land including but not limited to clearing, grubbing, draining, removal of vegetation (chemical or otherwise), excavation, grading, placement of fill material, placement of structures or impervious surfaces or other construction.

Amendment A change in the wording, context, or substance of the Code, or a change in the zone boundaries or use district boundaries upon the zoning map or a change in the Comprehensive Plan.

Amenity A natural or created feature that enhances the aesthetic, functional or visual quality or makes a particular property a more attractive or appealing place or area. [Ord 5742, 7/14/10]