



PLANNING COMMISSION AGENDA

Monday, September 15, 2025

5:15 p.m.

This meeting includes in-person and virtual participation.

Council Chambers

333 Broadalbin Street SW

Or join the meeting here:

<https://council.albanyoregon.gov/groups/plc/zoom>

Phone In: 1-253-215-8782 (long distance charges may apply); Meeting ID: 837-8633-4863;
Passcode: 464432

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Approval of Minutes
 - August 18, 2025 [Pages 3-5]
4. Public Comment
5. Public Hearing: Planning File CU-04-25, Type III – Quasi Judicial Process

Summary: Conditional Use Review to convert the existing single dwelling unit used as an in-home daycare located at 1617 Belmont Avenue SW into a Montessori school. (Project planner – Liz Olmstead, liz.olmstead@albanyoregon.gov) [Pages 6-18]

Public Hearing: Planning File CU-05-25, RL-06-25, and SP-13-25, Type III – Quasi Judicial Process

Summary: Request for a Master Planned Development with 83 single dwelling units with common open space and a shared community center on an undeveloped lot. Replat to combine five lots into two, and a Site Plan Review for the removal of 28 trees in order to construct infrastructure and homes. (Project planner – David Martineau, david.martineau@albanyoregon.gov) [Pages 19-90]

Public Hearing: Planning Files DC-03-25, CP-02-25, and ZC-02-25, Type IV – Legislative Process

Summary: Amendments to the Albany Comprehensive Plan and Map, the Albany Zoning Map, and Albany Development Code to adjust the Downtown Climate Friendly Area boundary,

albanyoregon.gov



correct uses allowed in the LE zone, add max block length and pedestrian perimeter lengths to comply with climate friendly rules, add Comprehensive Plan consistency review criteria, and reduce the special noise corridor setbacks for residential development. (Project planner – Anne Catlin, anne.catlin@albanyoregon.gov) [Pages 91-159]

Persons wanting to provide comments may:

- 1- Email written comments to cdaa@albanyoregon.gov, including your name, before **noon on the day of the meeting**.
- 2- To comment virtually during the meeting, register by emailing cdaa@albanyoregon.gov before **noon on the day of the meeting**, with your name.
- 3- Appear in person at the meeting and register to speak.

6. Business from the commission

7. Staff updates

- November meeting schedule

8. Next Meeting Date:

- September 29, 2025

9. Adjournment

This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cdaa@albanyoregon.gov or call 541-917-7550.

Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



CITY OF ALBANY
Planning Commission

MINUTES

August 18, 2025

Council Chambers – 5:15 p.m.

Approved: DRAFT

Call to Order

5:15 p.m.

Chair JoAnn Miller called the meeting to order at 5:15 p.m.

Pledge of Allegiance

Roll Call

Commissioners Present: Stacey Bartholomew, Tami Cockeram, Kenny Larson, Ron Green, Ted Bunch Jr., Paul Spilsbury

Commissioners Absent: Karen Cardosa, JoAnn Miller (both excused)

Approval of the Minutes

5:16 p.m.

Motion: Commissioner Larson moved to approve the minutes from the May 19, 2025, Planning Commission meeting. Commissioner Bailey seconded the motion, which passed 7-0.

Public Comment

None.

Scheduled Business

- Public Hearing: Planning File PD-01-25 et all Type III - Quasi-Judicial Process

Applications for a planned development to construct 196 senior dwelling units on one lot with common indoor and outdoor recreational spaces at 5353 Columbus Street. Files PD-01-25; RL-04-25; SP-05-25; NR-01-25 and FP-01-25.

A concurrent application package for a plan development of an unassigned property as a senior housing community consisting of 98 duplex units with communal indoor and outdoor open space with a private road system. The proposal includes the consolidation of two properties into a 147.011-acre parcel. A Site Plan Review for the felling of 21 trees and a Natural Resource Review for the addition of impervious area and the removal of vegetation within the riparian corridor as well as grading and paving of land within the Special Flood Hazard Area.

Vice chair Bartholomew called the public hearing to order at 5:19 p.m.

Commission Declarations

No members declared a conflict of interest.

No members reported ex-parte contact. None reported a site visit.

No members abstained from participating in the proceeding.

There were no challenges to the participation of any commissioners or the right to determine this matter.

Reading of Hearing Procedures

Current Planning Manager, David Martineau, read the procedures.

Staff Report

5:21 p.m.

Project Planner, Jennifer Cepello presented the staff report sharing slides*.

Applicant Testimony

5:24 p.m.

Chief Executive Officer of Mennonite Village, Diane Hood, shared a description of the campus and community as a continuing care retirement community including independent living, skilled nursing and memory care support serving 560 residents. The objective is to add additional units. They currently have 125 people on their waiting list and 140 that have expressed interest in this project specifically. An approval enables them to continue to serve their mission in an increasingly senior population. She described the planned cottages and additional outdoor amenities and community center in future phases. She welcomed public testimony and comments.

Public Testimony

5:29 p.m.

Resident of Mennonite Village, Judy Li, testified against the application stating that she had submitted photos/map that she will be referring to. She began by sharing information on the small wetland in the SE corner of the proposed project. That wetland was part of a submission by the Mennonite Village for wetland delineation to the ODSL done in 2020, but the smaller adjacent area was left out of the delineation but clearly is subject to annual flooding. Because the landscape has changed since the 2020 delineation, she requested that the seasonal wetland be added to the current request for delineation which could redefine the Riparian Corridor and expand beyond the plan development maps.

Mennonite Village resident, Linda Kirk-Fox, asked that the Commission deny the tree removal permit for the trees in the riparian corridor. She asks for a condition that the applicant involves the Village residents in planning paths and trail connections for the project phases, concurrent with reviews by Parks & Recreation and Public Works before final submission.

Mennonite Village resident, Lois Malango, presented a written statement for the record*. She was concerned about safety as far as egress from the Village in the event of an emergency.

Mennonite Village resident, Peggy Yoder, wasn't in opposition to the development but requested that the Commission leave the record open to include more opportunity for the independent living Village residents to be involved and concerns addressed, and delay making a decision until their concerns are heard and addressed.

Applicant Rebuttal

5:46 p.m.

Steve Holtberg, Attorney representing Mennonite Village asked for a five-minute recess for them to discuss the rebuttal and possible continuance of the hearing.

Vice chair Bartholomew recessed meeting at 5:45 p.m.

Meeting reconvened at 5:54 p.m.

Holtberg requested a continuance noting residents' concerns regarding placement of the trail and removal of the trees as well as the status of potential wetlands, so that the applicant can appropriately respond prior to the Commission decision. They offered another informal meeting at the Village on September 8, 2025, to ensure that residents have an opportunity to ask questions and express their concerns. He asked for any of the Commission's questions ahead of the next meeting so they can adequately prepare their answers.

Commission Questions

Commissioner Larson appreciated their willingness to be proactive in requesting the continuance and engagement with the residents. His main concerns are with that wetland and any tree removal is done in accordance with rule.

Commissioner Bunch, Jr. asked if there has been any direct communication between the applicant and the Department of State Lands (DSL). Holtberg reported that there hasn't been any direct communication in respect to what had been identified with DSL's prior delineation of the site. But he will put those concerns into consideration as part of due diligence.

Commissioner Spilsbury was confused about the Oregon Department of Forestry permit regarding felling. Cepello explained that the ODF permit was only required if selling the timber commercially and must have permits in place prior to the felling if the timber is sold.

Commissioner Cockeram asked whether there was any consideration in regard to the path and trees, possibly moving the path so trees don't have to be cut down.

Civil Engineer, Dan Watson, with K & D Engineering, stepped up to answer with respect to the path, the proposal has the pathway following the farm road and to get from the 5-foot path to the farm road requires going through the trees. Holtberg added that the location of the path is also dictated by City Planning documents rather than personal preferences and if there is no requirement to put a path there, they would be happy with that.

Commissioner Bailey shared it was refreshing and meaningful that the applicants are willing to address the concerns of the residents by asking for a continuance.

Commissioner Green expressed that a 14-foot travel lane for the roads in the plan seemed excessive and may encourage faster speeds. Watson responded that they are following the same typical section for the road as has been used for the Village.

Motion: Commissioner Bunch Jr. motioned to continue PD-01-25 et al public hearing to September 29, 2025, at 5:15 p.m. The record will be left open. Commissioner Bailey seconded the motion, which passed 7-0.

Business from the Commission

6:10 p.m.

Commissioner Cockeram shared that she had a conversation with a community member about the Housing Implementation Plan and found it interesting and somewhat puzzling that they commented that the city was finally building housing, as they seemed unaware that the city itself does not build housing.

Commissioner Bartholomew shared that she met the new city counselor and was pleased to find that the Planning Commission's viewpoints were in alignment with the Council.

Staff Updates

6:11 p.m.

David Martineau briefly discussed the upcoming Planning Commission meeting land use cases.

Next Meeting Date

The next meeting of the Commission is scheduled for September 15, 2025, at 5:15 p.m.

Adjournment

Hearing no further business, Vice-Chair Bartholomew adjourned the meeting at 6:13 p.m.

Respectfully submitted,

Reviewed by,

Susan Muniz
Recorder

David Martineau
Current Planning Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cdaa@albanyoregon.gov.*



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Staff Report

Conditional Use Review

CU-04-25

September 8, 2025

Application Information

Review Body:	Planning Commission (Type III review)
Staff Report Prepared By:	Liz Olmstead, project planner
Property Owner:	Tasha Leal, 2245 Omire Lane, Lebanon, OR 97355
Applicant:	Katiemarie Zambrano, 1617 Belmont Avenue SW, Albany, OR 97321
Representative:	Emmanuel Zambrano, EZ Concrete Services, LLC, 2714 Waverly Drive SE, Albany, OR 97322
Address/Location:	1617 Belmont Avenue SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No: 11S-04W-25AC-Tax Lot 00900
Zoning:	R-6.5 Residential District (R-6.5)
Overlays:	Floodplain
Total Land Area	7,300 square feet
Existing Land Use:	Single Unit Dwelling with in-home childcare
Neighborhood:	South Albany
Surrounding Zoning:	North: R-6.5 Residential District (R-6.5) East: R-6.5 Residential District (R-6.5) South: R-6.5 Residential District (R-6.5) West: R-6.5 Residential District (R-6.5)
Surrounding Uses:	North: Single Dwelling Units East: Single Dwelling Units South: Single Dwelling Units West: Single Dwelling Units
Prior History:	None

Summary

The proposal is for Conditional Use approval to convert the existing single dwelling unit on the property as a Montessori school, which is classified as an Educational Institution.

The Conditional Use review criteria contained in ADC 2.250 are addressed in this report for the proposed development. The criteria must be satisfied to grant approval for this application.

In summary, the proposed development application satisfies applicable review criteria; therefore, the staff recommendation is APPROVAL with CONDITIONS.

Notice Information

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on August 25, 2025. The Notice of Public Hearing was posted on the subject property on September 4, 2025. No written testimony has been received as of the date of this report.

Appeals

Within five days of the planning commission's final decision on this application, the Community Development Director will provide a written notice of decision to the applicant and any other parties entitled to notice. Any person who submitted written comments during a comment period or testified at the public hearing has standing to appeal the Type III decision of the planning commission to the city council by filing a notice of appeal and associated filing fee within ten days from the date the City mails the notice of decision.

Analysis of Development Code Criteria – Conditional Use

Albany Development Code (ADC) includes the following approval review criteria for Conditional Use applications (ADC 2.250). Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria. Staff also acknowledge the applicant's written response provided to these criteria (Attachment C).

Criterion 1

The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

Findings of Fact

- 1.1 Proposed use. The applicant proposes to convert the existing single-dwelling unit on the property into a Montessori school, which is classified as an Educational Institution. Currently, the single dwelling unit contains an in-home childcare serving 16 students at one time, four staff members, and parent team members. The proposed school will serve 25 students and include two additional staff members.
- 1.2 Intended character of the base zones. The subject property is located within the R-6.5 Residential District (R-6.5) zoning district. The R-6.5 District is intended primarily for low-density urban residential development that includes single dwelling units, townhouses, and middle housing (duplexes, triplexes, fourplexes, and cottage clusters). Within the R-6.5 zoning district, other uses are also allowed through a land use review such as Daycare Facilities, Educational Institutions, and Assisted Living, among others.
- 1.3 Operating Characteristics of the Neighborhood. The subject property is located in the South Albany Neighborhood. The neighborhood contains a mix of single-dwelling units, duplexes, apartments, and an Educational Institution (Linn-Benton Community College). Directly adjacent to the subject property are single dwelling units, and to the east are duplexes, apartments, and Linn-Benton Community College.
- 1.4 Conditional uses. The proposed Montessori School is classified as an "Educational Institution" in ADC 22.210 and is allowed in the R-6.5 zoning district with conditional use approval. According to ADC 2.230, "Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. The proposed use is subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of the proposed use is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved". The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.

Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III review approval in the R-6.5 zoning district per ADC 3.050.
- 1.2 With the mix of uses in the surrounding neighborhood such as Linn-Benton Community College, multiple-dwelling units, duplexes, and single dwelling units, as well as the existing use of the dwelling unit as an in-home daycare, the proposal is not anticipated to have additional impacts on the operating characteristics of the neighborhood.
- 1.3 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.4 This criterion is met without conditions.

Criterion 2

The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.

Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Proposed Use. The proposal is to convert an existing single dwelling unit used as an in-home daycare in the R-6.5 district into a Montessori School. No exterior alterations are currently proposed except for a low fence in the front yard.
- 2.3 Existing and Anticipated Uses. The subject site is currently developed with a structure that is approximately 1,342 square feet in size. The surrounding area is developed with existing structures, and new development is not anticipated in this area due to existing development.
- 2.4 Building Size, Scale, Setbacks and Style. The applicant does not propose any exterior alterations to the structure.
- 2.5 Intensity and Lot Coverage of the Proposed Development. The applicant does not propose any new structures with the application; therefore, lot coverage will not be changed with this proposal. The number of students attending the school will increase by 9 for a total of 25 students and the number of staff will increase by 2 for a total of 6 staff.
- 2.6 Landscaping. The existing landscaping consists of a residential-style lawn, trees, and shrubs. No changes are planned to the existing landscaping and regular maintenance of existing conditions is planned.

Conclusions

- 2.1 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, and landscaping.

Criterion 3

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

Findings of Fact

- 3.1 The development is a change of use from a single-family residential home to an educational institution.
- 3.2 The development is located at 1617 Belmont Avenue SW and has access to Belmont Avenue SW.
- 3.3 Belmont Avenue SW is classified as a local street that is improved to city standards. Belmont Avenue SW has a curb-to-curb width of 36 feet and has on-street parking along both sides of the road.

- 3.4 The applicant did not submit a trip generation estimate or Traffic Impact Analysis (TIA) with the application. Albany's threshold for submitting a trip generation estimate is 50 peak hour trips. Developments that generate 100 or more peak hour trips are required to submit a TIA.
- 3.5 Staff have estimated site trip generation based on Institute of Transportation Engineers (ITE) trip generation rates. Trip generation for the proposed use was estimated by using ITE trip rates for category 565 "Day Care Center". Based on the applicant's narrative, the applicant anticipates 30 students. The project can be expected to generate about 120 vehicle trips per average weekday, of which 23 will occur during the peak PM traffic hour.
- 3.6 AMC 15.16.050 the applicant must pay to the city the necessary System Development Charges for additional traffic generated by the intensification of the existing development.
- 3.7 Albany's Transportation System Plan (TSP) does not identify any congestion or capacity issues occurring along the frontage of the site.

Conclusions

- 3.1 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 3.2 The proposed development will ultimately result in approximately 120 new vehicle trips per average weekday and 23 PM peak hour trips on the public street system. The applicant will pay Transportation System Development Charge Fees for the change of use.
- 3.3 The development is not projected to generate sufficient trips to require submittal of a trip generation estimate or TIA. Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 3.4 The public street system can accommodate the proposed development.

Criterion 4

Public services for water, sanitary and storm sewer, water management, and for fire and police protection, are capable of servicing the proposed use.

Findings of Fact

Sanitary Sewer

- 4.1 City utility maps show an eight-inch public sanitary sewer main in Belmont Avenue SW and a four-inch in Chapman Place SW. The subject property is currently connected to the public sewer system.
- 4.2 AMC 15.16.050 AMC 10.01.080 (2) the applicant must pay to the City the necessary System Development Charges for intensification of use on the system.
- 4.3 There are no anticipated impacts to the public sanitary sewer system with this development.

Water

- 4.4 City utility maps show an eight-inch public water main in Belmont Avenue SW and a four-inch public water main in Chapman Place SW. The existing development on the property is currently connected to the public water system.
- 4.5 There are no anticipated impacts to the public water system with this development.

Storm Drainage

- 4.6 City utility maps show a 21-inch public storm drainage main in Belmont Avenue SW.
- 4.7 There are no anticipated impacts to the public storm drainage system.

Conclusions

- 4.1 The existing development on the site is currently served by public sanitary sewer, water, and storm drainage.
- 4.2 This criterion is met without conditions.

Criterion 5

The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.

Findings of Fact

- 5.1 The surrounding properties are zoned R-6.5 Residential District (R-6.5), which is defined as a residential zone.
- 5.2 Noise. An in-home childcare is currently operating on the subject property. No additional noise associated with the proposed use is anticipated.
- 5.3 Glare. The applicant does not anticipate any glare from the proposed use.
- 5.4 Odors. The applicant does not propose a use that would create odors from the property.
- 5.5 Litter. Litter will be controlled by employees on the site. Existing garbage services are provided by Republic Services.
- 5.6 Hours of operation. The hours of operation for the proposed use are 7:00 a.m. to 5:30 p.m. The hours will remain the same as the current hours of the in-home daycare.
- 5.7 Privacy/Safety. The proposed activities will take place within a fenced yard.

Conclusion

- 5.1 The impacts due to glare, litter, noise, odors, hours of operation, and safety are not expected to affect the surrounding uses.
- 5.2 The proposal will not have significant adverse impacts on the livability of nearby properties.
- 5.3 This criterion is met without conditions.

Criterion 6

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact

- 6.1 Article 6 Significant Natural Vegetation and Wildlife Habitat: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any inventoried features on the subject property.
- 6.2 Article 6: Floodplains. *Comprehensive Plan Plate 5: Floodplains*, shows no Floodway on the subject property. FEMA/FIRM Community Panel No. 41043C0528G, dated September 29, 2010, shows 100-year floodplain along the western property line, but the proposed project will not impact the floodplain area.
- 6.3 Article 6: Wetlands. *Comprehensive Plan Plate 6: Wetland Sites*, shows no inventoried wetlands on the subject property.
- 6.4 Article 6: Topography: *Comprehensive Plan, Plate 7: Slopes*, does not show any steep slopes on this property.
- 6.5 Article 7: Historic and Archaeological Resources. *Comprehensive Plan, Plate 9: Historic Districts*, shows the property is not located in a historic district. There are no known archaeological sites on the property.

Conclusions

- 6.1 The proposed development complies with all policies regarding the Special Purpose Districts. No additional reviews are currently required based on the scope of work.

Overall Conclusion

As proposed and conditioned, the application for a Conditional Use Review satisfies all applicable review criteria as outlined in this report.

Options for the Planning Commission

The planning commission has three options with respect to the proposed conditional use:

- Option 1: Approve the request as proposed and conditioned; or
- Option 2: Approve the request with amendments; or
- Option 3: Deny the request.

Staff Recommendation

Based on the analysis provided in this report, staff recommends the planning commission choose Option 1 and approve the proposal with conditions of approval.

If the planning commission follows this recommendation, the following motion is suggested:

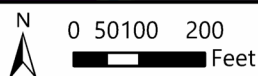
I move to approve the proposed Conditional Use Review as conditioned under planning file CU-04-25. This motion is based on the findings and conclusions in the September 8, 2025, staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Site Plan
- C. Applicant's Narrative

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CP	Comprehensive Plan Amendment
CU	Conditional Use (Review)
DMU	Downtown Mixed-Use Zone
FEMA	Federal Emergency Management Agency
FIRM	Floodplain Insurance Rate Map
HD	Historic Downtown Zone
HM	Hackleman Monteith Zone
ITE	Institute of Transportation Engineers
TSP	Transportation Systems Plan



Map Source:

1617 BELMONT AVE SW

Location Map

SITE PLAN

1617 Belmont Ave SW

Albany, OR 97321

Parcel ID: 11S 04W 25AC 00900

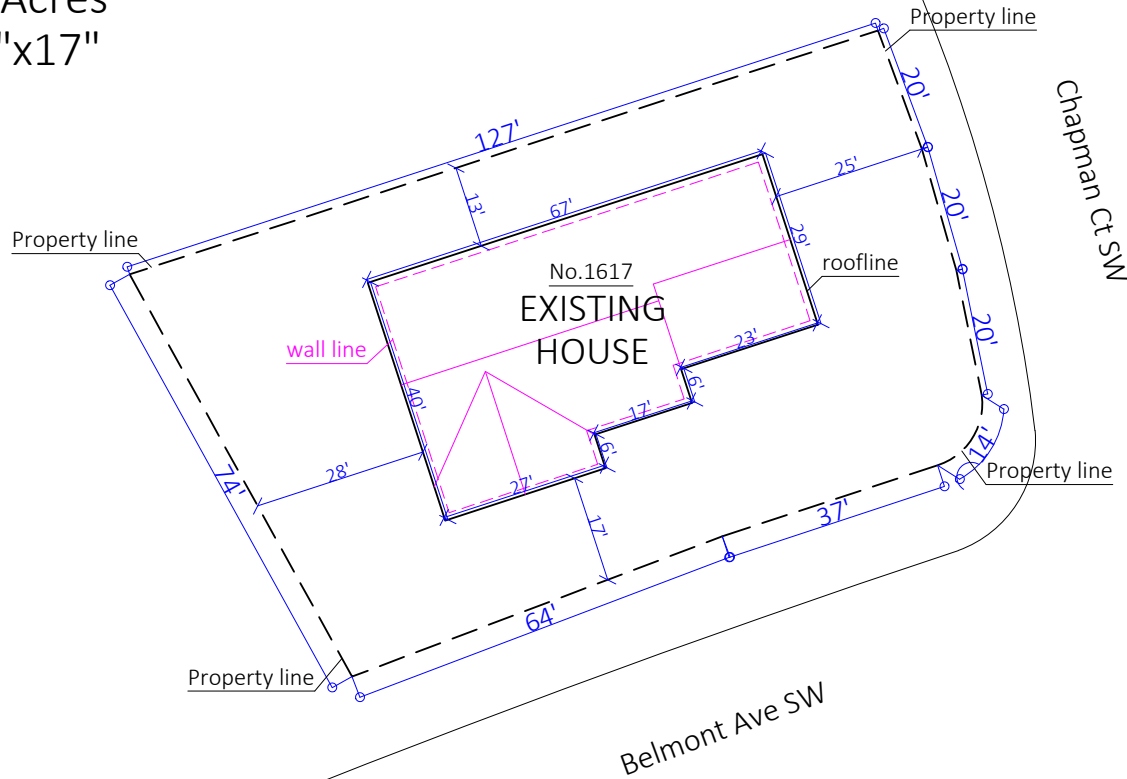
Lot area: 0.17 Acres

Paper Size: 11"x17"

ATTACHMENT B



scale 1"=20'



Disclaimer

This is not a Legal Survey, nor is it intended to be or replace one.

These measurements are approximate and are for illustrative purposes only.

This work product represents only generalized location of features, objects or boundaries and should not be relied upon as being legally authoritative for the precise location of any feature, objects or boundary.



PGM Conditional Use Submittal Narrative**1****NEIGHBORHOOD MEETING SUMMARY**

PGM Neighborhood Meeting 06/16/2025

ATTENDEES:Patricia Eich - p.eich@hotmail.comShannon Weaver - shweaver99@yahoo.com

Quinn's dad

Liz with the City

Katie Marie Zambrano

Manny Zambrano

Olivia Fee

Billie Cannon

Katie Puppo

- Welcome
- What is PGM
 - Toddler, Pre-K and KG in home care.
 - Currently serve 16 students at one time and have 21 enrolled.
 - 4 staff members and several parent team members
 - Montessori inspired learning environment with the goal of being the extension of our students' homes
- Pictures & Daily Routine
 - Animals, math, naps
 - Non-traditional hands-on learning tools.
 - Whole life learning
 - Morning work time
 - Earthquake drills (follow state guidelines for drills, safety, ratios, etc.). Certified currently as an in-home daycare. Continuing education, CPR Certified, etc. Focusing on Spanish, sign language.
 - Outside time
 - Afternoon work time
- Master Plan
 - Obtain a conditional use permit to...
 - Add 9 students to current daily capacity
 - Add two more staff members
 - Become Center certified with the state by...
 - Finishing the staff parking lot on the east side of the property
 - White picket fence around the front yard for added safety
 - Remodel garage into usable space
 - Continue as usual
- Site Map
- Potential Impacts & Changes
 - Slightly more traffic at drop off and pickup times

- Playground group size will shrink. Noise at one time will diminish
- New neighbors as a result
- Staff parking off road
- Aesthetics improvement with EZ Concrete/Bus moving out
- We will ALL miss Leroy
- Questions
 - How does the rezoning impact the neighborhood?
 - It's not rezoning. It's just a conditional use. It will stay residential, but it's just that we get permission.
 - How long is the conditional use granted?
 - Because there is potential impact to the neighborhood, they have to go through conditional use. Then they have to go through a review board based on the impact in the neighborhood. The conditional use permit is good for as long as PGM is here. It will always stay residential.
 - Would PGM want to increase the students with the center status?
 - This building will allow for 26 students. Student to teacher ratios will stay down with added staff.
 - Traffic is a concern with higher numbers.
 - 26 is not too big of an increase from current numbers. Drop off windows of 2 hours help reduce that. Getting teacher cars off the road will help as well
 - Would the front yard fenced in area be an added play area?
 - It might be used for the slower playground for toddlers. May just add some rounded boulders for babies to crawl on. No play equipment to be added, but may use the front for added space. Fence will be white picket. 4ft is the maximum height, but might not even go that high.
 - How long have you been doing this line of work?
 - 10 years in Salem, then 3 years here.
 - The conditional use permit - how does that set a precedence for anyone else in the neighborhood trying to do something similar?
 - They are all looked at on their own. There was another conditional use over by Liberty Elementary and they got denied.
 - This place already operating as a Montessori helps because they have already been here.
- Montessori Quotes
 - "The education of even a small child, therefore, does not aim at preparing him for school, but for life."
 - "Help me to do it myself."

REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES

1. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

- Fact: The proposed location is in the same neighborhood and adjacent to Linn-Benton Community College, another educational facility. The existing dwelling will remain in the same footprint and retain its residential characteristics while utilizing available space for classroom instruction.
- Conclusion: The proposed plan will maintain the intended character of the base zone and the neighborhood.

2. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.

- Fact: The current dwelling maintains all existing setbacks, and no changes are being made to the building's footprint. Any landscape changes, such as fences and gates, will conform to current aesthetics and code requirements.
- Conclusion: The proposal will have minimal visual changes to the exterior.

3. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

- Fact: The current location provides enough off-street parking and access for normal traffic, with minimal disruption occurring at drop-off or pick-up hours. Moreover, there is a rolling period in the morning and afternoon when children are dropped off or picked up. Therefore, congestion does not appear when students are coming and going. Traffic appears to look routine as neighborhood visitors with plenty of consideration for pedestrian safety by safe parental drivers.
- Conclusion: The proposed is supported by the current transportation system.

4. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.

- Fact: Public utilities are readily available, present and maintained. A fire hydrant is located directly across the street from the dwelling and has accessibility from two street sides.
- Conclusion: The proposed is fully aligned with all public service requirements.

5. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.

- Fact: Current enrollment consists of neighborhood residences and received without complaint. Noise of children during hours of operation is not considered a nuisance and cleanliness is well regulated task to maintain state licensure. The presence of a well

qualified school can increase the property value of surrounding neighbors and be seen as a desirable place.

- Conclusion: There are no adverse impacts to the nearby residents.

6. Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

- Fact: There are no considerations of a special purpose in this district.
- Conclusion: The district is not near the airport, nor in a natural resource area nor a historic place.

DESIGN STANDARDS

Referring to Article 8 of the ADC:

- Fact: The proposed dwelling to be used as a learning facility will not make any changes to the footprint of the existing building. The facade will maintain the existing design theme and setbacks. Driveway approaches, front doors, street-facing window openings, building orientation, porches, parking, and landscape will retain existing conditions that conform to standards when initially constructed.
- Conclusion: The proposed maintains all design standards.

SITE PLAN

- See attached Exhibit A

ELEVATION DRAWINGS

- See attached Exhibit B

FLOOR PLAN DRAWINGS

- See attached Exhibit C

LANDSCAPE AND IRRIGATION PLANS

- See attached Exhibit D

PUBLIC UTILITY PLANS

- See attached Exhibit E



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Staff Report

Conditional Use, Replat and Site Plan Review

Files: CU-05-25, RL-06-25, SP-13-25

September 5, 2025

Summary

The proposed development (15Fifty Place) is for a master planned community developed to provide housing and amenities that meet the needs of Albany residents. The proposed development will take place on properties zoned Residential Medium Density (RM) and Office Professional (OP). The use is allowed through a conditional use permit. The planned community is a coordinated infill project on land that is currently vacant and surrounded by a mix of existing housing, services and commercial retail development. The site address is 1550 Waverly Drive SE. A location map is labeled Attachment A.

The proposed new residential community provides affordable rental housing for veterans, seniors, and working families in a compact, efficient neighborhood setting. 15Fifty Place includes 83 single-family bungalows with common open space and a shared community center, all on an undeveloped 4.28-acre site consisting of four lots surrounded by a mix of existing residences and commercial buildings, with easy access to transit, shopping, services, transit and Albany's public library. The site will be developed in three phases.

Additionally, a replat application has been filed to consolidate five existing lots onsite into two lots. Tax lot 603, Property "B" has an existing commercial building; this lot will be made larger to eliminate a small parcel bisected by the private access road easement. Tax lots 700, 701, 2400 and 600 are all vacant lots and will be reconfigured into two (2) lots for the proposed 15Fifty housing project. Finally, the applicant submitted a site plan review for tree removal that will be reviewed concurrently with the conditional use review. A total of 28 trees are slated for removal in order to construct infrastructure and homes.

Conditional Use Review criteria under Albany Development Code (ADC) 2.250, Replat criteria in ADC 11.180, and Site Plan Review criteria for tree felling in ADC 9.205 are addressed in this report. These criteria must be satisfied to grant approval for this application.

Application Information

Proposal:	Request for a Master Planned Development with 83 single dwelling units with common open space and a shared community center on an undeveloped lot. The development will be served by a network of internal private driveways, parking, open spaces and onsite stormwater collection.
Staff Report Prepared By:	David Martineau, Project Planner
Applicant/Property Owner:	GEH Waverly LLC; Carson Halley; 1230 SE 214th Avenue; Gresham, OR 97030
General Contractor:	Damon Olsen; JBLC Construction; 1860 NW Crocker Lane; Albany, OR 97321

Engineer:	Dan Watson, K&D Engineering, Inc.; 276 NW Hickory Street; Albany, OR 97321
Address/Location:	1550 Waverly Drive SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-08DB Tax Lots 600, 603, 700, 701, 2400
Zoning District:	Office Professional (OP) and Residential Medium Density (RM)
Comp. Plan Map Designation:	Medium Density Residential
Total Land Area	4.27 acres
Existing Land Use:	Vacant
Neighborhood:	Santiam
Surrounding Zoning:	North: OP and Residential Medium Density Attached (RMA) South: OP and RM East: RM West: OP, RMA and Regional Commercial (RC)
Surrounding Uses:	North: Multi-dwelling units, public library South: Single dwelling units and duplexes. East: Multi-dwelling units West: Multi-dwelling units and commercial offices
Prior History:	PD-02-07, SD-02-08, SP-29-08, & VR-06-08 for new construction of a planned development with two commercial buildings and a 45-unit attached condominium development with tree felling and eleven variances to design standards in the Albany Development Code. The two commercial buildings were constructed, but not the condominium development. CU-06-18 and RL-07-18 for new construction of a 96-unit apartment complex together with a replat to consolidate lots. That project was never completed.

Notice Information

A Notice of Public Hearing was mailed to property owners located within 1,000 feet of the subject property on August 25, 2025. The Notice of Public Hearing was posted on the subject property on September 4, 2025. The staff report was posted on the City's website September 8, 2025. At the time this staff report was completed, no comments had been received.

Appeals

Within five days of the Planning Commission's final decision on this application, the Community Development Director will provide a written notice of decision to the applicant and any other parties entitled to notice. A decision of the Planning Commission may be appealed to the City Council if a person with standing files a Notice of Appeal and associated filing fee with the City within 10 days of the date the City mails the notice of decision.

Analysis of Development Code Criteria – Conditional Use

Albany Development Code (ADC) includes the following approval review criteria for Conditional Use applications (ADC 2.250). Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria. Staff also acknowledge the applicant's written response provided to these criteria (Attachment B).

Criterion 1

The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

Findings of Fact

- 1.1 Proposed use. The applicant proposes to construct 83 single dwelling bungalows with associated common open space, community center, site, utility, and parking lot improvements.
- 1.2 Intended character of the base zones. The subject property is located within the Office Professional (OP) and Residential Medium Density (RM) zoning districts. ADC 4.020(1) states that 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.”

ADC 3.020(5) states that the RM District is primarily intended for medium-density residential urban development that includes single-dwelling units, townhouses, duplexes, triplexes, fourplexes, cottage clusters, and apartments up to 45 feet tall. New RM districts should be located on a collector or arterial street or in Village Centers.
- 1.3 Conditional uses. The proposed residential community is classified as “Multiple Dwelling Unit Development: Five or More Units” in ADC 22.300 and is allowed in the OP zoning district with conditional use approval, and in the RM district through site plan approval. According to ADC 2.230, “Certain uses are conditional uses instead of being allowed outright, although they may have beneficial effects and serve important public interests. The proposed use is subject to the conditional use regulations because it may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of the proposed use is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.” The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 1.4 Operating characteristics of the neighborhood. The subject property is surrounded by a mix of existing residences and commercial buildings and enjoys easy access to transit, shopping, services and the Albany Public Library. The applicant notes that the project site is bounded on the north by the Albany Library and a mix of apartments and commercial offices. The eastern project boundary fronts onto Waverly Drive SE. To the south is a mix of single-family residences, apartments and town homes, and access onto 16th Avenue SE. The west side accesses Davidson Street SE via Brighton Way SE. The planned development is served by a network of internal private driveways, parking, open space and onsite stormwater collection.

Conclusions

- 1.1 The proposed development is allowed with Conditional Use Type III review approval in the OP zoning district per ADC 4.050.
- 1.2 The proposal will not have an impact on the operating characteristics of the neighborhood because the primary use of the property will be consistent with the surrounding area.
- 1.3 As proposed, the use is consistent with the intended character of the base zones and the operating characteristics of the neighborhood.
- 1.4 This criterion is met with the following condition.

Condition

Condition 1 **Site Improvements.** Prior to occupancy of the proposed dwellings, all proposed and required site improvements shall be constructed and completed in accordance with approved plans.

Criterion 2

The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal calls for mitigation of differences in appearance or scale through such means as setbacks, screening, landscaping or other design features.

Findings of Fact

- 2.1 Definition of compatible. “Compatible” does not mean “the same.” *Merriam Webster’s Collegiate Dictionary*, Eleventh Edition, defines “compatible” as “(1) capable of existing together in harmony.”
- 2.2 Proposed Use. As mentioned under Criterion 1 above, the applicant proposes to construct 83 single dwelling residences with associated common open space, community center, site, utility, and parking lot improvements.
- 2.3 Existing and Anticipated Uses. The subject site is currently vacant and undeveloped. The site is relatively flat and contains a 40-foot-wide public sewer easement that crosses the parcel from west to east, and a 25-foot-wide general utility easement on the part of the property that abuts 16th Avenue SE. According to the applicants, the site will be designed to maximize the visual and active benefits of shared open space. Rather than creating multiple small, enclosed private yards for each home, the master planned development provides a more open feel by creating larger areas of shared open space throughout the development. The design will provide active open space in three different ways: an indoor common use facility for family and community gatherings; common outdoor recreational space with landscaping, bike/ped pathways, an open-air canopy, park furniture and shared access to city amenities; covered bicycle parking, a child play structure and a vegetated detention pond. There are no designated natural features or significant natural resources on the site.
- 2.4 Building Size, Scale, and Style. ADC 3.190, Table 1 contains the development standards for properties located within the RM zoning district, and ADC 4.090, Table 1 contains development standards for properties located within the OP district.
- 2.5 The applicants are proposing to construct 83 single dwelling units with three different model types (Attachment F.1). The model “A,” called the “Douglas House” consists of nine single-story units that are designed to be ADA-accessible. They will be constructed around the west side of the property. Model “B,” called the “Cottage Cluster Houses,” are two-story units with 18 units planned separated by landscaping and walking paths on the east portion of the property. Model “C,” called “Cascade Cottages,” will also be two-story units with 56 units planned. These will be built around the northeast and south sides of the property (see Attachments F.7 – F.9). The Douglas Houses are 475 square feet, the Cottage Cluster Houses are 286 square feet, and the Cascade Cottages are 364 square feet. The Douglas Houses are around 13 feet 9 inches in height, the Cottage Cluster Houses have a wall height of 19 feet, with an overall height of 26 feet 6 inches at its peak. The Cascade Cottages have a wall height around 17 feet 5 inches, with a maximum height at the peak of 22 feet 5 inches.
- 2.6 Intensity and Lot Coverage of the Proposed Development. ADC 3.190, Table 1 contains the development standards for properties located within the RM zoning district, and ADC 4.090, Table 1 contains development standards for properties located within the OP district. The RM zone has a minimum required density of 12 units per acre and no maximum density. Both the RM and OP zones have a maximum lot coverage of 70 percent. The development proposes about 21 units per acre, which exceeds the minimum density standard of 15 units/acre in the Secondary Climate Friendly Area (CFA). Lot coverage for the development will be 55 percent, at full build-out (Attachment F.1). The maximum allowed height in the OP and the RM zone is 50 feet in the Secondary CFA.

- 2.7 Building and Parking Lot Setbacks. ADC 4.090, Table 1 contains the development standards for properties located within the OP zoning district. ADC 3.190, Table 1 contains the development standards for properties located in the RM zoning district. The OP-zoned portion of property has frontages on Davidson Street SE and Waverly Drive SE. Front setbacks are five feet. According to the site plan, this standard is met. The RM-zoned portion of property has frontages on Waverly Drive and 16th Avenue. The minimum front setback in the RM zone is 10 feet, and the maximum setback is 20 feet. According to the site plan, these standards are met (Attachment F.5). The proposed parking areas are located near the interior of the lot, thus there is no conflict with setback standards.
- 2.8 Landscaping. The applicant submitted a conceptual landscaping plan (Attachment E). The plan shows proposed tree locations, ground cover, plant beds, and vegetation within and around the stormwater pond. Tree species were not provided. In addition, landscaping along Davidson Street frontage does not include trees. A detailed landscaping plan meeting the standards in ADC 9.140 for all three phases will be required prior to applying for building permits. This will be made a condition of approval.
- 2.9 Buffering and Screening. Except for the two parcels on the project site that are zoned RM, a 10-foot buffer is required along the property lines abutting dwellings in the RMA and RM zones. The detailed landscape plan must include the buffer.
- 2.10 Parking Lot Landscaping. The detailed landscape plan must indicate the location and type of landscaping being provided at the end caps on the 10-space parking lot in accordance with ADC 9.100(10) and 9.150.
- 2.11 Irrigation: Prior to occupancy, the applicant shall submit a detailed irrigation plan for approval or obtain certification from a landscaping professional that the selected plant species are drought tolerant.

Conclusions

- 2.1 The proposal shows the proposed development will meet the minimum development standards of the zoning district.
- 2.2 Based on the observations above, the proposed development will be compatible with existing or anticipated uses in terms of size, intensity, setbacks, lighting, and landscaping.

Conditions

- Condition 2 A detailed landscaping plan meeting the standards in ADC 9.140 for all three phases will be required prior to applying for building permits.
- Condition 3 Except for the two parcels on the project site that are zoned RM, a 10-foot buffer is required along the property lines abutting dwellings in the RMA and RM zones. The buffer must be shown on the detailed landscape plan.
- Condition 4 The detailed landscape plan must indicate the location and type of landscaping being provided at the end caps on the 10-space parking lot in accordance with ADC 9.100(10) and 9.150.
- Condition 5 Prior to occupancy, the applicant shall submit a detailed irrigation plan for approval or obtain certification from a landscaping professional that the selected plant species are drought tolerant.

Criterion 3

The transportation system is capable of supporting the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.

Findings of Fact

- 3.1 According to the applicants, the compact development and easy pedestrian access to shopping and services minimizes the need for residents to travel by vehicle and/or support shorter trips for basic necessities. The project will utilize existing utility stubs on the property and will help efficiently use existing utilities with minimal new infrastructure.

- 3.2 No new public streets are proposed. All 83 homes will have access to a newly constructed network of private drives and sidewalks.
- 3.3 Triple-glazed windows will be provided in the homes on the walls that face Waverly Drive. All homes are set back more than 15 feet from the Waverly Drive right-of-way. The normal minimum front setback is 10 feet in the RM district and five feet in the OP district. The northerly portion of the project adjacent to Waverly Drive is zoned OP, and the lower part of the property adjacent to Waverly Drive is RM.
- 3.4 The development will construct 83 single dwelling units and replat to consolidate lots and three parcels. The development will be constructed in two phases with parcels A and C.
- 3.5 The development is located at 1550 Waverly Drive SE.
- 3.6 Waverly Drive is classified as a minor arterial street and is constructed to city standards. Improvements include: curb and gutter, a vehicle travel lane in each direction, bike lanes in each direction, median, left turn pocket, and sidewalks.
- 3.7 Davidson Street is classified as a residential street and is constructed to city standards. Improvements include: curb and gutter, a vehicle travel lane in each direction, on street parking, and sidewalks.
- 3.8 Sixteenth Avenue is classified as a residential street and is constructed to city standards except for sidewalk along the frontage of the proposed development. Improvements include: curb and gutter, a vehicle travel lane in each direction, and on street parking.
- 3.9 ADC 12.290 requires that public sidewalk be installed along the public street frontage along 16th Avenue for all development. Sidewalk shall be installed at the time of development of each adjacent parcel.
- 3.10 The site currently has two driveways off Waverly Drive and one driveway off Davidson Street for shared access from Brighton Way. Access to the development will be through new access from Waverly Drive that will connect Brighton Way and new driveway off 16th Avenue. Driveway to Waverly Drive will be restricted to right-in and right-out only because of the existing median (Attachment F.5). Existing driveways off Waverly Drive not to be used shall be removed and replaced with standard curb, gutter, and sidewalk.
- 3.11 The applicant submitted a trip generation estimate prepared by K&D Engineering (Attachment I). The trip generation study used a specialized land use in the ITE Manual under Single Family Detached Homes (Category 210). The specialized category is for a 'Patio' home that is defined as a detached single-family home with little (or no) front or back yard. The trip generation estimated the development will create 40 PM peak trips and 445 ADT. Albany's threshold for submittal of a trip generation estimate is 50 peak hour trips. Developments that generate 100 or more peak hour trips are required to submit a TIA.
- 3.12 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 3.13 ADC 14.040(4) requires development within the Climate Friendly Areas to be subject to block length standards and facilitate safe and convenient pedestrian and bicycle connectivity. ADC 14.040(d) allows for discretionary review to the block length standards.
- 3.14 ADC 14.050(5) requires pedestrian and bicycle accessways when block lengths exceed 350 feet.
- 3.15 The City Engineer has determined that a public street is not needed through the site in this location due to site constraints. The applicant proposes increased public pedestrian and bicycle connectivity through the site to meet ADC 14.040 and 14.050. Pedestrian connectivity through the site shall be from Waverly Drive to Davidson Street and to 16th Avenue.
- 3.16 The preliminary site plan shows sidewalks adjacent to driveways that connect the development to Waverly Drive, Davidson Street, and 16th Avenue. The applicant will provide public access easements

over the driveways and sidewalks to provide increased pedestrian and bicycle connectivity through the site. The separated sidewalk allows for increased access for pedestrians and bicycles may use driveways through the site instead of a dedicated multi-use accessway.

- 3.17 The applicant may negotiate a direct pedestrian path from the proposed development to the Albany Public Library with authorization by the Library Director.

Conclusions

- 3.1 Waverly Drive and Davidson Street are improved to City standards along the site's frontage.
- 3.2 With the exception of sidewalk, the site's street frontage along 16th Avenue is improved to city standards.
- 3.3 ADC 12.290 requires that public sidewalk be installed along the public street frontage along Ferry Street for all development. Sidewalk shall be installed at the time of development of each adjacent parcel.
- 3.4 Access to the site will be provided by a new driveway to Waverly Drive and 16th Avenue. Existing driveways off Waverly Drive shall be removed and replaced with standard curb, gutter, and sidewalk.
- 3.5 The applicant submitted a trip generation estimate with the application. The proposed development will ultimately result in approximately 445 new vehicle trips per day and 40 PM peak hour trips on the public street system.
- 3.6 Albany's Transportation System Plan does not identify any level of service or congestion issues adjacent to the proposed development.
- 3.7 The applicant's preliminary site plan shows sidewalks adjacent to driveways that connect the development to Waverly Drive, Davidson Street, and 16th Avenue. The applicant will provide public access easements over the driveways and sidewalks to provide increased pedestrian and bicycle connectivity through the site. The separated sidewalk allows for increased access for pedestrian and bicycles may use driveways through the site instead of a dedicated multi-use accessway.
- 3.8 The City Engineer has determined that a public street is needed through the site in this location due to site constraints. The applicant proposes increased public pedestrian and bicycle connectivity through the site to meet ADC 14.040 and 14.050. Pedestrian connectivity through the site shall be from Waverly Drive to Davidson Street and to 16th Avenue. The applicant shall provide an updated site plan that shows easement widths and all pedestrian and bicycle accessways through the site.

Conditions

- Condition 6 Prior to any occupancy for Phase 2, the applicant shall construct sidewalk to City standards along the frontage of parcel C along 16th Avenue.
- Condition 7 Prior to the installation of new driveway along Waverly Drive and 16th Avenue, the applicant shall obtain an Encroachment permit from Public Works and construct the driveways to City standards.
- Condition 8 Prior to any occupancy, the applicant shall remove unused driveways along Waverly Drive and replace them with standard curb, gutter and sidewalk.
- Condition 9 Prior to issuance of any building permits, the applicant shall provide an updated site plan showing easement widths and all pedestrian and bicycle accessways through the site.
- Condition 10 Prior to any occupancy, the applicant shall construct pedestrian and bicycle access ways through the site from Waverly Drive to Davidson Street. The applicant shall dedicate a public access easement over the paved access ways and sidewalks through the site. Public sidewalks through the site shall meet City Standards.
- Condition 11 Prior to any occupancy for Phase 2, the applicant shall construct pedestrian and bicycle access

ways through the site from 16th Avenue to the public accessway through the site. The applicant shall dedicate a public access easement over the paved access ways and sidewalks through the site. Public sidewalks through the site shall meet City Standards.

Criterion 4

Public services for water, sanitary and storm sewer, water management, and for fire and police protection, are capable of servicing the proposed use.

Findings of Fact

- 4.1 For public utilities, staff refer to the findings provided in response to Criterion Seven pertaining to Article 12 in the Site Plan Review section of this report, which are incorporated herein by reference.
- 4.2 The applicant states that the site is served by the Albany Police Department.

Police and Fire Departments

- 4.3 The subject property is served by the Albany Fire Department. Written comments from the City Fire Marshal have been provided (Attachment K).
- 4.4 The Albany Police Department serves the property. No comments or concerns were provided.

Sanitary Sewer

- 4.5 City utility maps show an eight-inch public sanitary sewer main in Waverly Drive SE and an eight-inch sewer main located in a public utility easement that goes through the site. The subject properties are not currently connected to City sanitary sewer system.
- 4.6 AMC 10.01.010 (1) states that the objective of the Albany Municipal Code requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system. ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 4.7 The applicant provided a preliminary utility plan indicating that the proposed development will construct new private sewer laterals from the sanitary sewer main to serve the development. An Encroachment Permit from the City of Albany's Engineering Division is required before work is started on the new sewer lateral construction.

Water

- 4.8 City utility maps show a 12-inch public water main in Brighton Way that runs into the site, an 8-inch in Davidson Street SE, and a 12-inch in Waverly Drive SE. The subject properties are not currently connected to City water system.
- 4.9 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 4.10 The applicant's preliminary utility plan shows a new eight-inch fire line, four-inch domestic water meter, and a new public fire hydrant. The developer must obtain a Permit for Private Construction of Public Improvements through the City of Albany's Engineering Division for the installation of a fire line, water service line, and public fire hydrant.

Storm Drainage

- 4.11 City utility maps show a 24-inch public storm drainage system in Brighton Way that runs into the site and a 24-inch in Davidson Street SE. Davidson Street is improved to city standards with curb and gutter.
- 4.12 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to

surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.

- 4.13 ADC 12.530 states that the review body will approve a development request only when adequate provisions for storm and flood water run-off have been made as determined by the City Engineer.
- 4.14 AMC 12.45.030 requires that a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than 5,000 square feet or more of impervious surface area, including all phases of the development. (Ord. 6012 § 2, 2023; Ord. 5841 § 3, 2014).
- 4.15 ADC 12.560 states that where it is anticipated by the City Engineer that the additional run-off resulting from the development will overload an existing drainage facility, the review body will not approve the development until provisions have been made for improvement of the potential problem. The applicant is required to submit a drainage plan, including support calculations, as defined in the City's Engineering Standards. The applicant is responsible for making provisions to control and/or convey storm drainage runoff originating from, and/or draining to, any proposed development in accordance with all City standards and policies as described in the City's Engineering Standards. In most circumstances, detention will be required unless it can be satisfactorily demonstrated by the applicant that there is no adverse impact. Stormwater master plan identifies the public storm drainage system in Ferry Street as an existing deficiency.
- 4.16 The applicants submitted a drainage report for the construction of a private on-site dry pond for stormwater treatment and detention of the development. The applicant is proposing to connect to public 24-inch storm in Brighton Way. An Encroachment Permit from the City of Albany's Engineering Division is required before work is started on the new sewer lateral construction.
- 4.17 AMC 12.01.090 the Public Works Director may require best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to the introduction of pollutants to rights-of-way, wetlands, drainage ways, the municipal stormwater system, receiving waters, and/or areas that include or contribute directly to the Waters of the State. Where BMP requirements are promulgated by the Director, the owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from the discharge of pollutants, as described above, through the use of these structural and/or nonstructural BMPs. An erosion prevention and sediment control (EPSC) permit shall be obtained for land-disturbing activities affecting an area of 2,000 square feet or greater, cumulatively (AMC 12.40.030).

Conclusions

- 4.1 Public sanitary sewer, water, and storm are available to serve the proposed development.
- 4.2 Before the applicant can make a new sanitary sewer service connection for the development to the public sanitary sewer system, an Encroachment Permit must be obtained from the Public Works Department.
- 4.3 The applicant must obtain a Site Improvement permit from the Public Works Department prior to connecting to the public water system for the proposed fire line, water service and public fire hydrant.
- 4.4 The applicant must provide stormwater quality and detention facilities for the proposed development as generally shown on the preliminary utility plans.
- 4.5 Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.

- 4.6 The applicant shall install Best Management Practices prior to any ground disturbing activities under Public Work's Erosion Prevention and Sediment Control Permit.

Conditions

- Condition 12 Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 13 Prior to connecting to the public water main for proposed fire line, the applicant must obtain a Site Improvement permit from Public Works Department.
- Condition 14 Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 15 Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater quality and detention facilities that comply with the City's Engineering Standards under a Stormwater Quality Permit through the City's Public Works Department.
- Condition 16 Prior to any ground disturbing activities, the applicant shall obtain an Erosion Prevention and Sediment Control Permit for Public Works Department and install Best Management Practices.

Criterion 5

The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, and hours of operation; (b) Privacy and safety issues.

Findings of Fact

- 5.1 The properties located to the north are zoned Office Professional (OP) and Residential Medium Density Attached (RMA). Property to the east across Waverly Drive is zoned Residential Medium Density (RM); as are properties to the south. Southwest of the site are three lots zoned OP, and properties to the west across Davidson Street are zoned OP, RMA, and Regional Commercial (RC), respectively.
- 5.2 To the north of the subject property is the Albany Public Library, which can be accessed from 14th Avenue and Davidson Street. East of the library is the Millwood Manor Apartments, with access to 14th Avenue. Properties across Waverly Drive contain a medical office and the Waverly Square Apartments. South of the site has a mixture of attached duplexes, townhomes, and single dwelling units. To the west are office buildings and a nursing care center.
- 5.3 Noise. The proposed development is primarily residential in nature. Once the cottages are constructed, noise impacts are not anticipated outside of routine yard maintenance and upkeep.
- 5.4 Glare. This project will need to ensure exterior lighting for the dwelling units; the community center and the grounds will be cast downward so that it will not cause glare onto the public right-of-way or outside the subject property. A lighting plan must be submitted with building plans which will be reviewed for compliance with Development Code standards. This will be made a condition of approval.
- 5.5 Odors. The applicant does not propose any uses that would create odors from the property.
- 5.6 Litter. Site plans show a 12-foot by 13-foot garbage area located just north of the bicycle parking area. A detail submitted (see Attachment F.5) shows that the enclosure will consist of an 8-foot-tall black vinyl coated fence with black vinyl slats and top and mid rails. Section 4.300 of the Albany Development Code states that all refuse materials must be contained within the screened area. All refuse containers and disposal areas must be covered. The cover must be at least 8 feet tall. Refuse disposal areas may not be located in required setbacks or buffer yards, must be placed at least 15 feet from any dwelling window, or between multiple dwelling unit buildings and single dwelling units. This will be made a condition of approval.

- 5.7 Hours of operation. Hours of operation would be those typical of residential development.
- 5.8 Privacy/Safety. The proposed development includes landscaping, buffering, and screening. Because there are 5 or more detached single dwelling units, by definition in the Code, it is considered a multiple dwelling unit project. Except for the two parcels on the project site that are zoned RM, a 10-foot buffer is required along the property lines abutting dwellings in the RMA and RM zones. This will be made a condition of approval (see Condition 3, above).

Conclusions

- 5.1 With proper mitigation, the impacts due to glare, litter, noise, odors, hours of operation, and safety are not expected to affect the surrounding uses.
- 5.2 This criterion is met with the following conditions.

Conditions

- Condition 17 A lighting plan must be submitted with building plans which will be reviewed for compliance with Development Code standards.
- Condition 18 All refuse containers and disposal areas must be covered. The cover must be at least 8 feet tall. Refuse disposal areas may not be located in required setbacks or buffer yards, must be placed at least 15 feet from any dwelling window, or between multiple dwelling unit buildings and single dwelling units.

Criterion 6

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact and Conclusion

- 6.1 The subject property is not located within the Airport Approach District or a Historic District. There are no City of Albany identified wetlands on the subject properties. There are no floodplains on this property. There are no designated Significant Natural Resource Overlays on this property.
- 6.2 Special purpose districts in Articles 4, 6, and 7 are not applicable.

Analysis of Development Code Criteria - Replat

The Applicant proposes to replat five existing tax lots into two (2) lots. Tax lot 603 Property "B" has an existing commercial building; this lot will be made larger to eliminate a small parcel bisected by the private access road easement. Tax lots 700, 701, 2400 and 600 are all vacant lots and will be reconfigured into two (2) lots for the proposed 15Fifty housing project.

The ADC includes the following review criteria for a tentative plat (ADC 11.180), which must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Tentative Plat Review Criteria

Criterion 1

The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this section.

Findings of Fact

- 1.1 The applicant proposes to replat five existing tax lots into two lots. Tax lot 603 Property "B" has an existing commercial building; this lot will be made larger to eliminate a small parcel bisected by the private access road easement. Tax lots 700, 701, 2400 and 600 are all vacant lots and will be reconfigured into two lots for the proposed 15Fifty housing project.

- 1.2 The subject properties are zoned either Residential Medium Density (RM) or Office Professional (OP). According to the Albany Development Code (ADC), minimum lot width in the RM zone is 30 feet for uses other than townhouses and small single dwelling unit and duplex lots. There are no width or depth standards for lots in the OP zone.
- 1.3 Tax lot 603 is developed with access to Davidson Street via a private developed easement and will continue to be served by that easement after the replat. All other resultant properties will have frontage on a public street.
- 1.4 Reconfigured Property "A" fronts Waverly Drive. Reconfigured Property "C" fronts Davidson Street and 16th Avenue.

Conclusions

- 1.1 The proposal meets the development standards of the underlying zoning districts.
- 1.2 This criterion is satisfied without conditions.

Criterion 2

Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.

Findings of Fact and Conclusion

- 2.1 The project site is fronted by three public streets: Davidson Street; Waverly Drive; and 16th Avenue.
- 2.2 The above criterion is satisfied, as there is no remainder property to consider.

Criterion 3

Adjoining land can be developed, or is provided access that will allow its development, in accordance with this Code.

Findings of Fact

- 3.1 This review criterion has been interpreted by the city council to require only that adjoining land either has access, or will be provided access to public streets.
- 3.2 ADC 12.060 requires that development must have frontage on, or approved access to, a public street currently open to traffic.
- 3.3 Tax lot 603 is developed with access to Davidson Street via a private developed easement and will continue to be served by that easement after the replat. All other resultant properties will have frontage on a public street.
- 3.4 Each of the property frontages of the undeveloped property has access to water sewer and storm drain utilities in the fronting public streets. Power and other franchised utilities are available in the fronting public streets.

Conclusions

- 3.1 All the adjoining land has, and will continue to have, access to public streets.
- 3.2 This criterion is met without conditions.

Criterion 4

The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact and Conclusion

- 4.1 Findings associated with utilities are addressed under Criterion 3 of the Conditional Use Review and the findings are incorporated herein.

Criterion 5

The Public Works Director has determined that the public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.

Findings of Fact

Sanitary Sewer

- 5.1 City utility maps show an eight-inch public sanitary sewer main in Waverly Drive SE and an eight-inch sewer main located in a public utility easement that goes through the site. The subject properties are not currently connected to City sanitary sewer system.
- 5.2 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line.
- 5.3 Each separate parcel must be served by a separate sewer lateral connection to the public sewer main. The applicant will need to obtain an Encroachment Permit from the Public Works Department for the installation of new sanitary sewer service to serve parcel 2. The applicant proposes to file a replat for each phase of construction to combine the parcels and serve the entire development with multiple sewer laterals.

Water

- 5.4 City utility maps show a 12-inch public water main in Brighton Way that runs into the site, an 8-inch in Davidson Street SE, and a 12-inch in Waverly Drive SE. The subject properties are not currently connected to City water system.
- 5.5 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main.
- 5.6 Each separate parcel must be served by a water service connection to the public water main. The applicant will need to obtain a Water Meter Permit from the Public Works Department for the installation of a new water service to each new parcel. The applicant proposes to file a replat for each phase of construction to combine the parcels and serve the entire development with a single water meter.

Storm Drainage

- 5.7 City utility maps show a 24-inch public storm drainage system in Brighton Way that runs into the site and a 24-inch in Davidson Street SE. Davidson Street is improved to city standards with curb and gutter.
- 5.8 AMC 12.20.050 all stormwater system facilities serving more than one property shall be public, installed in public rights-of-way or public utility easements.
- 5.9 Each separate parcel must be served by separate stormwater management facilities. The applicant will need to obtain a Stormwater Quality Permit through the City's Public Works Department from the Public Works Department for the installation of new stormwater quality and detention facilities. The applicant proposes to file a replat for each phase of construction to combine the parcels and serve the entire development with a single stormwater dry pond for stormwater quality and detention.

Conclusions

- 5.1 Public sanitary sewer, water, and storm are available to serve the proposed development.
- 5.2 Each parcel shall have separate water and sanitary sewer service connections.
- 5.3 The applicant proposes replats to service the development with a single water meter and stormwater dry pond. The applicant may combine parcels with replats to service the entire development with a single water meter and stormwater dry pond. The dry pond shall be located on each parcel that is being treated.

Conditions

- Condition 19 Prior to any occupancy, the applicant shall install new water and sewer services connections and stormwater management systems for each parcel. The applicant may submit a new replat to combine parcels in-lieu of installation of additional water services, sewer services and stormwater management systems for each parcel. The stormwater management systems shall be located on each parcel that is being treated.

Criterion 6

Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

Findings of Fact and Conclusion

- 6.3 The subject property is not located within the Airport Approach District or a Historic District. There are no City of Albany identified wetlands on the subject properties. There are no floodplains on this property. There are no designated Significant Natural Resource Overlays on this property.
- 6.4 Special purpose districts in Articles 4, 6, and 7 are not applicable.

Tree Felling Review Criteria (ADC 9.205(2))

Except as provided below, Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. Section 9.205(2) of the ADC includes the following review criteria, which must be met for this application to be approved. Development code criteria are written in bold followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion (a)

It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.

Findings of Fact

- a.1 According to the applicant, it is necessary to remove 28 trees on the subject site in order to construct the proposed multiple dwelling unit development and associated site improvements on the subject property efficiently and safely.
- a.2 The subject property is located within the RM and OP zoning district. The applicant proposes to construct a master planned community of 83 detached single dwelling units with associated site, utility, and parking lot improvements. The proposed use is consistent with the zoning districts.
- a.3 The Tree Removal Plan shows the locations of the trees along with their species and size (Attachment H.6). According to the applicant, the removals are required in order to develop the site to the minimum density required by the Development Code and provide the infrastructure and open space amenities required for the project.
- a.4 No trees to be removed were identified as significant in the Arborist Report dated July 23, 2025 (see Attachment H.7 – H.12)).
- a.5 Oregon Department of Forestry (ODF) permits are required only if commercial use of the felled trees will occur (e.g., logs or firewood are sold). The applicant has not indicated whether any felled trees would be sold.

- a.6 In the event the proposed development does not take place, the 28 trees proposed for removal on the Existing Conditions and Demolition Plan shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Conclusion

- a.1 As shown in the attached plan (Attachment H.6), the trees to be removed would be severely impacted during development, and if retained, would prevent the proposed development of the subject property.
- a.2 If the felled trees are sold, the applicant will need to contact the ODF regarding any appropriate permits.
- a.3 This review criterion is met with one condition.

Condition

- Condition 19 In the event proposed development does not take place, the 28 trees identified for removal on the Tree Removal Plan (Attachment H.6) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).

Criterion (b)

The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality; and geological sites.

Findings of Fact

- b.1 State permits are required if commercial use of the forest products will occur, such as logs or firewood that are sold. Local ordinances regulating tree felling include ADC Section 9.202 through 9.206, and AMC Chapter 7.98. None of the trees proposed for removal are listed as heritage trees, according to City records.
- b.2 The nesting season for migratory birds is approximately March 1 to August 31. The Federal Migratory Bird Act prohibits the taking, harming, or moving of any migratory birds, eggs, or nests. The applicant shall be responsible for contacting the U.S. Department of Fish and Wildlife to confirm the date range for the specific project site before removing trees.
- b.3 The subject property is relatively flat in the vicinity of the proposed tree felling.
- b.4 The City has not identified any mandated view or scenic corridors. There are no nearby open streams, cultural resources, or known geological sites in the vicinity of the subject property open or accessible to the public.
- b.5 Stormwater detention and water quality treatment systems have been proposed and designed for this development in accordance with city policies designed to protect water quality, soil retention, and stability to protect existing storm drainage systems.

Conclusions

- b.1 Tree removal will be consistent with State standards if any required logging permit is obtained from the Department of Forestry.
- b.2 The proposed felling is consistent with State standards and City ordinances which, with mitigation, does not negatively impact the environment quality of the area.
- b.3 The Federal Migratory Bird Act prohibits the taking, harming, or moving of any migratory birds, eggs, or nests.
- b.4 This review criterion is met with one condition.

Condition

Condition 20 It shall be the applicant's responsibility to ensure the proposed tree removal, including the timing of removal, complies with the Federal Migratory Bird Act.

Criterion (c)

The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic values are preserved.

Findings of Fact and Conclusions

- c.1 ADC 9.204 states Site Plan Review approval is required for the felling of five or more trees larger than 25 inches in circumference (approximately eight inches in diameter) on a lot or property in contiguous single ownership greater than 20,000 square feet in any zone.
- c.2 The Arborist Report dated July 23, 2025, evaluated all the trees on site. The report recommends measures for trees identified as needing protection. The report evaluated all trees to be removed, considered their merits and deficiencies and recommended removal of the trees listed in the plans for removal.
- c.3 None of the trees are known to possess historic value. No heritage trees exist on the site.

Conclusions

- c.1 A total of 28 trees are proposed to be removed.
- c.2 None of the trees possess unique or historic value.
- c.3 This review criterion is met.

Criterion (d)

Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

Findings of Fact and Conclusion

- d.1 The property where the tree felling is proposed is not located within a Significant Natural Resource Overlay district; therefore, this criterion is not applicable.

Overall Conclusion

As proposed and conditioned, the application for a Conditional Use, Replat and Site Plan Review satisfies all applicable review criteria as outlined in this report.

Conditions of Approval

- Condition 1 **Site Improvements.** Prior to occupancy of the proposed dwellings, all proposed and required site improvements shall be constructed and completed in accordance with approved plans.
- Condition 2 **Landscaping.** A detailed landscaping plan meeting the standards in ADC 9.140 for all three phases will be required prior to applying for building permits.
- Condition 3 **Landscaping.** Except for the two parcels on the project site that are zoned RM, a 10-foot buffer is required along the property lines abutting dwellings in the RMA and RM zones. The buffer must be shown on the detailed landscape plan.
- Condition 4 **Landscaping.** The detailed landscape plan must indicate the location and type of landscaping being provided at the end caps on the 10-space parking lot in accordance with ADC 9.100(10) and 9.150.

- Condition 5 **Irrigation.** Prior to occupancy, the applicant shall submit a detailed irrigation plan for approval or obtain certification from a landscaping professional that the selected plant species are drought tolerant.
- Condition 6 **Sidewalks.** Prior to any occupancy for Phase 2, the applicant shall construct sidewalk to City standards along the frontage of parcel C along 16th Avenue.
- Condition 7 **Encroachment Permit.** Prior to the installation of new driveway along Waverly Drive and 16th Avenue, the applicant shall obtain an Encroachment permit from Public Works and construct the driveways to City standards.
- Condition 8 **Remove Unused Driveways.** Prior to any occupancy, the applicant shall remove unused driveways along Waverly Drive and replace them with standard curb, gutter and sidewalk.
- Condition 9 **Easements.** Prior to issuance of any building permits, the applicant shall provide an updated site plan showing easement widths and all pedestrian and bicycle accessways through the site
- Condition 10 **Accessways.** Prior to any occupancy, the applicant shall construct pedestrian and bicycle accessways through the site from Waverly Drive to Davidson Street. The applicant shall dedicate a public access easement over the paved access ways and sidewalks through the site. Public sidewalks through the site shall meet City Standards.
- Condition 11 **Accessways.** Prior to any occupancy for Phase 2, the applicant shall construct pedestrian and bicycle access ways through the site from 16th Avenue to the public accessway through the site. The applicant shall dedicate a public access easement over the paved access ways and sidewalks through the site. Public sidewalks through the site shall meet City Standards.
- Condition 12 **Sewer.** Before the applicant can make a new sanitary sewer service connection to the public sanitary sewer system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 13 **Water.** Prior to connecting to the public water main for proposed fire line, the applicant must obtain a Site Improvement permit from Public Works Department.
- Condition 14 **Storm Drainage.** Before the applicant can make a new storm drainage service connection to the public storm drainage system an Encroachment Permit must be obtained from the Public Works Department.
- Condition 15 **Storm Drainage.** Before the City will issue any occupancy permit for the proposed project, the applicant must construct stormwater quality and detention facilities that comply with the City's Engineering Standards under a Stormwater Quality Permit through the City's Public Works Department.
- Condition 16 **EPSC Permit.** Prior to any ground disturbing activities, the applicant shall obtain an Erosion Prevention and Sediment Control Permit for Public Works Department and install Best Management Practices.
- Condition 17 **Lighting.** A lighting plan must be submitted with building plans which will be reviewed for compliance with Development Code standards.
- Condition 18 **Refuse Areas.** All refuse containers and disposal areas must be covered. The cover must be at least eight feet tall. Refuse disposal areas may not be located in required setbacks or buffer yards, must be placed at least 15 feet from any dwelling window, or between multiple dwelling unit buildings and single dwelling units.
- Condition 19 **Service Connections.** Prior to any occupancy, the applicant shall install new water and sewer services connections and stormwater management systems for each parcel. The applicant may submit a new replat to combine parcels in-lieu of installation of additional water services, sewer services and stormwater management systems for each parcel. The stormwater management systems shall be located on each parcel that is being treated.

- Condition 20 **Tree Felling.** In the event proposed development does not take place, the 28 trees identified for removal on the Tree Removal Plan (Attachment H.6) shall not be removed without separate approval for tree felling not associated with development, using criteria listed in ADC 9.205(3).
- Condition 21 **Tree Felling.** It shall be the applicant's responsibility to ensure the proposed tree removal, including the timing of removal, complies with the Federal Migratory Bird Act.

Options for the Planning Commission

The Planning Commission has three options with respect to the proposed development:

- Option 1: Approve the request as proposed and conditioned; or
- Option 2: Approve the request with amendments; or
- Option 3: Deny the request.

Staff Recommendation

Based on the analysis provided in this report, staff recommend the Planning Commission pursue Option 1 and approve the planned development as proposed and conditioned.

If the Planning Commission follows this recommendation, the following motion is suggested:

I move to approve the proposed application for Conditional Use Review, Replat, and Tree Felling under planning files CU-05-25, RL-06-25, and SP-13-25. This motion is based on the findings and conclusions in the staff report, testimony, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Conditional Use Narrative
- C. Replat Findings
- D. Replat Plans
- E. Conceptual Landscape Plan
- F. Civil Plan Set
- G. Conditional Use Checklist
- H. Tree Felling Checklist
- I. Trip Generation Study
- J. Stormwater Report
- K. Fire Department Comments

Acronyms

ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
CU	Conditional Use File Designation
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
ITE	Institute of Transportation Engineers
LUBA	Oregon Land Use Board of Appeals
NAVD	North American Vertical Datum of 1988
NGVD 1929	National Geodetic Vertical Datum of 1929
ODOT	Oregon Department of Transportation
OP	Office Professional Zoning District

PD	Planned Development File Designation
RL	Replat File Designation
RM	Residential Medium Density Zoning District
RMA	Residential Medium Density Attached
ROW	Right-of-way
R-6.5	Residential Single-Dwelling District (minimum average lot size of 6,500 square feet)
SD	Subdivision File Designation
SP	Site Plan Review File Designation
TIA	Traffic Impact Analysis
TSP	Transportation Systems Plan
VR	Variance File Designation

Legend



Subject Parcels

RC

Clay St.

14th Ave.

Heritage Way

Davidson St.

Brighton Way

Dolores Way

16th Ave.

RMA

14th Ave.

RS-6.5

(Private)

Cedarwood Ct.

Shorewood Estates

RM

18th Ave.

Trudell Ct.

Periwinkle Cir.

Clay St.



0 100 200 400 600 Feet

1550 Waverly Drive SE, et. al.

Date: 12/27/2019 Map Source: City of Albany

Location / Zoning Map

July 15, 2025

15FIFTY PLACE DEVELOPMENT WITH WORKFORCE HOUSING

PROJECT NARRATIVE

Project Description

15FIFTY Place is a master planned community developed to provide housing and amenities that meet the needs of Albany residents. This project will be constructed under a Conditional Use Permit issued by the City of Albany. This planned development proposal promotes an integrated, coordinated infill development on land that is currently vacant and surrounded by a mix of existing housing, services and commercial retail development.

15FIFTY Place (1550 Waverly Drive SE) is designed to address Albany's housing need on a site that is accessible to services, with homes that are affordable to Albany's work force. The proposed new residential community provides affordable rental housing for veterans, seniors, and working families in a compact, efficient neighborhood setting. 15FIFTY Place includes 83 single-family bungalows with common open space and a shared community center, all on an undeveloped 4.28-acre site consisting of four lots surrounded by a mix of existing residences and commercial buildings, with easy access to transit, shopping, services, transit and Albany's public library.

The project site is bounded on the north by the Albany Library and a mix of apartments and commercial offices. The eastern project boundary fronts onto Waverly Drive SE. To the south is a mix of single-family residences, apartments and town homes, and access onto 16th Avenue SE. The west side accesses Davidson Street SE via Brighton Way SE. The planned development is served by a network of internal private streets, parking, open space and onsite stormwater collection.

The property owners, engineering team, and builders met with city staff from community development and public works to review the project design. City staff provided helpful guidance in the design of the development and on the permitting process. This design reflects several months of careful coordination, in informal conversations and in an extensive formal pre-application meeting.

Conditional Use – Review Criteria (ADC 2.250)

(City code will be in *italics*. **Applicant responses are presented in bold**)

(1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

The 3.96-acre planned development, sited on an existing 4.28-acre property¹, is constrained by existing public and private roadways and a mix of surrounding development. The property configuration presents an elongated polygon infill site with multiple access points and a variety of residential and commercial neighbors.

This infill housing project falls under the City of Albany's definition of Multiple Dwelling Unit Development of the Albany Development Code (ADC). Multiple-dwelling units are permitted in the RM zone with a Site Plan Review and in the OP zone with conditional Use per Table 4.050-1 (see attached site plan for detailed neighborhood layout). The interior private streets will serve four lots; therefore, the project requires a Planned Development Review. The project site contains 4 existing lots, two existing developed lots and this project. The project site will be reconfigured and consolidated via a Replat to match project phasing with one lot for Phase 1 and a second lot for Phase 2 for financing. The site currently has one developed access via private Brighton Way. The project will provide two additional access points, resulting in three total accesses: Brighton Way/Davidson Street SE; 16th Avenue SE; and Waverly Drive SE effectively distributing vehicle traffic to the existing city street system.

International tariffs on building materials and high interest rates have introduced substantial uncertainty to the development cost calculations on 15Fifty Place. To ensure that construction costs and unit rents remain as affordable as possible for Albany residents, the applicants request two additional considerations from the City of Albany. First, the applicants request that the City defer the payment of all applicable systems development charges (SDC) on each unit until the unit obtains a final certificate of occupancy from the City of Albany. Second the applicants request that the City authorize 15Fifty Place for a ten-year multi-unit property tax exemption (MUPT). These two actions by the City will offset fluctuating project costs and ensure that 15Fifty Place remains affordable to residents, including seniors, veterans, and the local workforce.

The RM zone allows for multiple dwelling unit development with a minimum density of 12 units per acre and no maximum density. This project proposes approximately 21 units per acre. The income requirement will not be applicable to this project. In the three lots zoned RM (tax lots 700, 701 and 2400) the density is 22 lots per gross acre (21 lots/0.95ac). The net density in the RM zoned property is 27 Lots per net acre excluding the 26ft wide private streets (21lots/0.77ac)

¹ The existing 4.28-acre subject property contains an existing shared roadway with two existing commercial businesses at Brighton Way SE. For the purposes of this narrative, that portion of the subject property that is already dedicated to a shared, publicly accessible roadway is not included in the overall development site area.

(2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.

The site is designed to maximize the visual and active benefits of shared open space. Rather than creating multiple small, enclosed private yards for each home, the planned development design provides a more open feel by creating larger areas of shared open space throughout the development. The design provides active open space in three primary formats: an indoor common use facility for family and community gatherings; common outdoor recreational space with landscaping, bike/ped pathways, an open air canopy, park furniture and shared access to city amenities; cover bicycle parking, a child play structure and a vegetated detention pond. There are no designated natural features or significant natural resources on the site.

(3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

The compact development and easy pedestrian access to shopping and services also minimize the need for residents to travel by vehicle and/or support shorter trips for basic necessities. The project will utilize existing utility stubs on the property and will help efficiently use existing utilities with minimal new infrastructure.

Triple glazed windows will be provided in the homes on the wall facing Waverly Drive. All homes are setback more than 15 feet from the Waverly Drive ROW.

(4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.

No new public streets are proposed; the 83 homes will have access to a newly constructed network of private streets. Existing public sewer and water facilities on the site will be extended throughout the project to serve all new homes and a community center. Storm drain facilities will be privately developed and maintained onsite. Electrical, telephone, natural gas and communication facilities already serve the site and will be extended into the project. The site is located near public transportation on 14th Avenue SE and is within walking distance to retail shopping – including groceries, housewares, clinics, financial services, restaurants, the adjacent library, and more.

15FIFTY Place will be managed by a single property management company. Common areas will be maintained by the property owner/manager and funded with revenues generated by tenant rents from the project.

(5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.

The design provides active open space in three primary formats: Indoor common use facilities for community gatherings and laundry facilities; common outdoor recreational space with landscaping, pathways, canopy, park furniture and shared access amenities; bicycle parking, child play structure and a vegetated detention pond. There are no designated natural features or significant natural resource overlays on the site. Conventional single-family developments would not provide these amenities.

The homes back up to the existing residential housing surrounding the project. A walkway separates the private access drive from the townhouses to the west of tax lot 2400.

Site Plan Review Criteria (ADC 2.450)

(Applicant responses presented in **bold font**)

Site Plan Review approval will be granted if the review body finds that the application conforms with the Albany Development Code and meets all of the following criteria that are applicable to the proposed development.

(1) The application is complete in accordance with the applicable requirements.

Fact: The following submittals are included with this Application:

- **Planning Application Form**
- **Preliminary Planned Development Application with Narrative**
- **Site Plan**
- **Elevation and Floor Plans for Structures**
- **Preliminary Replat and Application**
- **Neighborhood Meeting Report**

(2) The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.

Fact: This project meets the applicable provisions for developments in the RM zone except for number of lots sharing a private access easement and the affordability standards for OP zoned property. This PD requests relief from those provisions. The units are single-family homes ranging from 500 square feet to 700 square feet. This project uses single-family setback standards.

The planned development meets other provisions of the zone including:

- **Side and rear lot line setbacks are required to have 5 feet or greater for the one-story units per note (6) of ADC table 3.190-1. The two-story units along the north property line have 8 foot setbacks.**
- **The two-story units along the south property line have 5 foot setbacks.**
- **The units along the east line of phase 2 will have setbacks of 10 feet.**
- **Public street frontage setbacks are 15 feet or greater.**

- Site area is 2,125 square feet per unit.
- Density is 21 units per acre.
- Lot coverage is less than 70%.
- There are no garages proposed. Individual unit parking spaces are 20 feet in length where parking is provided.
- Building heights are less than 30 feet.
- Building separation for residences of 6 feet or greater is required. 8 foot wall to wall separation provided for one-foot roof overhangs while meeting fire separation guidelines.

FACT: This project meets the standards listed in Table 3.190-1

FINDING: The proposed residential development complies with the provisions of the underlying zone.

CONCLUSION: THIS CRITERION IS MET.

(3) Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

FACT: This project is not located in an Airport Approach Zone.

FACT: There are no Natural Resource Overlays on the site.

FACT: The City's GIS map does not list any Historic Overlays on the site.

FINDING: The proposed activities and development comply with the regulations of Airport, Natural Resource Overlays and Historic Districts.

CONCLUSION: THIS CRITERION IS MET.

(4) The application complies with all applicable Design Standards of Article 8.

DESIGN STANDARDS OF ARTICLE 8

8.00 – Additional Standards. This article establishes additional standards intended to:

Reduce adverse effects on surrounding property owners and the general public

- Create a business environment that is safe and comfortable
- Further energy conservation efforts within the City
- Enhance the environment for walking, cycling, and mass transit use
- Ensure that high-quality development is maintained throughout Albany

This project provides open space, a stormwater detention facility and the Community Center near existing commercial businesses and the library, while clustering homes closer to the adjacent apartments and townhomes. This site arrangement provides a measure of buffering between the different uses and ensures that each use can continue in an environment that is safe and comfortable.

The compact floor plan of each home and the overall density of the planned development provide energy efficiency and reduce vehicle trips to surrounding services and shopping. The location of the site, near shopping and transit, also helps to reduce overall dependence on single occupancy vehicle trips.

The site has ample internal walking paths as well as connections to city sidewalks and the library. Nearby transit stops within easy walking distances provide an environment that encourages walking, cycling and public transit use for residents of this planned development.

These compact homes will provide a small footprint with high quality construction. Architectural renderings provided with the application demonstrate a high-quality design and construction in a compact single-family format. Landscaping, open space and other amenities also enhance the aesthetic of the development and provide a high level of livability.

8.110 – Applicability.

- This project proposes single family homes and open space that must comply with portions of this section.

8.120 - Relationship to Historic Overlay Districts.

- This development is not in a Historic District and therefore is not subject to the provisions in Article 8.

8.130 – Home Orientation.

- Each dwelling unit in the planned development will have a main entrance within eight feet of the longest street-facing wall of the dwelling unit.

Circulation Path

- All of the proposed homes are oriented to provide direct front facing access to sidewalks. The planned development includes an open-air canopy near the accessible internal walking path; the canopy will provide a protected multi-season outdoor space for socializing. All homes in the planned development have access to City-owned sidewalks within one block of the dwelling unit.

Residence Center

- All of the proposed homes have pedestrian access to a common Community Center located in the center of the planned development. The Community Center shall be available for use by all residents in the planned development and will provide visitor parking nearby.

Single Family Residences

- The proposed planned development includes 83 single-family bungalows.

Transiting

- The proposed planned development is within one block of an existing public transit line along 14th Avenue SE.

8.133 – Street Facing Windows

Community Center

- The Community Center will provide a total of fourteen windows and four glass doors. Each façade will have a minimum of two windows; three sides will present four windows and/or glass doors. The main and rear entries will present two to six windows and two glass doors as well as an inviting covered porch stoop. The porches will clearly mark the entries and provide architectural design relief. Each façade will contain a minimum of 16 square feet of window up to a maximum of 110 square feet of window and door glass at the front entry. See plans for elevation details.

Single Family Residential (ADA houses)

- The Single Family Residential ADA houses will provide a window and door on each single story front-facing façade comprising 20-25% of the front façade. Each main entry door has a total square footage of 20. Each front facing façade has a total minimum window area of 12 square feet. Each face of the home has at least one window. See plans for elevation details.

Single Family Residential (Cluster Houses)

- The Single Family Residential Cluster Houses each provide four windows and a main entry door comprising approximately 30% of the two-story front facing façade of the home. Each entry door has a total square footage of 20; front facing windows have a minimum of 42 square feet. Each face of the house has at least three windows/doors. See plans for elevation details.

Single Family Residence (WF Houses 1-story)

- The Single Family Residence Workforce houses will provide a window and door comprising 20-25% of the single-story front façade of each home. Each face of the house has at least one window. See plans for elevation details.

Single Family Residence (WF Houses 2-story)

- The Single Family Residence Workforce Houses each provide one main entry door and three windows. The main entry door has 20 square feet; the windows have a total of 30 square feet comprising approximately 20-25% of the front façade. Each face of the house has at least two windows. See plans for elevation details.
-

Corner Lot Requirements

- For homes on a corner lot, each street facing façade will include a minimum of three openings; either one door and two windows or three windows for a minimum total square footage of 24.

8.140 - Driveway Spacing

- Private street parking is not proposed; therefore driveway spacing is not an issue. There are three entrances proposed, one on each abutting public street: Waverly Street SE, 16th Avenue SE, and Brighton Way SE. These accesses meet the spacing requirements.

(5) The application complies with all applicable Design Standards of Article 10.

Fact: No Manufactured homes are proposed.

CONCLUSION: THIS CRITERION IS MET.

(6) The application complies with all applicable On-Site Development and Environmental Standards of Article 9.

APPLICABLE STANDARDS OF ARTICLE 9

9.020(8) - Off-street parking and loading

(b) Exemptions to Maximum Parking Allowance: The following types of parking do not count toward the maximum amount of parking allowed on a site.

vi. single-dwelling and middle house dwelling units.

Fact: The 83 proposed units are exempt from maximum parking allowed.

Table 9.020-1 Private clubs, and meeting rooms allows 1 parking space per 200 sf.

Fact: The proposed community center in Phase 2 is approximately 1070 sf plus covered areas.

Fact: The maximum number of parking spaces allowed is 5.

Fact: The number of proposed spaces allocated for the meeting room is 5.

9.030 Bicycle Parking. Table 9.030-1

Fact: Single family dwelling units are exempt.

Fact: Multi-family projects require 0.5 spaces per unit. 25% must be cargo spaces.

Fact: 42 bicycle parking spaces bicycle parking will be provided under an attached canopy with lighting. 12 will be cargo spaces.

Fact: The bicycle parking spaces will meet the requirements of Table 9.030-2.

9.120 Off-Street Parking Lot Design and Circulation

Fact: Spaces will not exceed 12 head-in spaces in any row. The parking layout complies with the provisions of Table 9.120-1 with 9 ft and 10 ft wide spaces, 90-degree parking and 18.5 ft stall depth and a 26 ft wide access way.

9.130 Surface Parking Areas

Fact Walkways will be protected by curbs or bumpers.

9.133 Street, Bicycle and Pedestrian Connectivity

Fact: Vehicular, pedestrian and bicycle access will be provided to Waverly Drive on the east, 16th Avenue on the south and Davidson Street on the west. A pedestrian walkway will be stubbed to the property line of the southeast corner of the library property (TL 500), if required.

9.150 Parking Lot Landscaping

Fact: The preliminary landscape plan for the project shows proposed plantings meet the minimum requirements of the code.

Fact: Spaces will not exceed 12 in any row.

9.165 Irrigation of Required Landscaping

Fact: Irrigation plans will be prepared and submitted during the Final Development Plan phase.

9.208 Buffering and Screening

Fact: Table 9.210-1 buffering requirements are not required for this project.

Fact: This project meets the buffering and screening requirements of Table 9.210-1. The required buffer for OP zone adjacent to single family use is 10 feet; therefore, no buffering is required. The required buffer for RM and RMA zones adjacent to single family use 0 feet; therefore, no buffering is required. No relief from these standards is requested.

FINDING: This application complies with all applicable On-Site Development and Environmental Standards of Article 9.

CONCLUSION: THIS CRITERION IS MET.

(7) The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.

Fact: City water is available on site via an existing 12-inch diameter public waterline.

Fact: City sewer collection serves the site from the west side with an eight-inch main.

Fact: Stormwater collection facilities currently serve the site from Davidson Street.

Fact: Stormwater detention and water quality treatment will be provided for the new impervious surfaces. A drainage study detailing the facilities has been included in the submittals.

Fact: Electricity, natural gas and telephone utilities are available in the abutting public streets.

FINDING: THE SITE WILL BE ADEQUATELY SERVED BY PUBLIC UTILITIES.

CONCLUSION: THIS CRITERION IS MET.

(8) The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.

Fact: Traffic Generation for the project could be based on ITE Code 220 Multi-Family Low Ride. For the 83 small dwelling units, based on a rate of 0.56 Trips per Unit, 47 peak hour trips are predicted. The units are very small and intended for lower income residents, the actual peak hour trips are likely to be much lower.

Fact: The project will result in three accesses. Those accesses will be to Davidson St SE, 16th Ave SE and Waverly Dr SE effectively distributing the traffic to the existing street system.

Fact: Waverly Drive is developed with curbs and gutters, 2-bicycle lanes, 2- traffic lanes and street parking on the west side.

Fact: The February 2010 Albany Transportation System Plan:
Fig 5-2: "Most Likely Land Use Scenario" lists 2030 OM Peak Hour Demand to Capacity Ratio = 0.79, considered to have acceptable operations.

Fact: The February 2010 Albany Transportation System Plan does not indicate any anticipated adverse traffic impacts for development consistent with current zoning.

FINDING: THE TRANSPORTATION SYSTEM CAN SAFELY ACCOMMODATE THE PROJECT.

CONCLUSION: THIS CRITERION IS MET.

(9) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.

Fact: A stormwater detention system with bio-filtration is proposed.

Fact: Stormwater will be discharged to the Davidson Street system after exiting the detention and pre-treatment basin.

Fact: A stormwater Quality Permit from the City will be required for this project and that permit will specify any required maintenance obligations as part of the City's required operation permit agreement. The property owner/manager will be the financially responsible party for the private system.

Fact: This project proposes to provide on-site detention consistent with City regulations.

FINDING: The proposed stormwater quality and detention can safely accommodate the project.

CONCLUSION: THIS CRITERION IS MET.

(10) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.

Fact: A previous land use decision approved the private access road easement and public utilities currently on the site.

Fact: This project proposes a minor modification to the access easement width that will provide adequate access and will accommodate an efficient build out of the site.

FINDING: The proposed project will meet all existing conditions of approval for the site.

CONCLUSION: THIS CRITERION IS MET.

(11) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.330.

Fact: There are no nonconforming uses existing or proposed on the site.

CONCLUSION: THIS CRITERION IS MET.

Review Criteria / Written Response

Re-Plat Application

for

15FIFTY WORKFORCE HOUSING

located at

Tax Lots 600, 700, 701 & 603 (Map 11S-3W-08D)

Tax Lot 2400 (Map 11S-3W-08DB)

July 15, 2025

Project Overview:

The Applicant proposes to replat five existing tax lots into two (2) lots. Tax lot 600 Property "B" has an existing commercial building; this lot will be made larger to eliminate a small parcel bisected by the private access road easement. Tax lots 700, 701, 2400 and 603 are all vacant lots and will be reconfigured into two (2) lots for the proposed 15FIFTY housing project.

Review Criteria:

1. *The proposal meets the development standards of the underlying zoning district and applicable lot and block standards of this Section.*

Response:

The subject properties are zoned either Residential Medium Density (RM) or Office Professional (OP). The Albany Development code (ADC) does not set size, length or width standards for OP nor RM zoned properties.

Tax lot 603 is developed with access to Davidson Street via a private developed easement and will continue to be served by that easement after the replat. All other resultant properties will have frontage on a public street.

Reconfigured Property "A" fronts Waverly Drive. Reconfigured Property "C" fronts Davidson Street and 16th Avenue.

Conclusion: The proposed partition meets all development standards for the RM and OP zoned properties.

2. *Development of any remainder of property under the same ownership can be accomplished in accordance with the Code.*

Response:

The project site is fronted by three public streets: Davison Street; Waverly Drive; and 16th avenue.

Conclusion:

There will not be any remainder property without access to public streets and utilities.

3. *Adjoining land can be developed or is provided access that will allow its development in accordance with the Code.*

Response:

Tax lot 603 is developed with access to Davidson Street via a private developed easement and will continue to be served by that easement after the replat. All other resultant properties will have frontage on a public street.

Each of the property frontages of the undeveloped property has access to water sewer and storm drain utilities in the fronting public streets. Power and other franchised utilities are available in the fronting public streets.

Conclusion:

The resultant properties can be developed in accordance with the Code.

4. *The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.*

Response:

A private access easement running east and west through the project provides access to the resultant properties. The resultant undeveloped lot will have access to three (3) public streets to help distribute the traffic into the street system.

Conclusion:

Safe and efficient circulation is provided for the resultant properties.

5. *The Public Works Director has determined that the public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.*

Response:

A development plan submitted concurrently with this application illustrates how the project will be served by public utilities. Tax Lot 603 is developed and served with utilities.

Public water, sewer and storm utilities are stubbed into the site. Public water, sewer and storm facilities are available in the fronting streets. Power, natural gas and communications utilities are available in the fronting streets.

Conclusion:

This replat is put forth for the purpose efficiently building the proposed project and has access to the utilities consistent with Article 12.

6. *Activities and developments within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources) and 7 (Historic), as applicable. .*

Response:

The subject property is not located within the Airport Approach District or the Historic District. There are no City of Albany identified wetlands on the subject properties. There are no floodplains on this property. There are no designated Significant Natural Resource Overlay on this property.

Conclusion: Addressing Article 4, Article 6 and Article 7 is not applicable.

LEGEND:

- | | | | |
|--|-------------------------------|--|--------------------------|
| | EXIST. GUT WIRE | | EXIST. FENCE |
| | EXIST. UTILITY POLE | | EXIST. SEWER LINES |
| | EXIST. UTILITY/LIGHT POLE | | EXIST. WATER MAINS |
| | EXIST. LIGHT POST | | EXIST. STORM DRAIN LINES |
| | EXIST. VAULT | | |
| | EXIST. MANHOLE | | |
| | EXIST. CATCH BASIN/CURB INLET | | |
| | EXIST. SIGN | | |
| | EXIST. FIRE HYDRANT | | |
| | EXIST. WATER METER | | |
| | EXIST. WATER VALVE | | |

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Scale: 1"=1(P5)
File: dwg\2024\24-G4\24-G4_tpp3.dwg (George)

VICINITY MAP

SCALE: 1" = 500'

TENTATIVE PROPERTY LINE ADJUSTMENT / REPLAT
EXISTING CONFIGURATION
FOR
15FIFTY WEAVERLY
LOCATED IN
TAX LOTS 600, 603, 700 + 701 MAP 115-3W-08D
AND TAX LOT 2400, MAP 115-3W-08DB
IN THE
CITY OF ALBANY, LINN COUNTY, OREGON

JULY 15, 2025

APPLICANT:

GEH WEAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY ST.
ALBANY, OR 97321

NOTE:

DATA SHOWN ON THIS MAP FROM THE LINN
COUNTY + CITY OF ALBANY GIS DATABASES,
AERIAL PHOTOGRAPHS, ASSESSOR RECORDS.

SUBJECT PROPERTIES:

PROPERTY "A"
TAX LOT 600 (MAP 115-3W-08D)

OWNERS:
GEH WEAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:
NOT ASSIGNED

ZONE:
OP - OFFICE PROFESSIONAL

PROPERTY "B"
TAX LOT 603 (MAP 115-3W-08D)

OWNERS:
VYANET PROPERTY GROUP LLC
410 SW COLUMBIA ST #120
BEND, OR 97702

SITE ADDRESS:
2443 BRIGHTON WAY SE

ZONE:
OP - OFFICE PROFESSIONAL

PROPERTY "C"
TAX LOT 701 (MAP 115-3W-08D)

OWNERS:
GEH WEAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:
1556 WEAVERLY DRIVE SE

ZONE:
RM - RESIDENTIAL MEDIUM DENSITY

PROPERTY "D"
TAX LOT 2400 (MAP 115-3W-08DB)

OWNERS:
GEH WEAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:
NOT ASSIGNED

ZONE:
RM - RESIDENTIAL MEDIUM DENSITY

PROPERTY "E"
TAX LOT 700 (MAP 115-3W-08D)

OWNERS:
GEH WEAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:
1550 WEAVERLY DRIVE SE

ZONE:
RM - RESIDENTIAL MEDIUM DENSITY

K & D

K & D ENGINEERING, Inc.
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

LEGEND:

- | | | | |
|--|-------------------------------|--|--------------------------|
| | EXIST. GUT WIRE | | EXIST. FENCE |
| | EXIST. UTILITY POLE | | EXIST. SEWER LINES |
| | EXIST. UTILITY/LIGHT POLE | | EXIST. WATER MAINS |
| | EXIST. LIGHT POST | | EXIST. STORM DRAIN LINES |
| | EXIST. VAULT | | |
| | EXIST. MANHOLE | | |
| | EXIST. CATCH BASIN/CURB INLET | | |
| | EXIST. SIGN | | |
| | EXIST. FIRE HYDRANT | | |
| | EXIST. WATER METER | | |
| | EXIST. WATER VALVE | | |

Date: 7/15/2025 Time: 11:22
Scale: 1"=1(P5)
File: dwg\2024\24-G4\24-G4_tpp3.dwg (George)

VICINITY MAP
SCALE: 1" = 500'

**TENTATIVE PROPERTY LINE ADJUSTMENT / REPLAT
RECONFIGURED PROPERTIES**

**FOR
15FIFTY WAVERLY**

LOCATED IN
TAX LOTS 600, 603, 700 + 701 MAP 115-3W-08D
AND TAX LOT 2400, MAP 115-3W-08DB
IN THE
CITY OF ALBANY, LINN COUNTY, OREGON

JULY 15, 2025

APPLICANT:

GEH WAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SURVEYOR:

K+D ENGINEERING, INC.
276 NW HICKORY ST.
ALBANY, OR 97321

NOTE:

DATA SHOWN ON THIS MAP FROM THE LINN
COUNTY + CITY OF ALBANY GIS DATABASES,
AERIAL PHOTOGRAPHS, ASSESSOR RECORDS.

SUBJECT PROPERTIES:

PROPERTY "A" RECONFIGURED
TAX LOT 600 (MAP 115-3W-08D)

OWNERS:

GEH WAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:

NOT ASSIGNED

ZONE:

OP - OFFICE PROFESSIONAL
RM - RESIDENTIAL MEDIUM DENSITY

PROPERTY "B" RECONFIGURED
TAX LOT 603 (MAP 115-3W-08D)

OWNERS:

VYANET PROPERTY GROUP LLC
410 SW COLUMBIA ST #120
BEND, OR 97702

SITE ADDRESS:

2443 BRIGHTON WAY SE

ZONE:

OP - OFFICE PROFESSIONAL

PROPERTY "C"

TAX LOT 701 (MAP 115-3W-08D)

OWNERS:

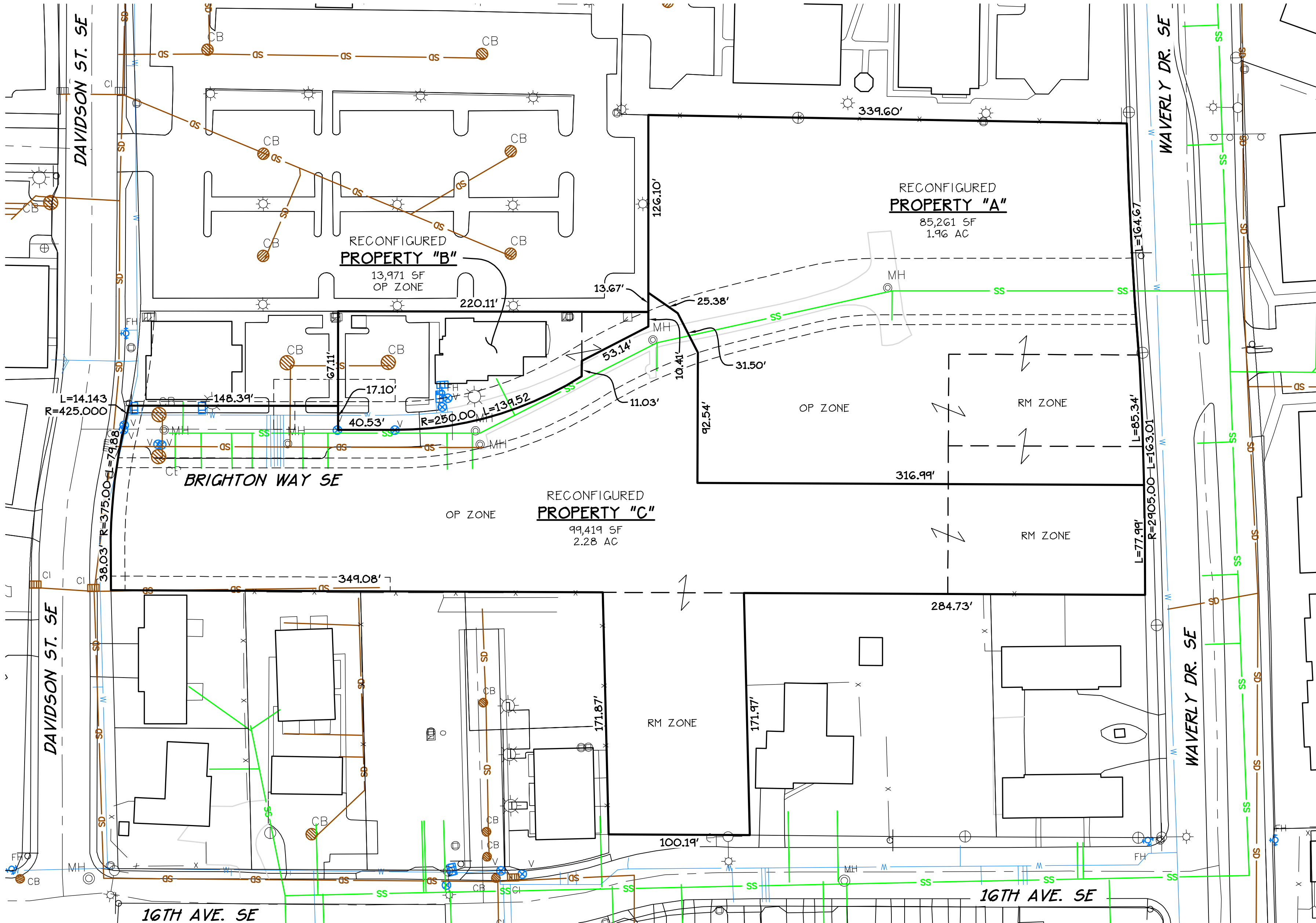
GEH WAVERLY LLC
1230 SE 214TH AVE
GRESHAM, OR 97030

SITE ADDRESS:

1556 WAVERLY DRIVE SE

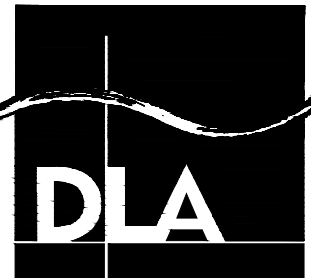
ZONE:

OP - OFFICE PROFESSIONAL
RM - RESIDENTIAL MEDIUM DENSITY



K & D

K & D ENGINEERING, Inc.
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**DOUGHERTY
LANDSCAPE
ARCHITECTS**

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1550 WAVERLY DRIVE NE
ALBANY, OR

Date: 6-16-25

Drawn By: ES/EP

Checked By: DJD

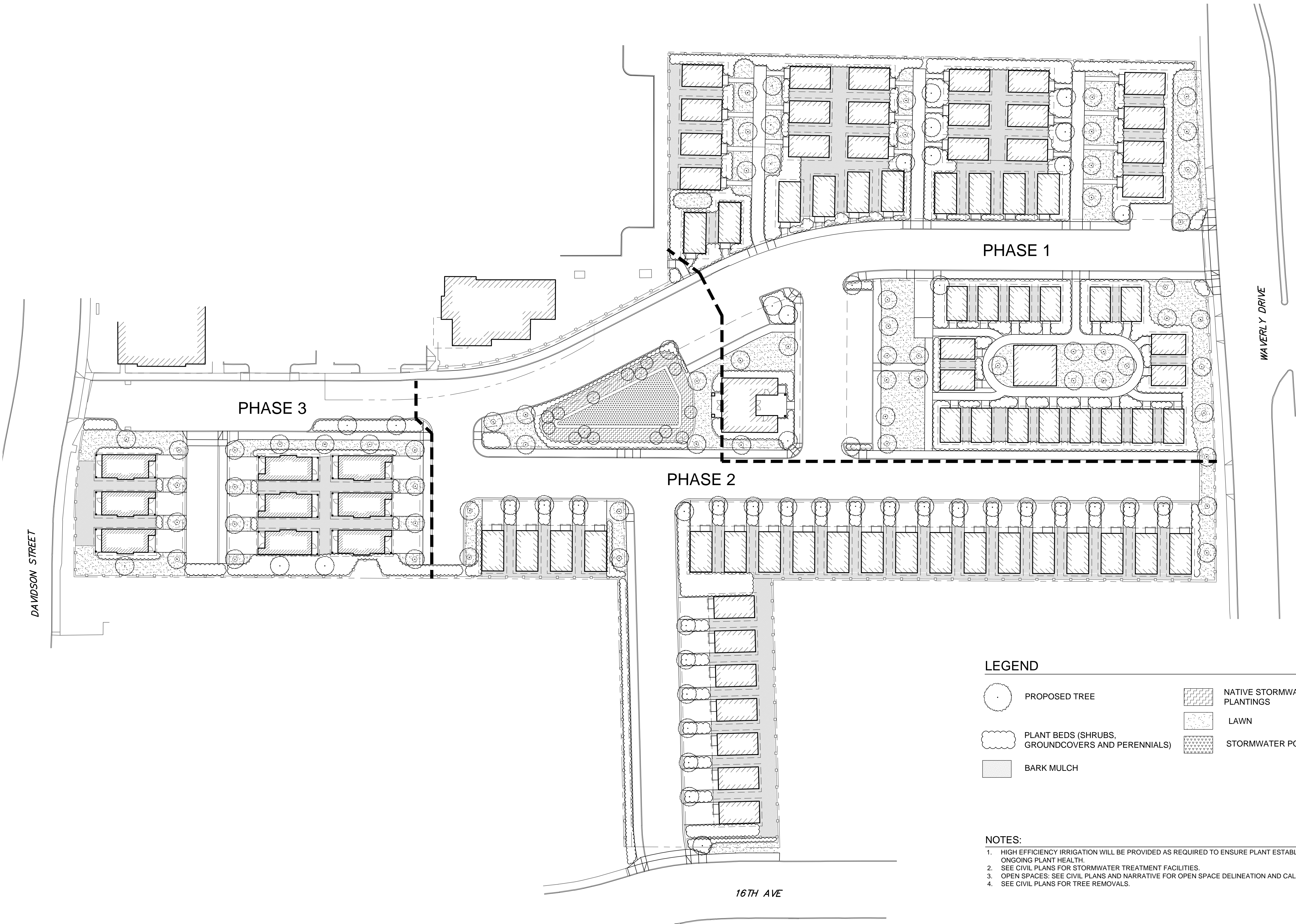
Submission:
PD

Revisions

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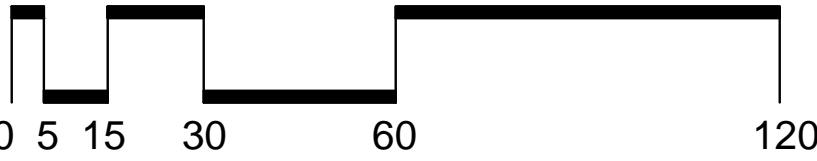
LEGEND

- | | | | |
|--|--|--|---------------------------------------|
| | PROPOSED TREE | | NATIVE STORMWATER TREATMENT PLANTINGS |
| | PLANT BEDS (SHRUBS, GROUNDCOVERS AND PERENNIALS) | | LAWN |
| | BARK MULCH | | STORMWATER POND - SEE CIVIL |

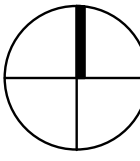
NOTES:

1. HIGH EFFICIENCY IRRIGATION WILL BE PROVIDED AS REQUIRED TO ENSURE PLANT ESTABLISHMENT AND ONGOING PLANT HEALTH.
2. SEE CIVIL PLANS FOR STORMWATER TREATMENT FACILITIES.
3. OPEN SPACES: SEE CIVIL PLANS AND NARRATIVE FOR OPEN SPACE DELINEATION AND CALCULATIONS.
4. SEE CIVIL PLANS FOR TREE REMOVALS.

CONCEPTUAL LANDSCAPE PLAN

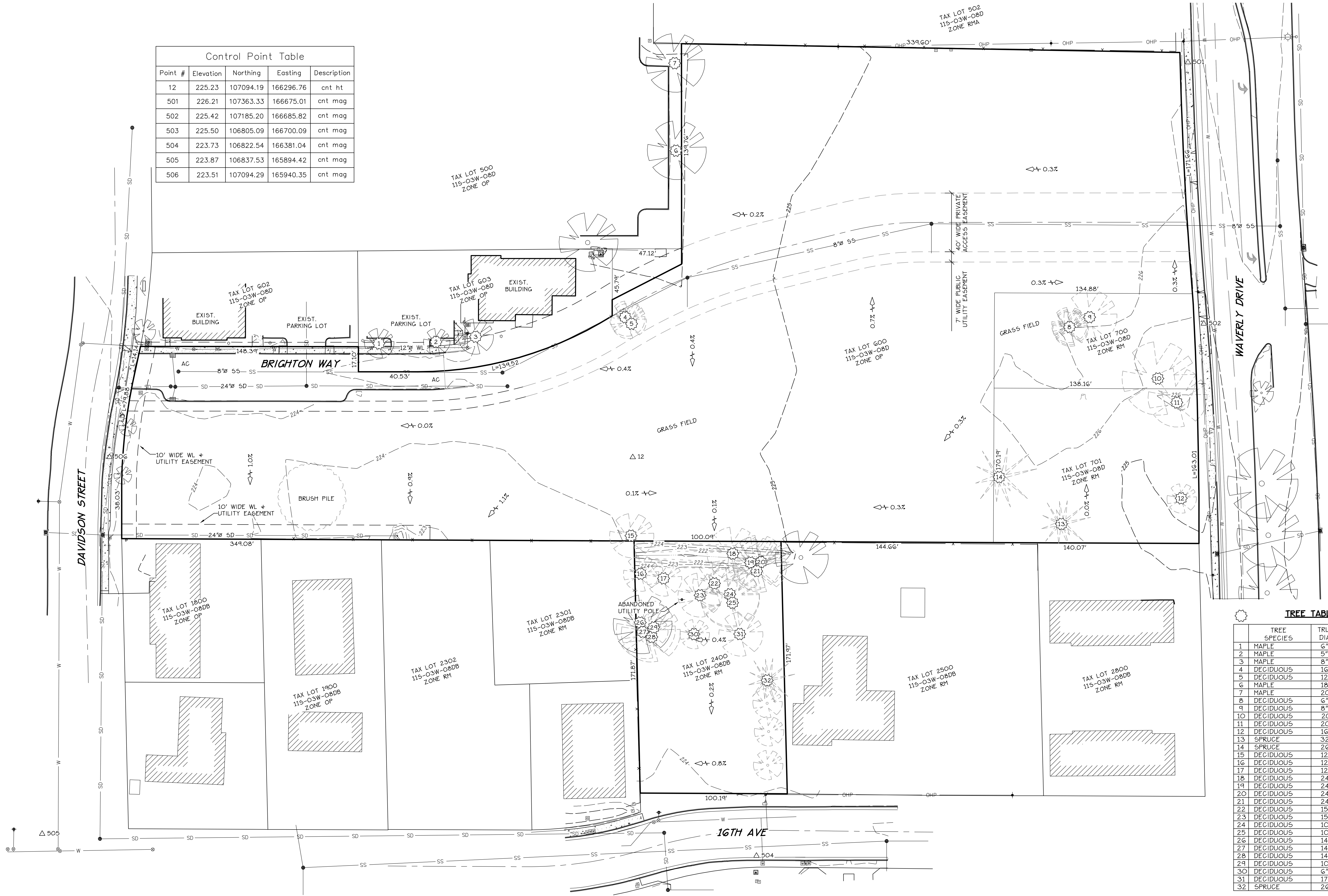
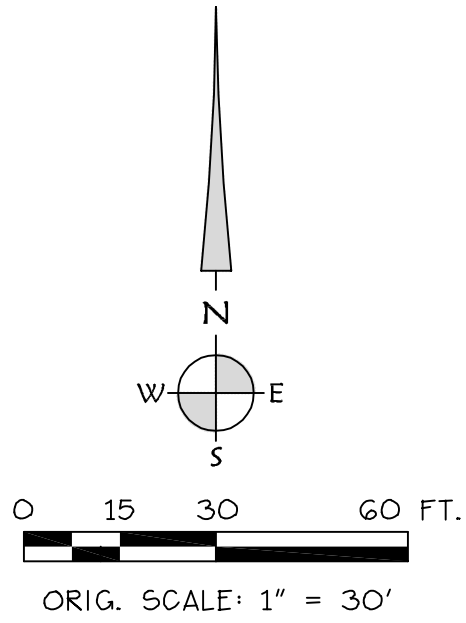



SCALE: 1"=30'-0"



NORTH

Control Point Table				
Point #	Elevation	Northing	Easting	Description
12	225.23	107094.19	166296.76	cnt ht
501	226.21	107363.33	166675.01	cnt mag
502	225.42	107185.20	166685.82	cnt mag
503	225.50	106805.09	166700.09	cnt mag
504	223.73	106822.54	166381.04	cnt mag
505	223.87	106837.53	165894.42	cnt mag
506	223.51	107094.29	165940.35	cnt mag





TREE TABLE:

	TREE SPECIES	TRUNK DIA. *	DRIP LINE RADIUS	TREE TO BE SAVED
1	MAPLE	6"	10'	YES
2	MAPLE	5"	9'	YES
3	MAPLE	8"	12'	YES
4	DECIDUOUS	16"	12'	NO
5	DECIDUOUS	12"	12'	NO
6	MAPLE	18"	20'	YES
7	MAPLE	20"	20'	YES
8	DECIDUOUS	6"(3)	12'	NO
9	DECIDUOUS	8"(3)	18'	NO
10	DECIDUOUS	20"	25'	NO
11	DECIDUOUS	20"	20'	NO
12	DECIDUOUS	16"	10'	NO
13	SPRUCE	32"	16'	NO
14	SPRUCE	26"	20'	NO
15	DECIDUOUS	12"	15'	NO
16	DECIDUOUS	12"	12'	NO
17	DECIDUOUS	12"	12'	NO
18	DECIDUOUS	24"	18'	NO
19	DECIDUOUS	24"	18'	NO
20	DECIDUOUS	24"	18'	NO
21	DECIDUOUS	24"	18'	NO
22	DECIDUOUS	15"	15'	NO
23	DECIDUOUS	15"	15'	NO
24	DECIDUOUS	10"	20'	NO
25	DECIDUOUS	10"	20'	NO
26	DECIDUOUS	14"	20'	YES
27	DECIDUOUS	14"	20'	NO
28	DECIDUOUS	14"	20'	NO
29	DECIDUOUS	10"	10'	NO
30	DECIDUOUS	6"	15'	NO
31	DECIDUOUS	17"	15'	NO
32	SPRUCE	26"	15'	NO

Date: 7/16/2025
Scale: 1"=1(FS)
File: dwg 2024-24-64-VP Prelim 24-64-exist.dwg (User)

Time: 14:51

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DATE	REVISIONS	BY



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K & D

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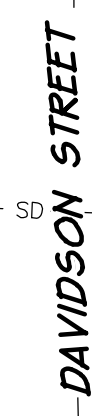
15 FIFTY PLACE
WORKFORCE HOUSING
CITY OF ALBANY, LINN COUNTY, OREGON

CONDITIONAL USE
EXISTING CONDITIONS

HORIZ. SCALE: 1" = 30'
VERT. SCALE: N/A
SIGN DATE:
DSGN BY: DKW
DRWN BY: JLD
CHKD BY: DKW
PROJECT No.: 24-64

SHEET No.

C101



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17,612
OREGON
JAN. 17, 1995
DANIEL K. WATSON
RENEWALS: 6-30-26

276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

CITY OF ALBANY, LINN COUNTY, OREGON

HORIZ. SCALE: 1" = 30'	
VERT. SCALE: N/A	
SIGN DATE:	
DSGN BY:	DKW
DRWN BY:	JLD
CHCK BY:	DKW
PROJECT No.: 24-b4	

SHEET No.

C200

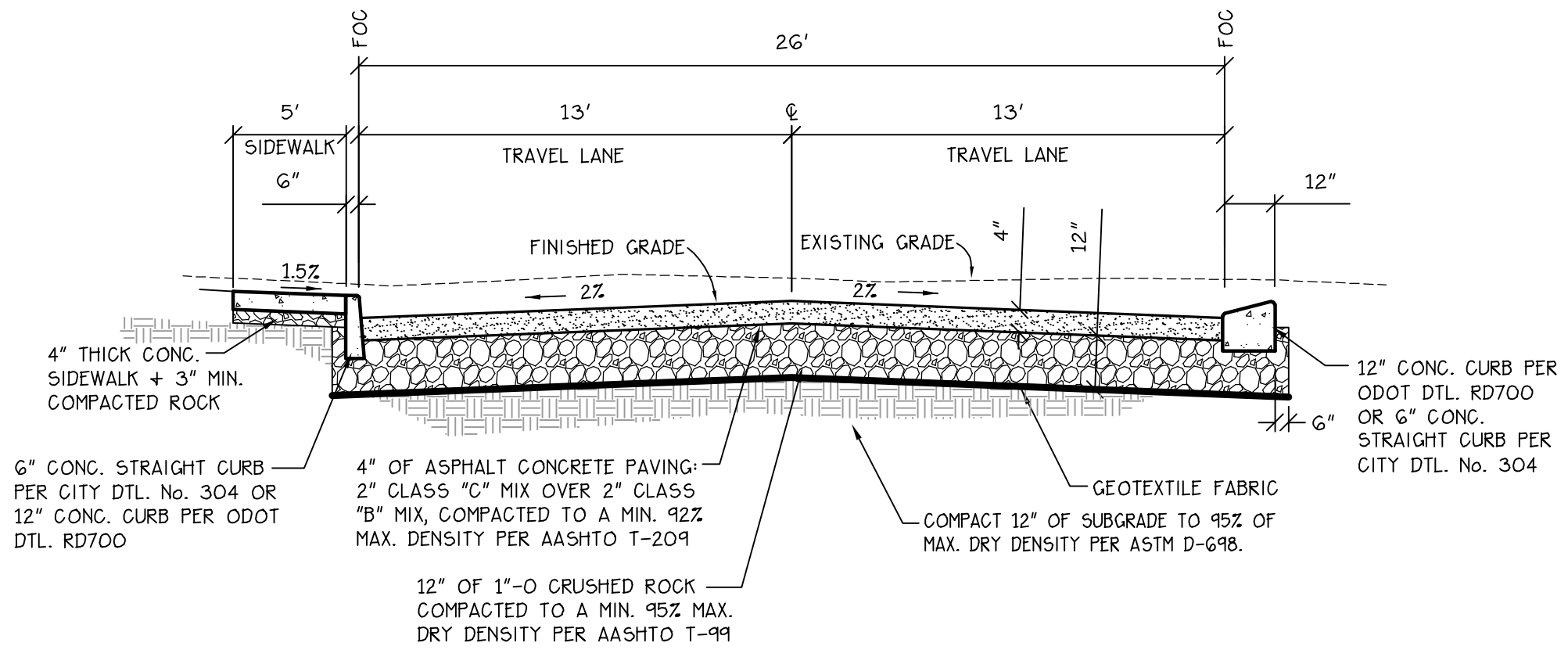
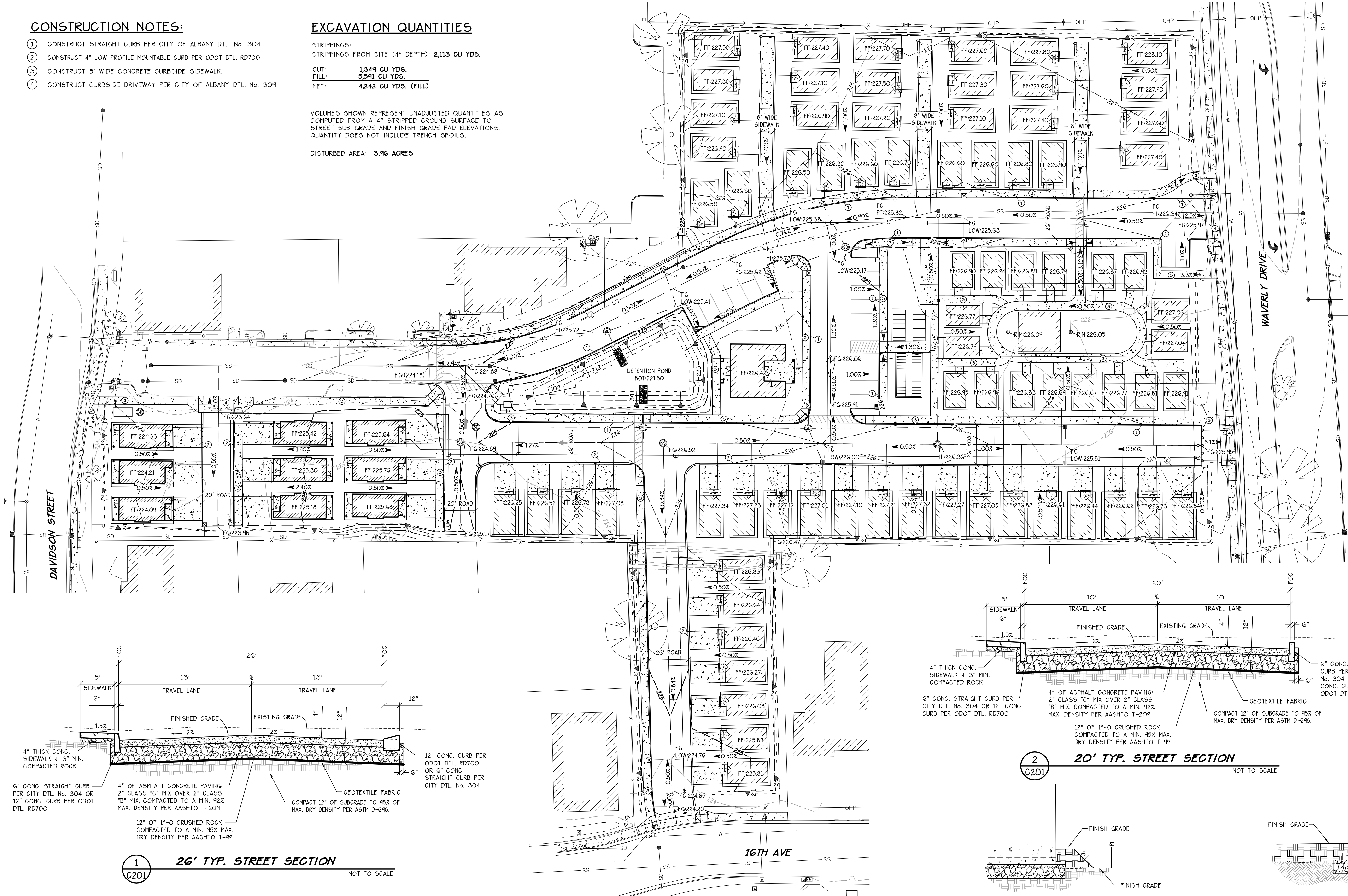
CONSTRUCTION NOTES:

- 1. CONSTRUCT STRAIGHT CURB PER CITY OF ALBANY DTL. No. 304
- 2. CONSTRUCT 4" LOW PROFILE MOUNTABLE CURB PER ODOT DTL. RD700
- 3. CONSTRUCT 5' WIDE CONCRETE CURBSIDE SIDEWALK.
- 4. CONSTRUCT CURBSIDE DRIVEWAY PER CITY OF ALBANY DTL. No. 309

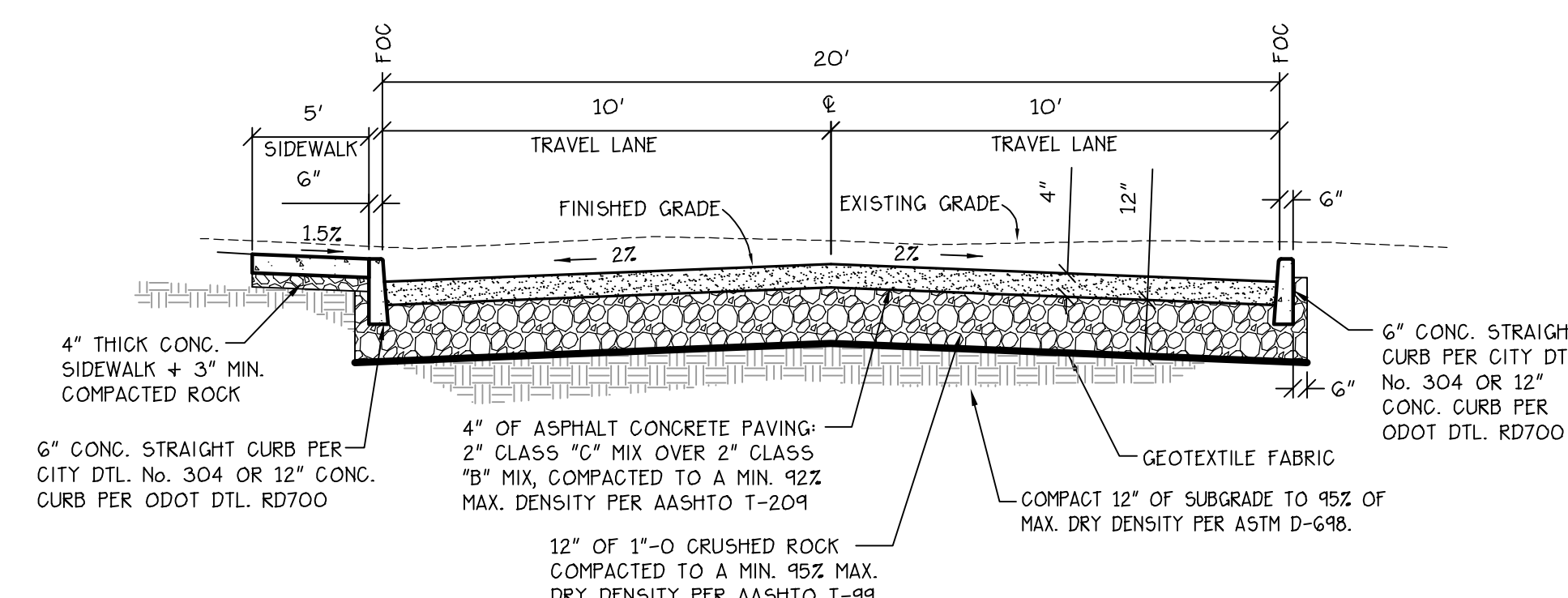
EXCAVATION QUANTITIES

STRIPPINGS:
STRIPPINGS FROM SITE (4" DEPTH): 2,113 CU YDS.
CUT: 1,349 CU YDS.
FILL: 5,591 CU YDS.
NET: 4,242 CU YDS. (FILL)

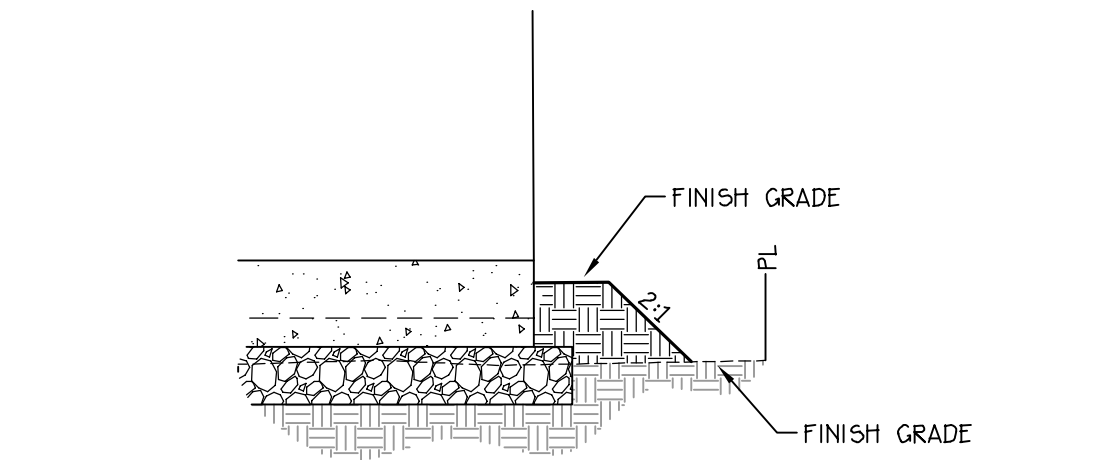
VOLUMES SHOWN REPRESENT UNADJUSTED QUANTITIES AS COMPUTED FROM A 4" STRIPPED GROUND SURFACE TO STREET SUB-GRADE AND FINISH GRADE PAD ELEVATIONS. QUANTITY DOES NOT INCLUDE TRENCH SPOILS.
DISTURBED AREA: 3.96 ACRES



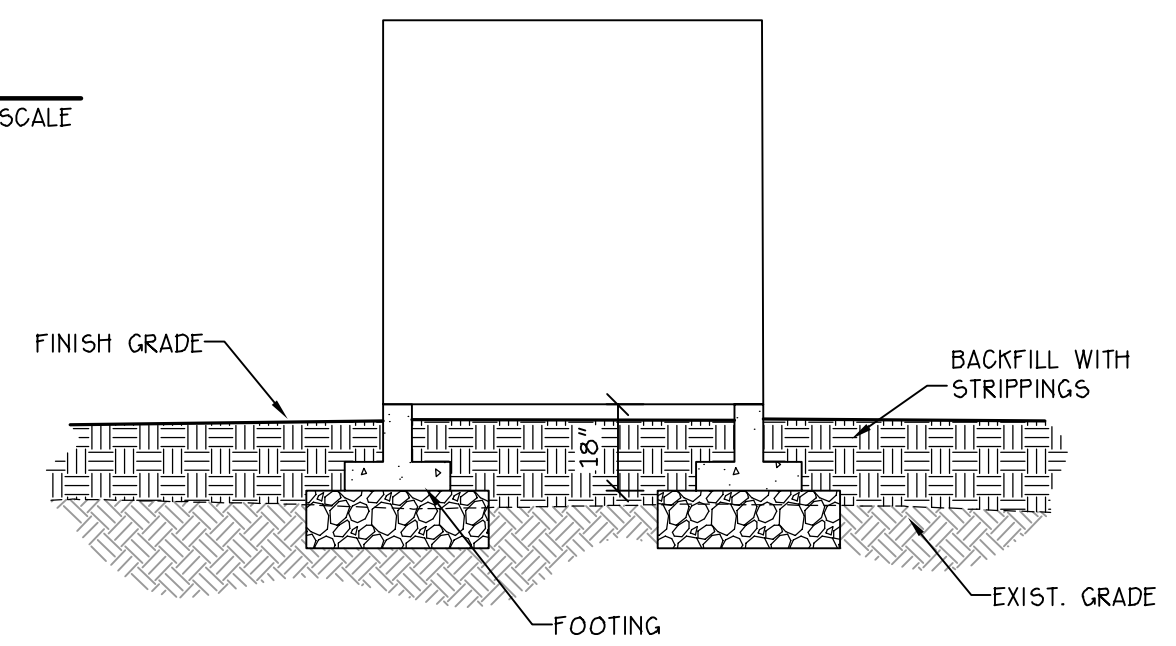
1 26' TYP. STREET SECTION
NOT TO SCALE



2 20' TYP. STREET SECTION
NOT TO SCALE



3 BOUNDARY LINE CROSS SECTION
NOT TO SCALE



4 STRIPPINGS PLACEMENT DETAIL
NOT TO SCALE

Date: 7/16/2025
Scale: 1"=30'
Time: 14:18
File: dwg\2024\14-64\1P Prelim\24-64-grd.dwg (Jacob)

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DATE	REVISIONS	BY



K & D ENGINEERING, INC.

K & D

276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

**15FIFTY PLACE
WORKFORCE HOUSING**

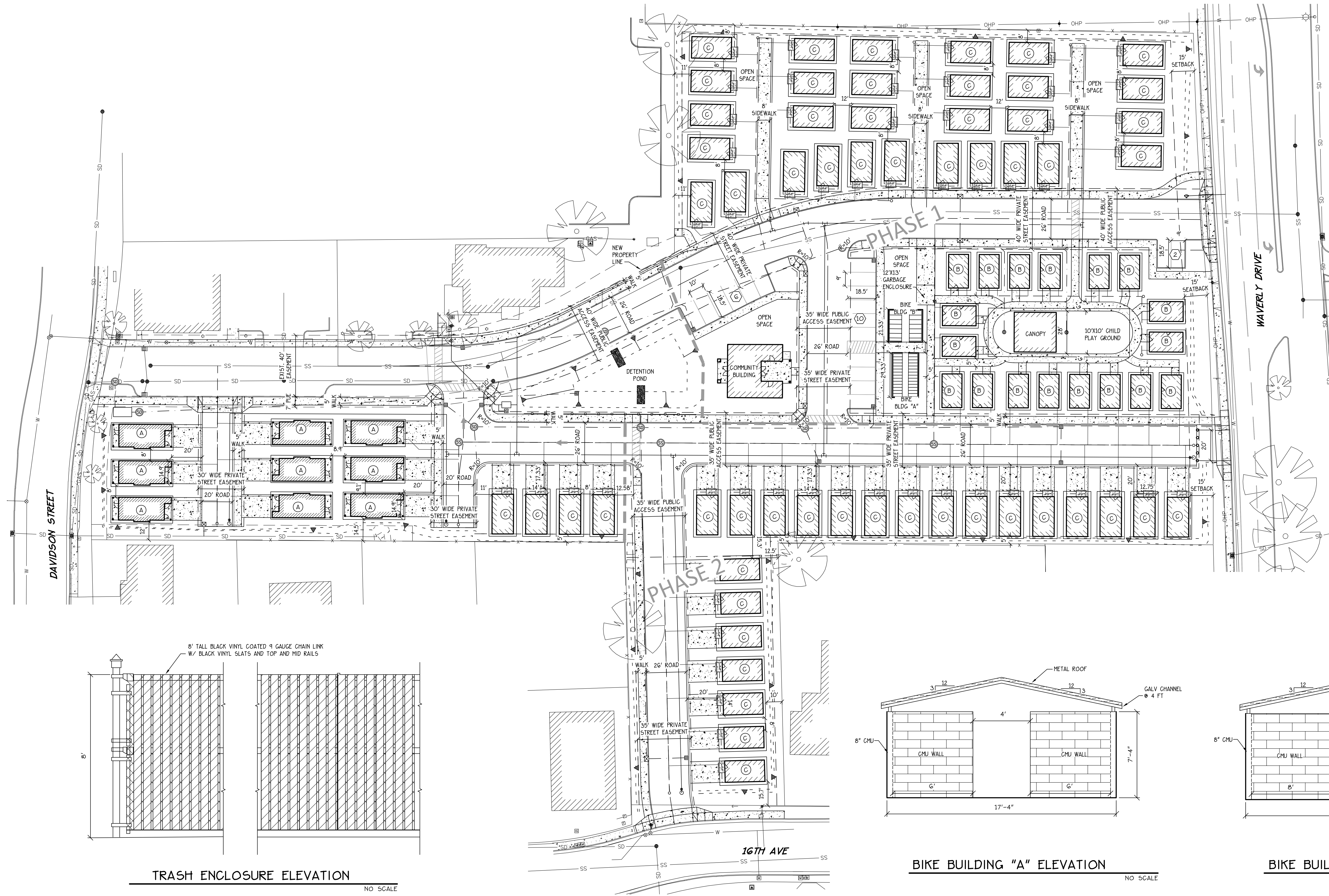
CITY OF ALBANY, LINN COUNTY, OREGON

**CONDITIONAL USE
GRADING PLAN**

HORZ. SCALE: 1" = 30'
VERT. SCALE: N/A
SIGN DATE:
DSGN BY: DKW
DRWN BY: JLD
CHKD BY: DKW
PROJECT No.: 24-64

SHEET No.

C201



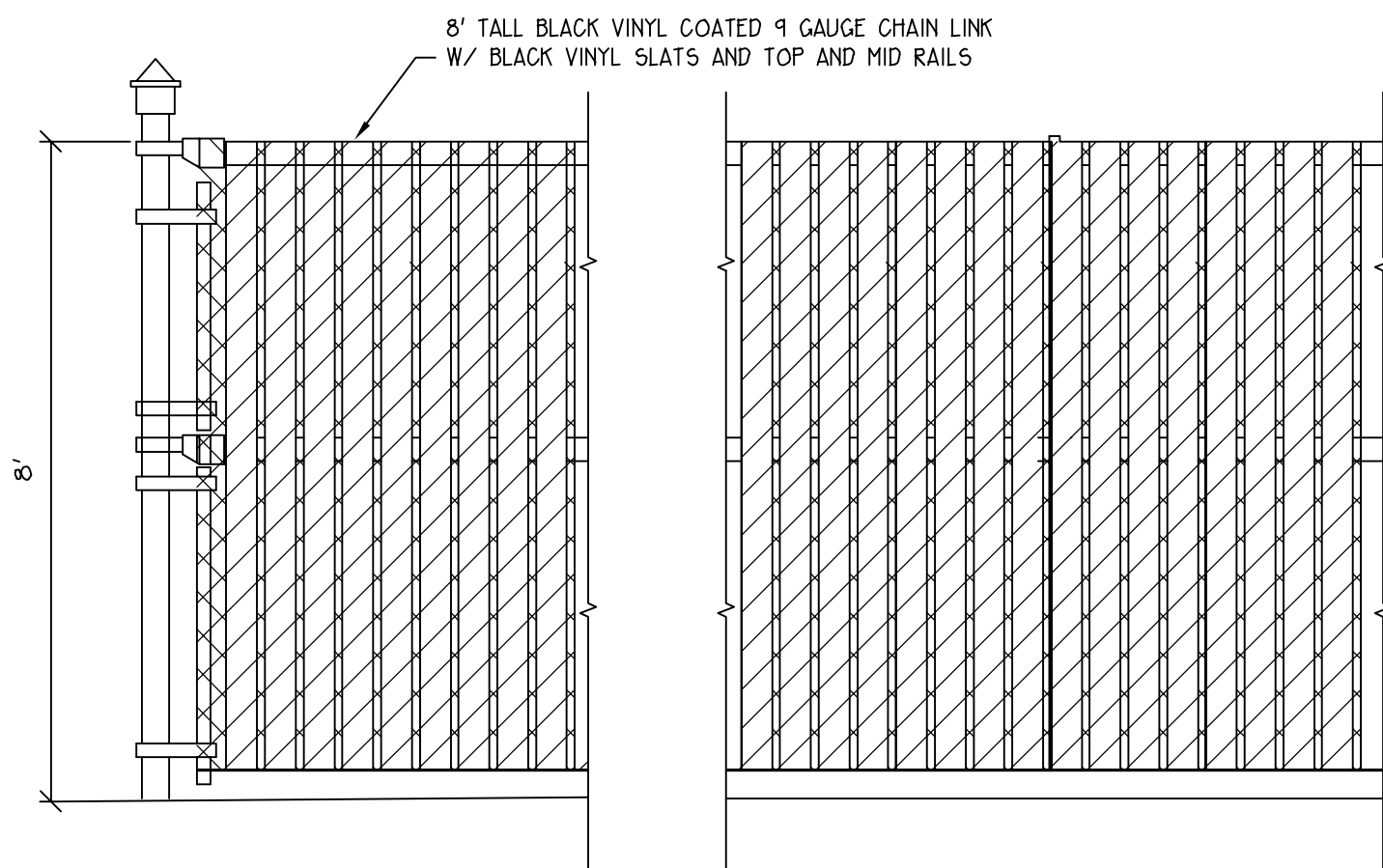
OVERALL SITE STATISTICS:
A) ADA DOUGLAS HOUSE (15'10.5"X34'6"): 9
B) COTTAGE CLUSTER HOUSES (13'X22'): 18
C) CASCADE COTTAGE 2 STORY (14'0"X28'0"): 56
-29 W/O A DRIVEWAY
-26 W/ A DRIVEWAY
TOTAL HOUSES: 83
PARKING SPOTS: 18

PHASE 1:
B) CLUSTER HOUSES: 18
C) CASCADE HOUSES (2 STORY): 29
TOTAL HOUSES: 47

PHASE 2:
A) ADA DOUGLAS HOUSE: 9
C) CASCADE HOUSES (2 STORY): 26
TOTAL HOUSES: 35

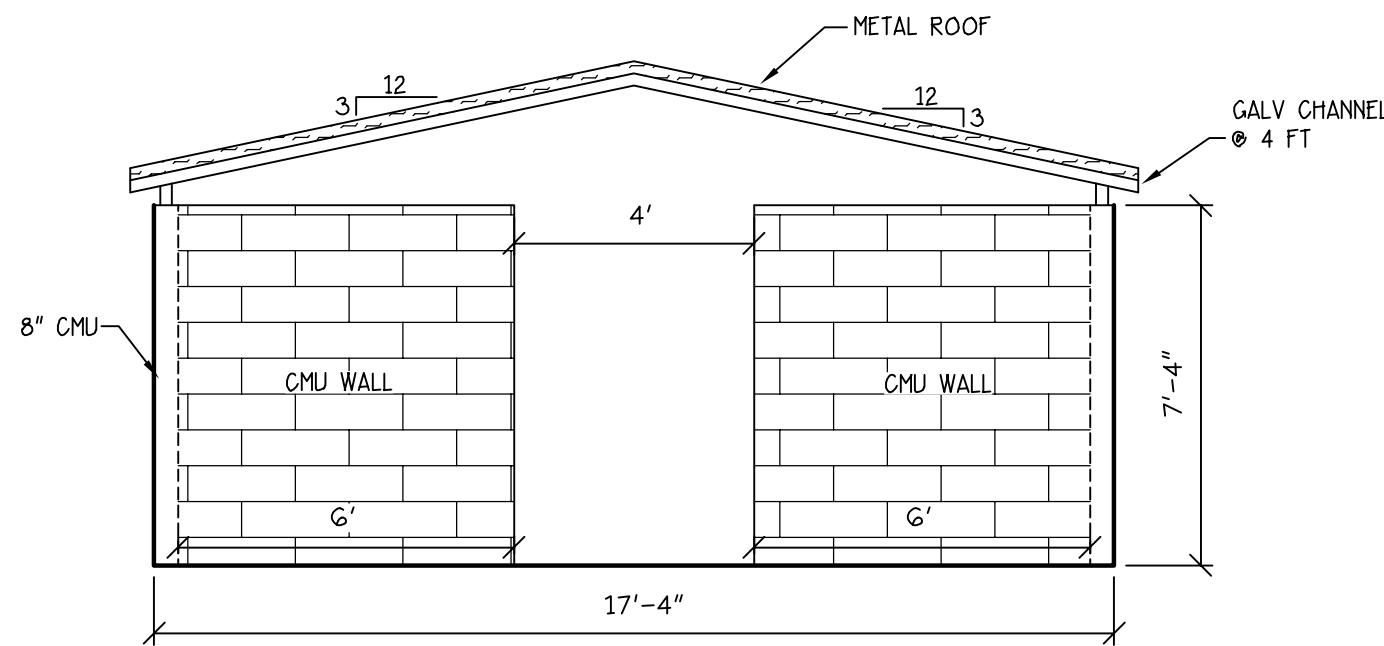
BICYCLE STORAGE:
BIKE BUILDING "A": 17'-4" X 29'-4"
2'X6' BIKE SPACES: 28

BIKE BUILDING "B": 22'-4" X 21'-4"
3'X8' CARGO BIKE SPACES: 12
2'X8' BIKE SPACES: 2



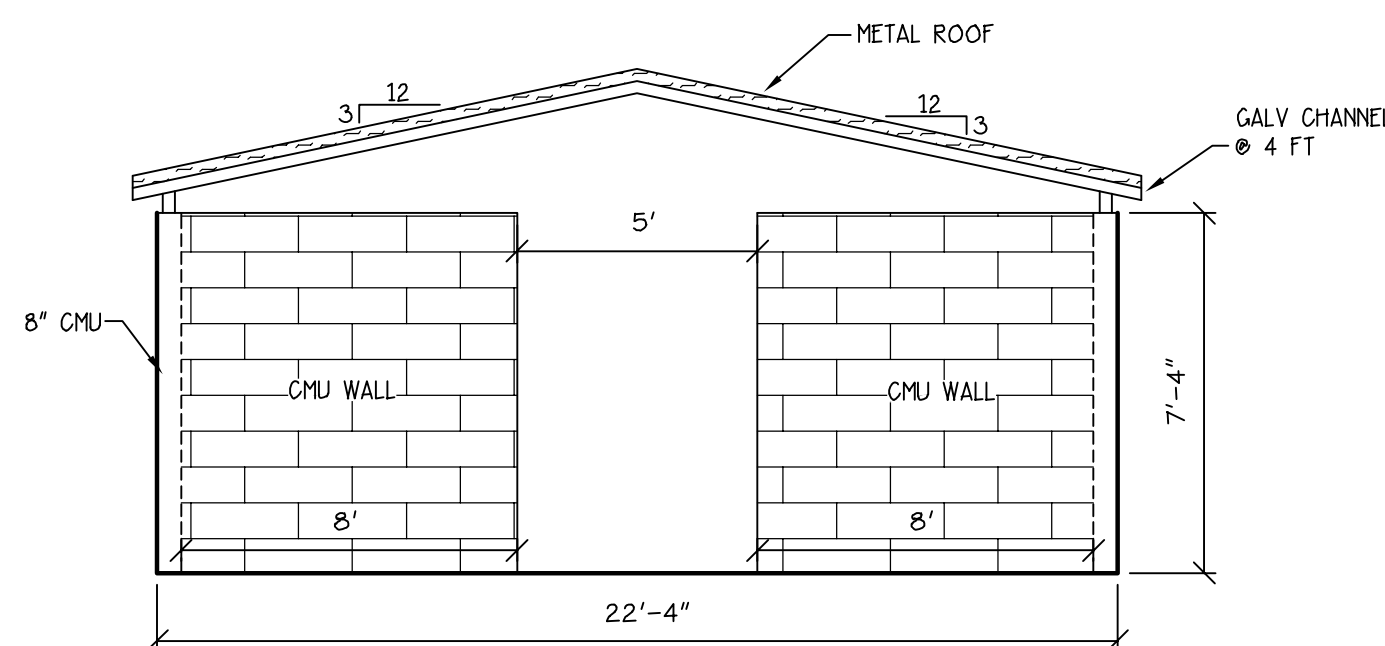
TRASH ENCLOSURE ELEVATION

NO SCALE



BIKE BUILDING "A" ELEVATION

NO SCALE



BIKE BUILDING "B" ELEVATION

NO SCALE

Date: 6/26/2025 Time: 10:15
Scale: 1"=1'(F.S.)
File: dwg\2024\24-64-PD Prelim\24-64-site.dwg (User)

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DATE	REVISIONS	BY



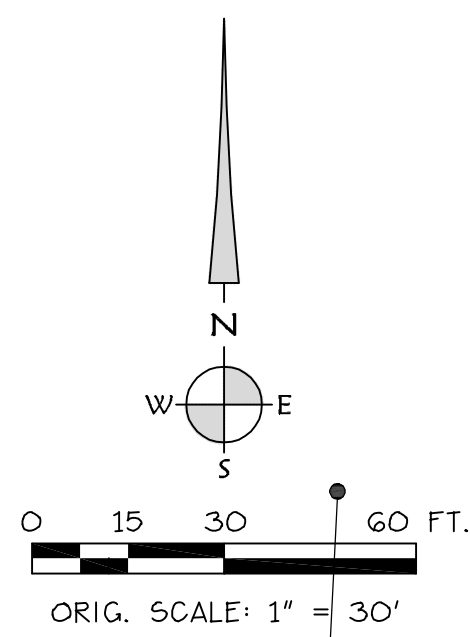
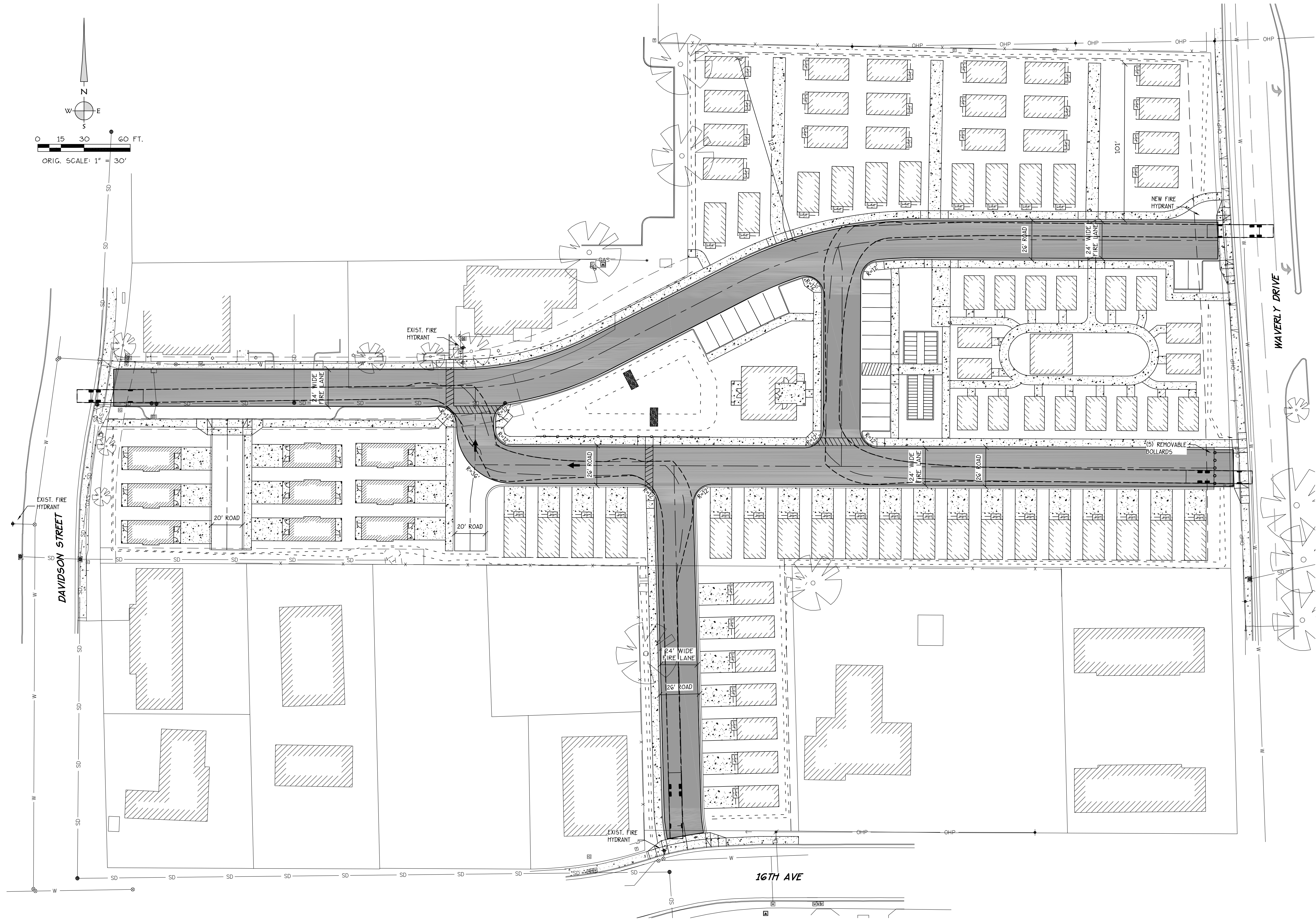
K & D ENGINEERING, INC.
K & D
276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

**15 FIFTY PLACE
WORKFORCE HOUSING**
CITY OF ALBANY, LINN COUNTY, OREGON

**CONDITIONAL USE
SITE PLAN**

HORZ. SCALE: 1" = 30'
VERT. SCALE: N/A
SIGN DATE:
DSGN BY: DKW
DRWN BY: JLD
CHKD BY: DKW
PROJECT No.: 24-64

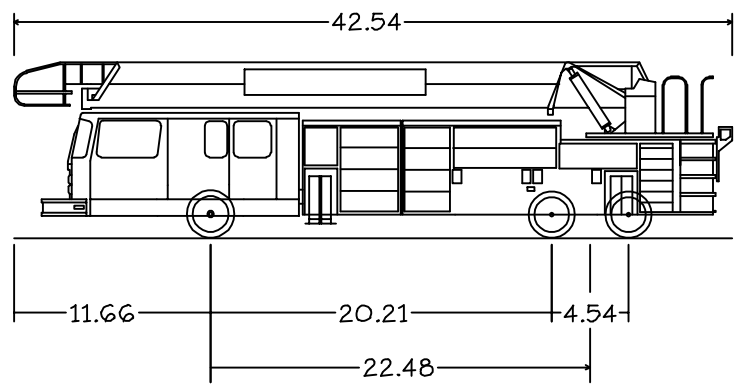
SHEET No.
C202



LEGEND:

--- WHEEL PATHS
--- OUTSIDE SWEEP PATHS

FIRE TRUCK PATH NOTE:
FIRE TRUCK TURNING PATH CREATED WITH AUTODESK VEHICLE TRACKING SOFTWARE AND USING TRUCK DATA PROVIDED BY ALBANY CITY FIRE DEPARTMENT, AS SHOWN BELOW.



FIRE TRUCK NO. 13
OVERALL LENGTH 42.540FT
OVERALL WIDTH 8.000FT
OVERALL BODY HEIGHT 10.422FT
MIN BODY GROUND CLEARANCE 0.852FT
MAX TRACK WIDTH 8.170FT
LOCK-TO-LOCK TIME 6.00S
MAX STEERING ANGLE (VIRTUAL) 45.00°

Albany City Fire
Auto turn measurements
(153) Truck 13

- *Overall body length- 510.5 inches
- *Rear body overhang- 172.0 inches
- *Overall body width- 96.0 inches
- *Wheel base- 268.5 inches
- *Rear axle spacing- 52.0 inches
- Number of front axles- 1
- Number of rear axles- 2. Rear axle is self steering.
- *Front tire track-98.0 inches
- *Rear tire track- 94.0 inches
- *Maximum steering angle- 45 degrees
- *Lock to lock time- default standard of 6.
- *Angle of departure- 10 degrees
- *Angle of approach- 25 degrees

Date: 7/16/2025
Scale: 1"=1'(FS)
File: dwg\2024\24-GA-PD Frmh\24-GA-Utility (Jacobs)

Time: 13:47

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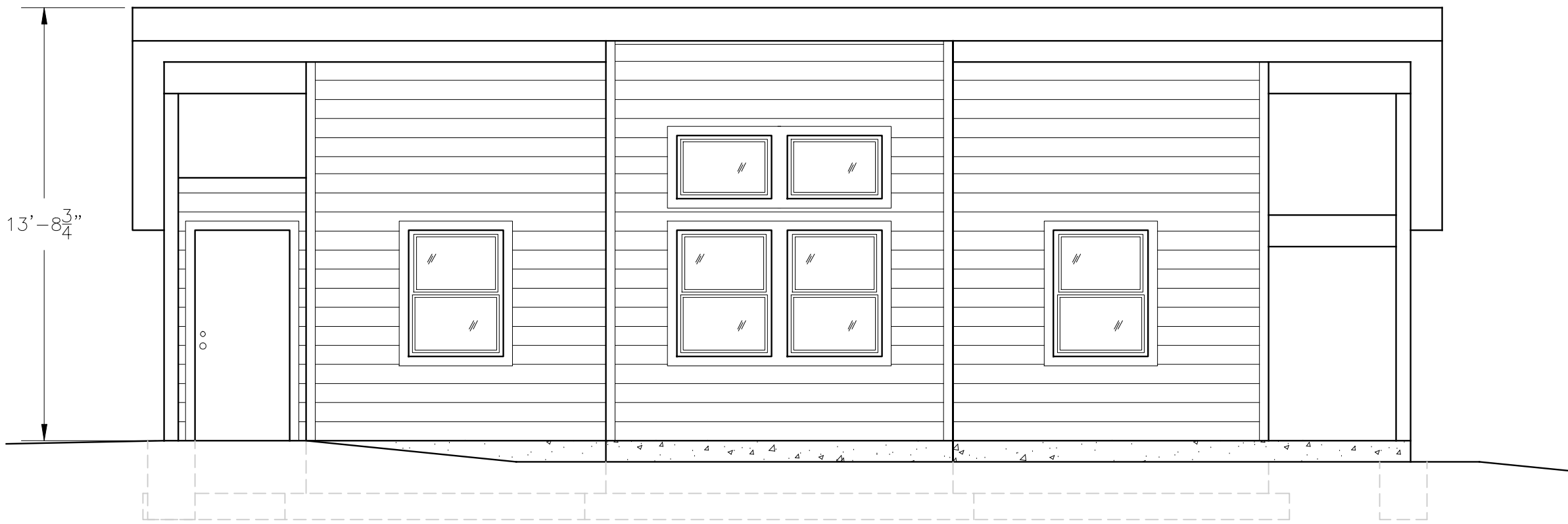
15FIFTY PLACE
WORKFORCE HOUSING
CITY OF ALBANY, LINN COUNTY, OREGON

CONDITIONAL USE
FIRE PLAN

HORZ. SCALE: 1" = 30'
VERT. SCALE: N/A
SIGN DATE:
DSGN BY: DKW
DRWN BY: JLD
CHKD BY: DKW
PROJECT No.: 24-b4

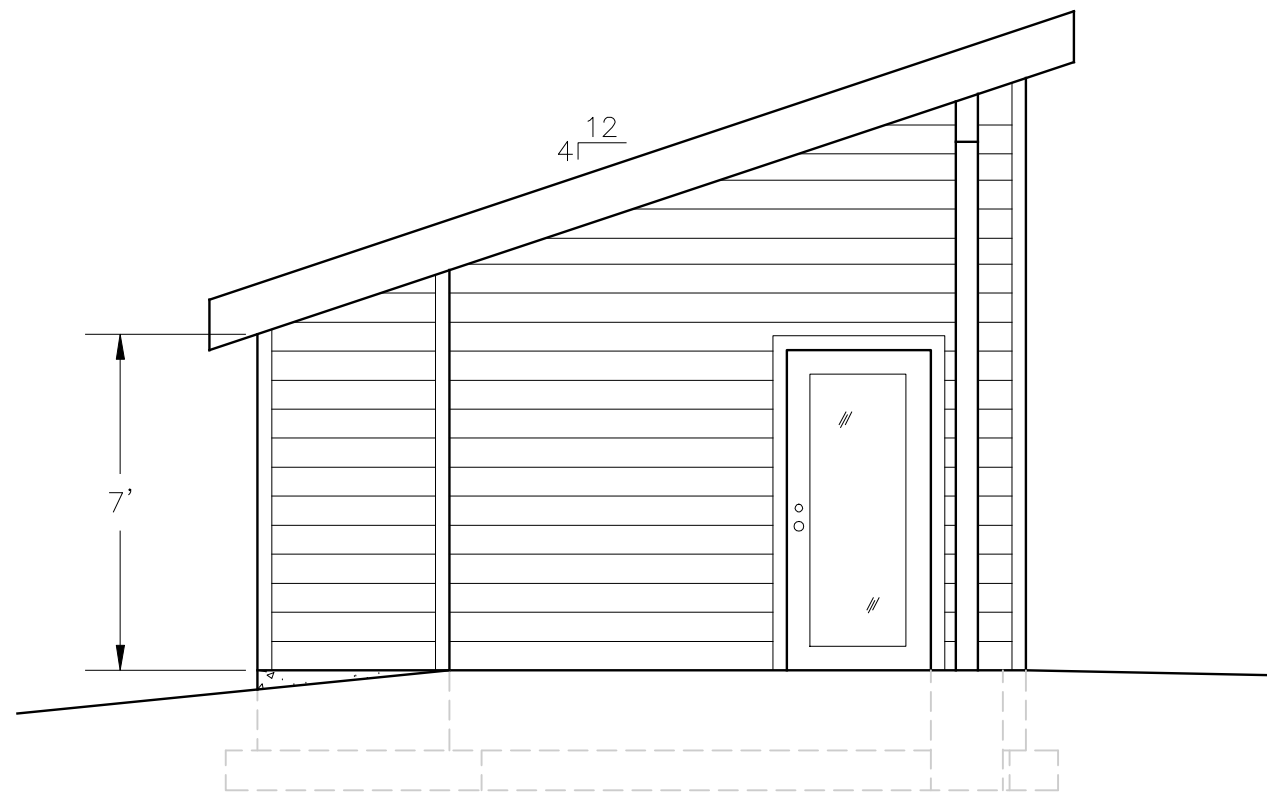
SHEET No.

C203



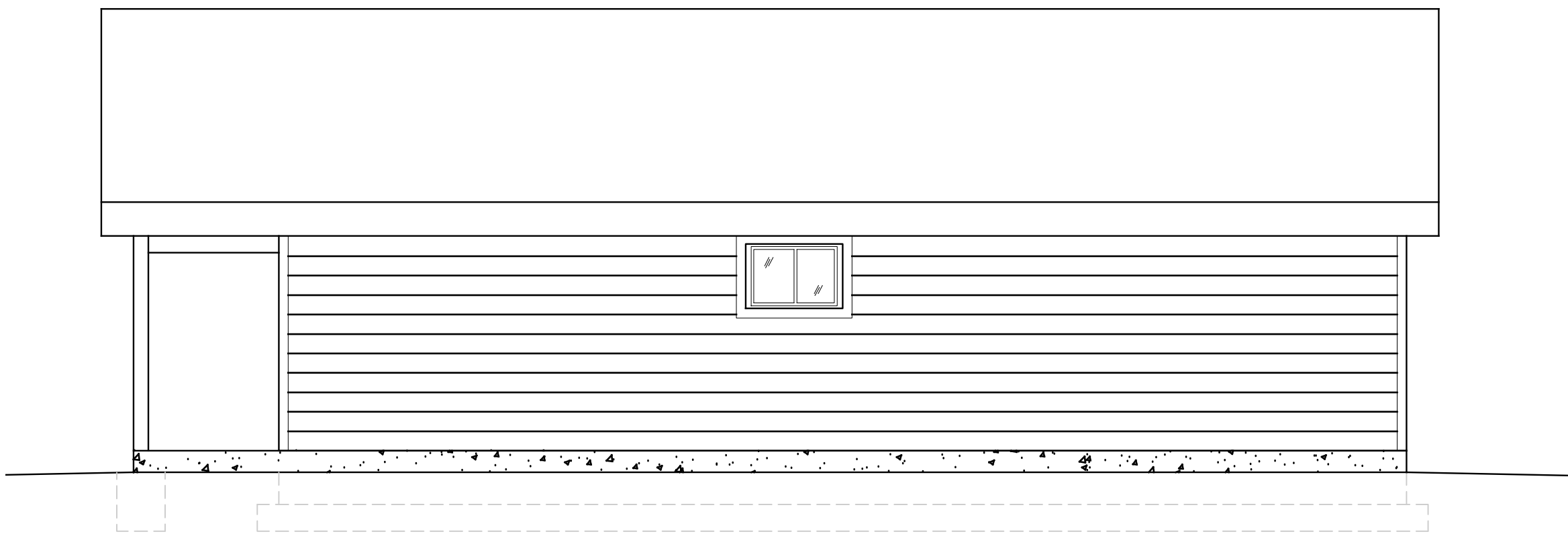
FRONT ELEVATION

1/4"=1'-0"



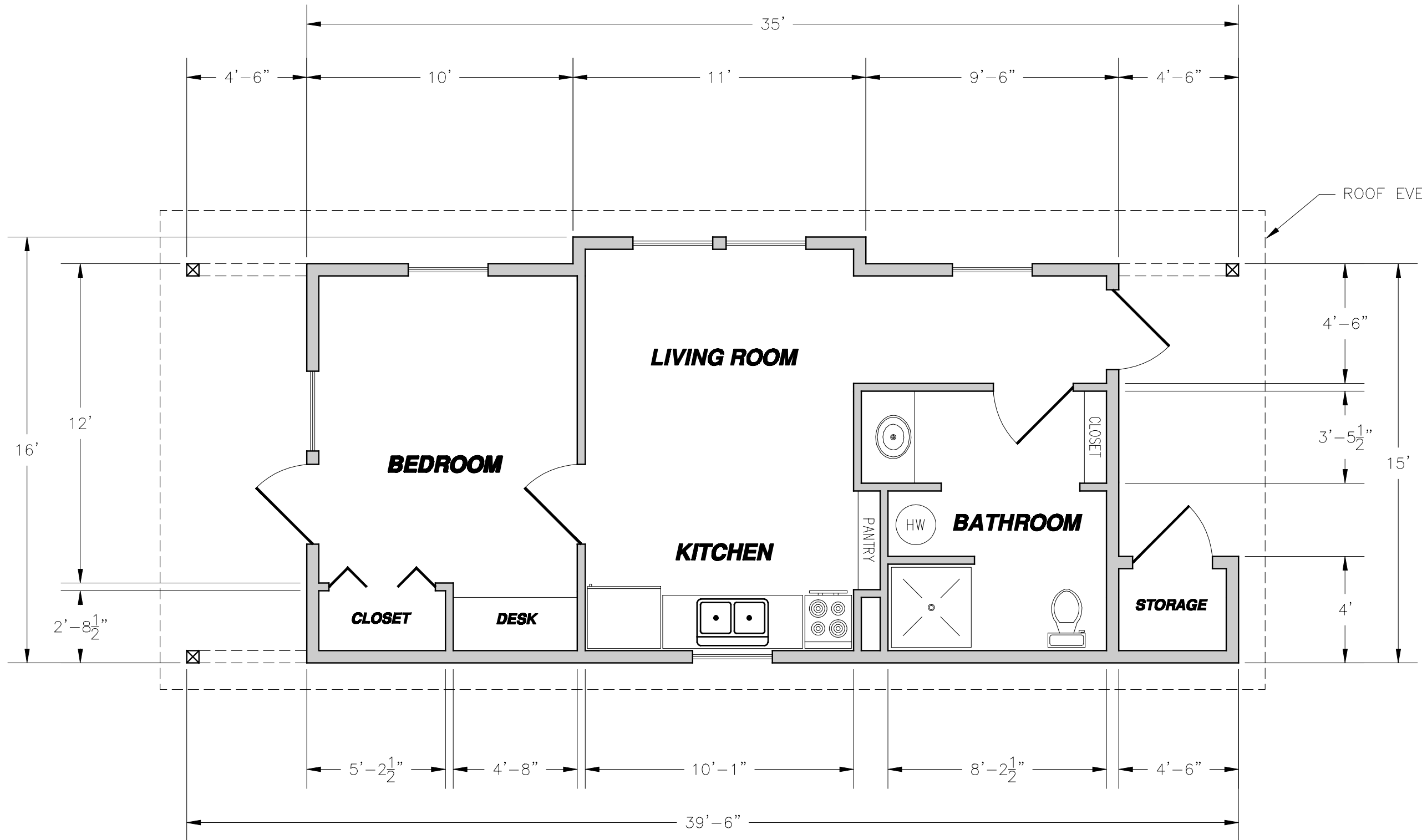
LEFT ELEVATION

1/4"=1'-0"



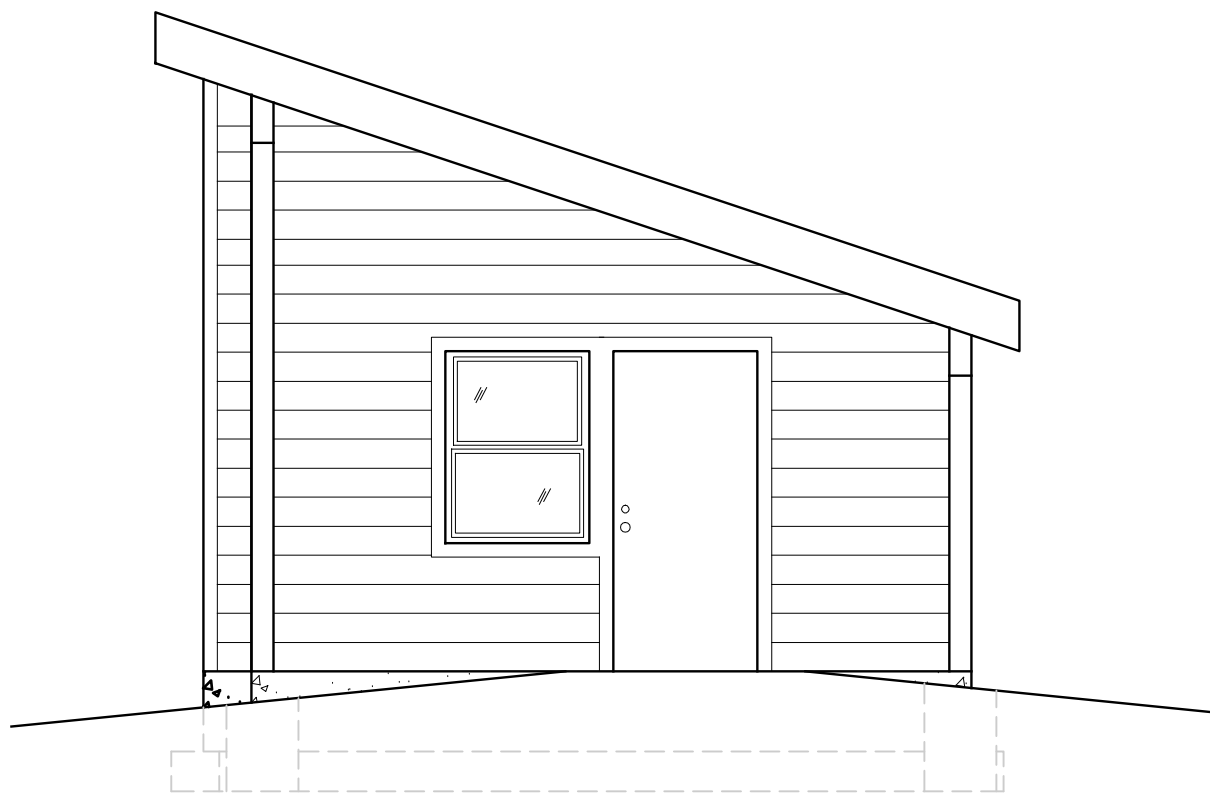
REAR ELEVATION

1/4"=1'-0"



FLOOR PLAN

1/4"=1'-0"



RIGHT ELEVATION

1/4"=1'-0"

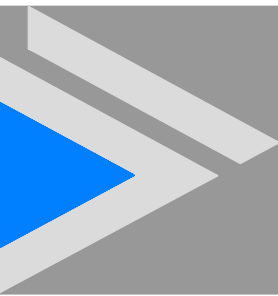
REVISION TABLE

NO.	DATE	BY	DESCRIPTION

CONCEPTUAL
ADA

WAVERLY ONE
1550 WAVERLY DR. NE
ALBANY, OREGON

DRAWINGS PROVIDED BY:
TVP ENGINEERING
260 FERRY ST SW STE. 101
ALBANY, OR 97321
OFFICE@TVP.ENGINEERING.COM
541-791-7118



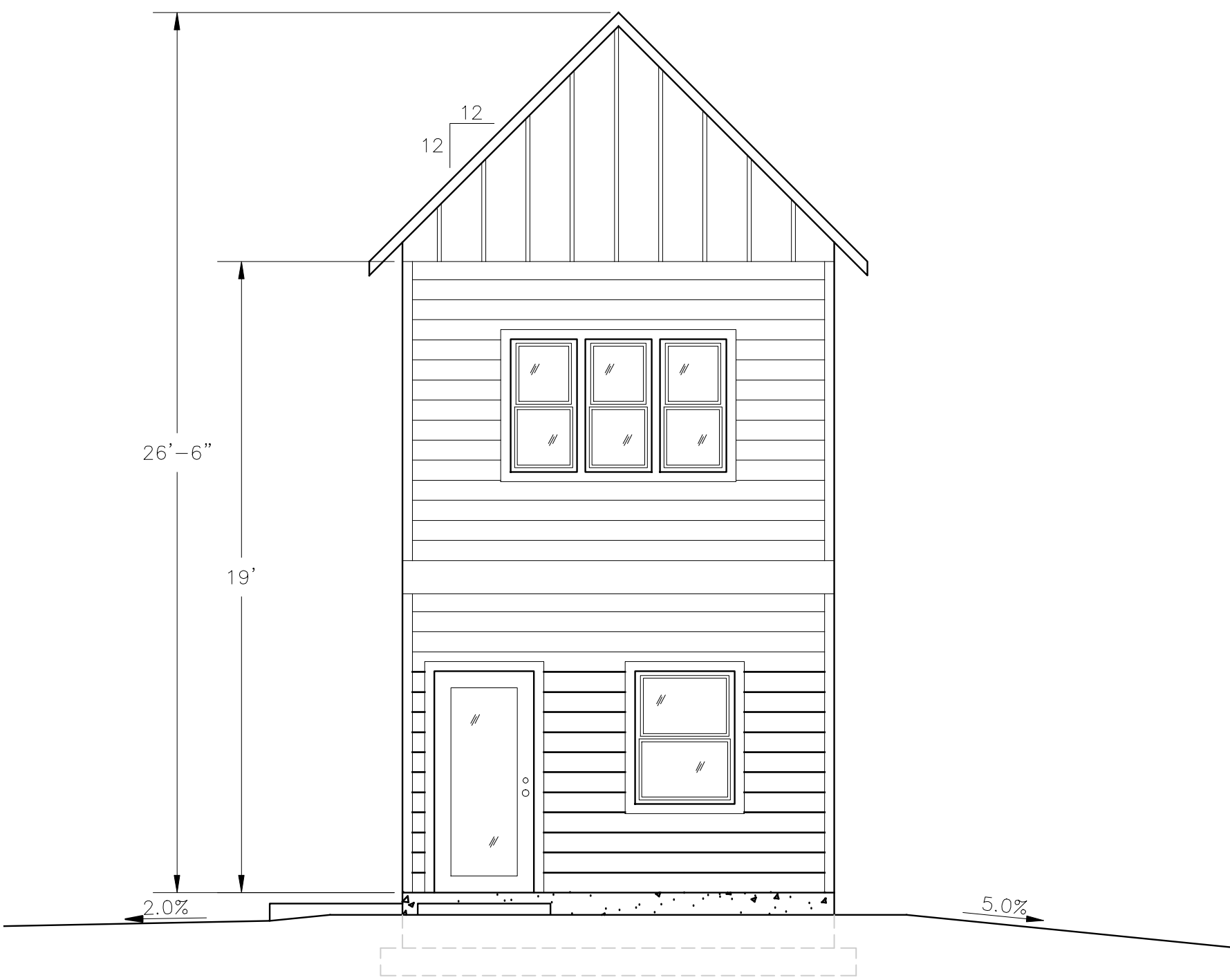
DATE:
05/10/2025

SCALE:
N.T.S.

JOB NO.
25-04-046

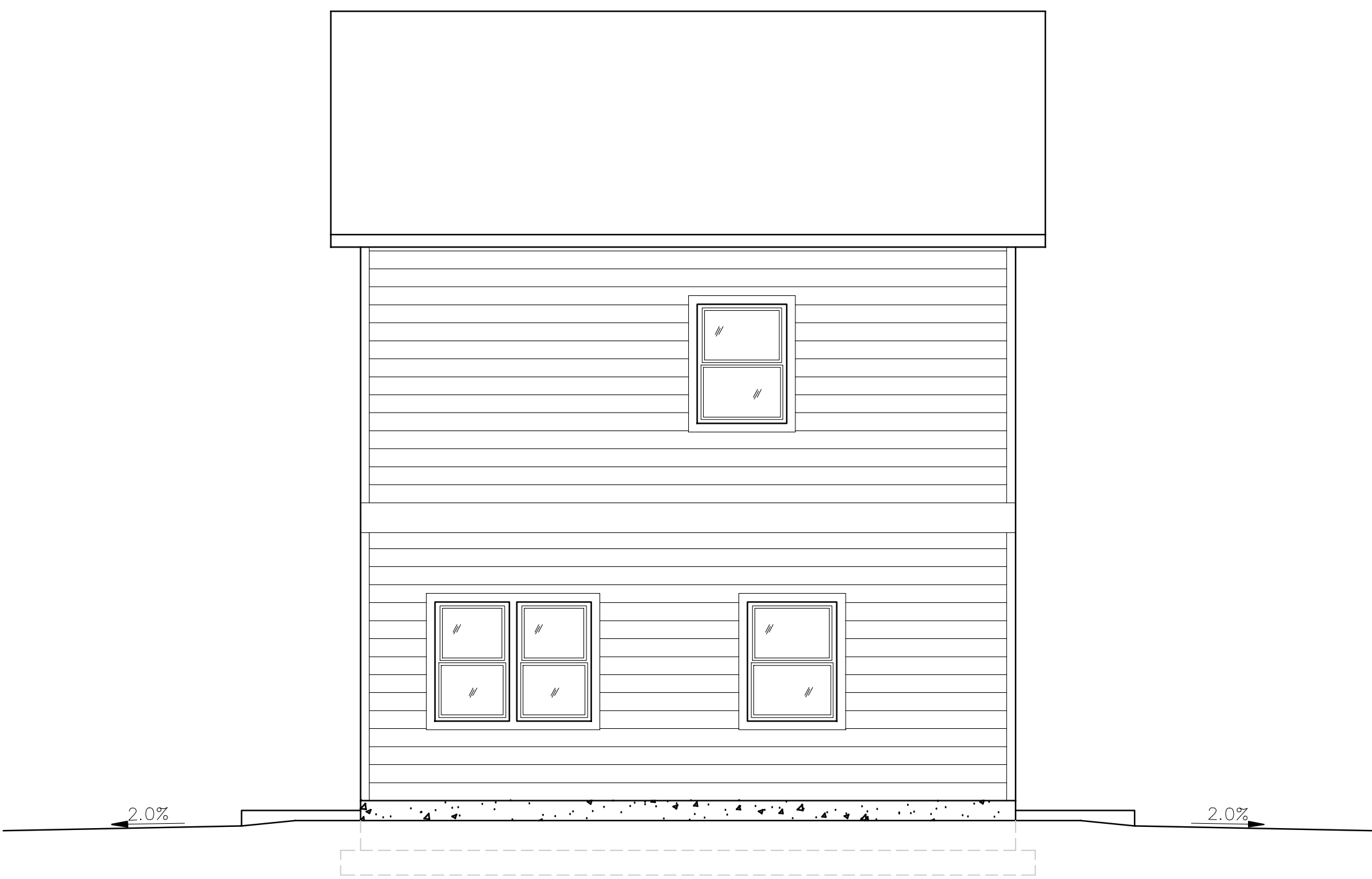
DRAWN BY:
ECK

SHEET:
A1



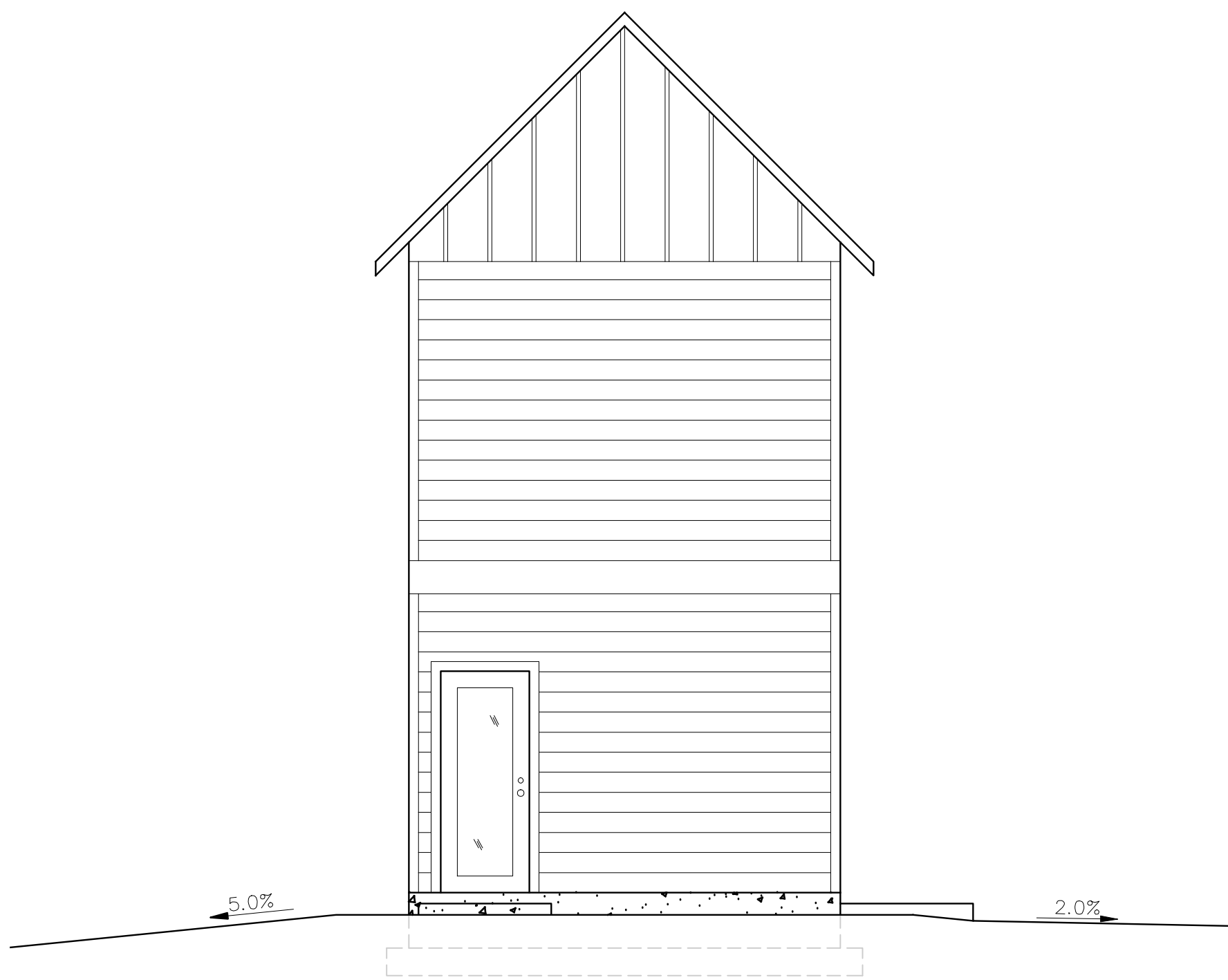
FRONT ELEVATION

1/4"=1'-0"



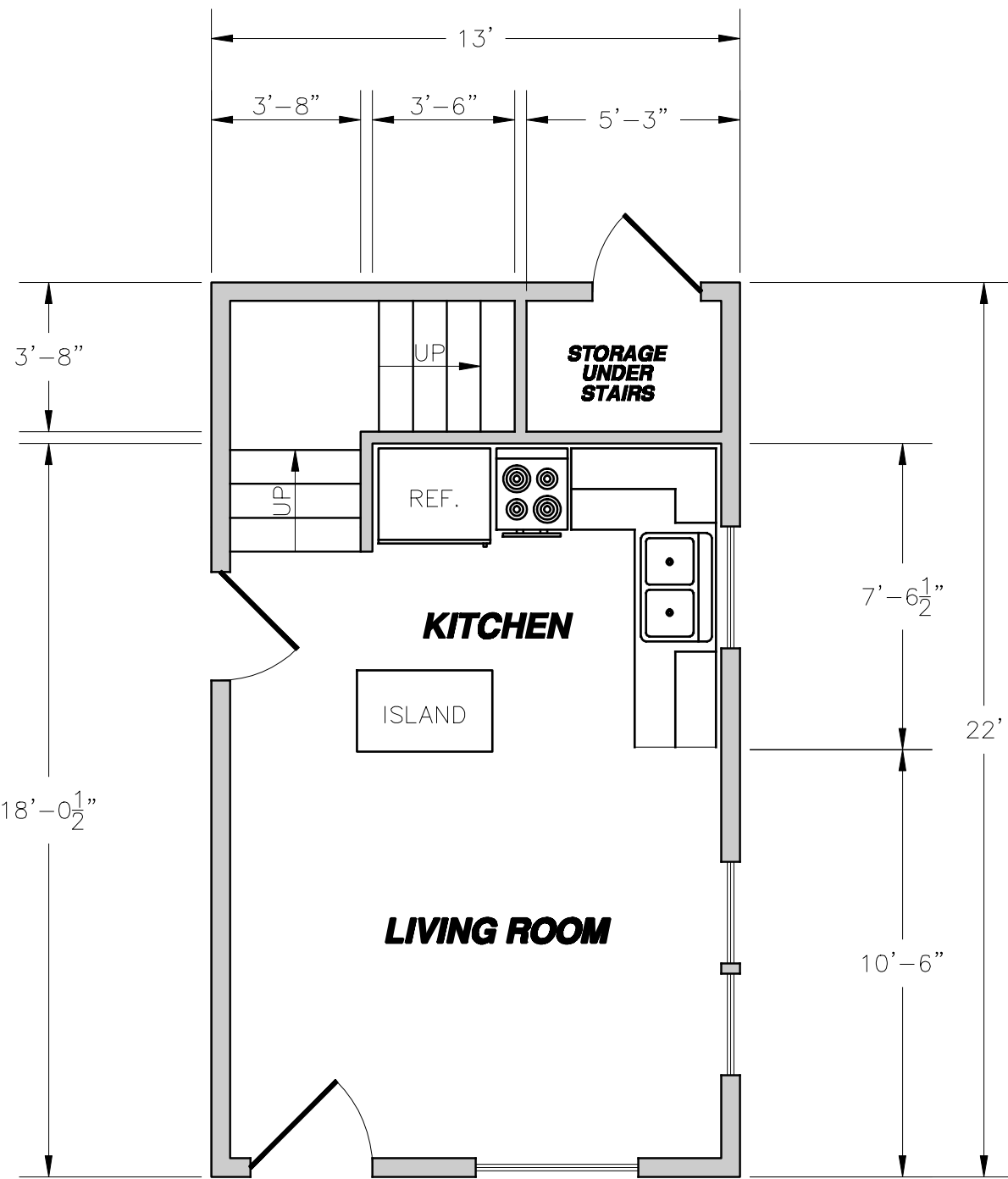
RIGHT ELEVATION

1/4"=1'-0"



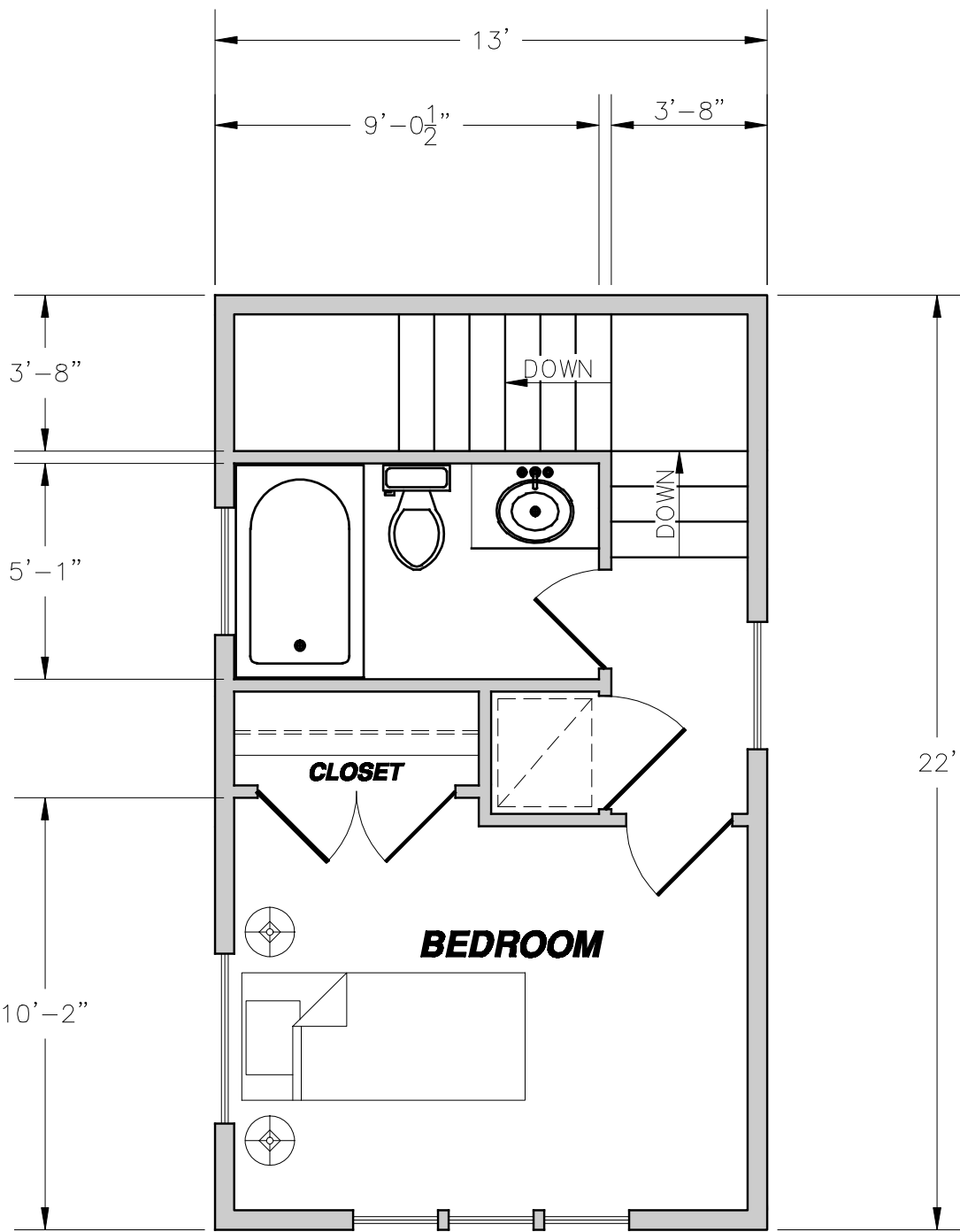
REAR ELEVATION

1/4"=1'-0"



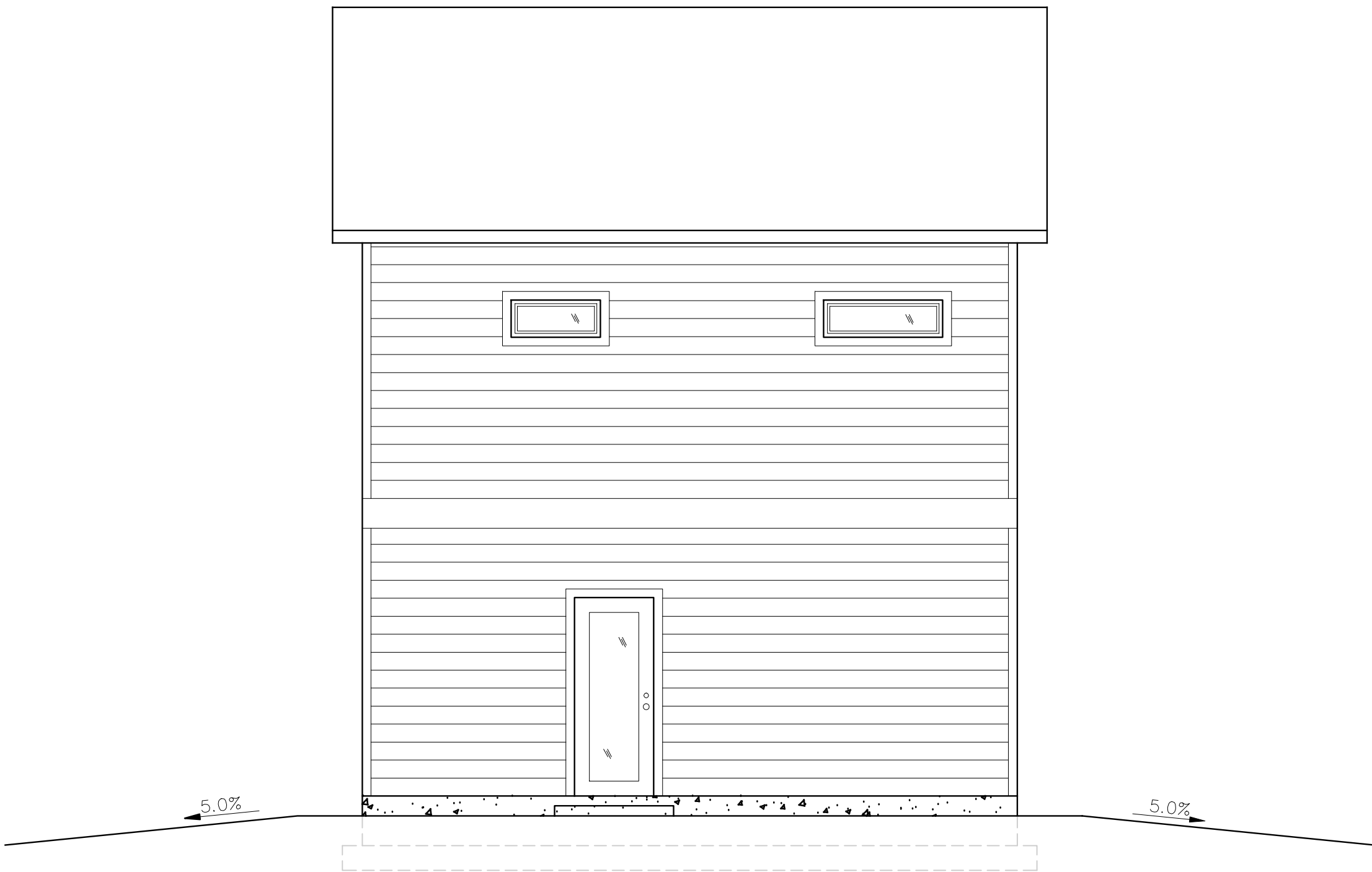
FIRST LEVEL FLOOR PLAN

1/4"=1'-0"



SECOND LEVEL FLOOR PLAN

1/4"=1'-0"



LEFT ELEVATION

1/4"=1'-0"

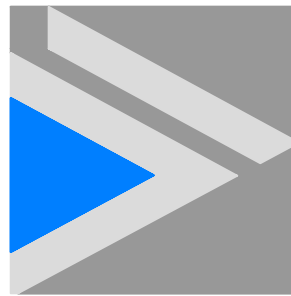
REVISION TABLE

NO.	DATE	BY	DESCRIPTION

**CONCEPTUAL
COTTAGE
CLUSTER**

WAVERLY ONE
1550 WAVERLY DR. NE
ALBANY, OREGON

DRAWINGS PROVIDED BY:
TVP ENGINEERING
260 FERRY ST SW STE. 101
ALBANY, OR 97321
OFFICE@TVP.ENGINEERING.COM
541-791-7118



DATE:
05/10/2025

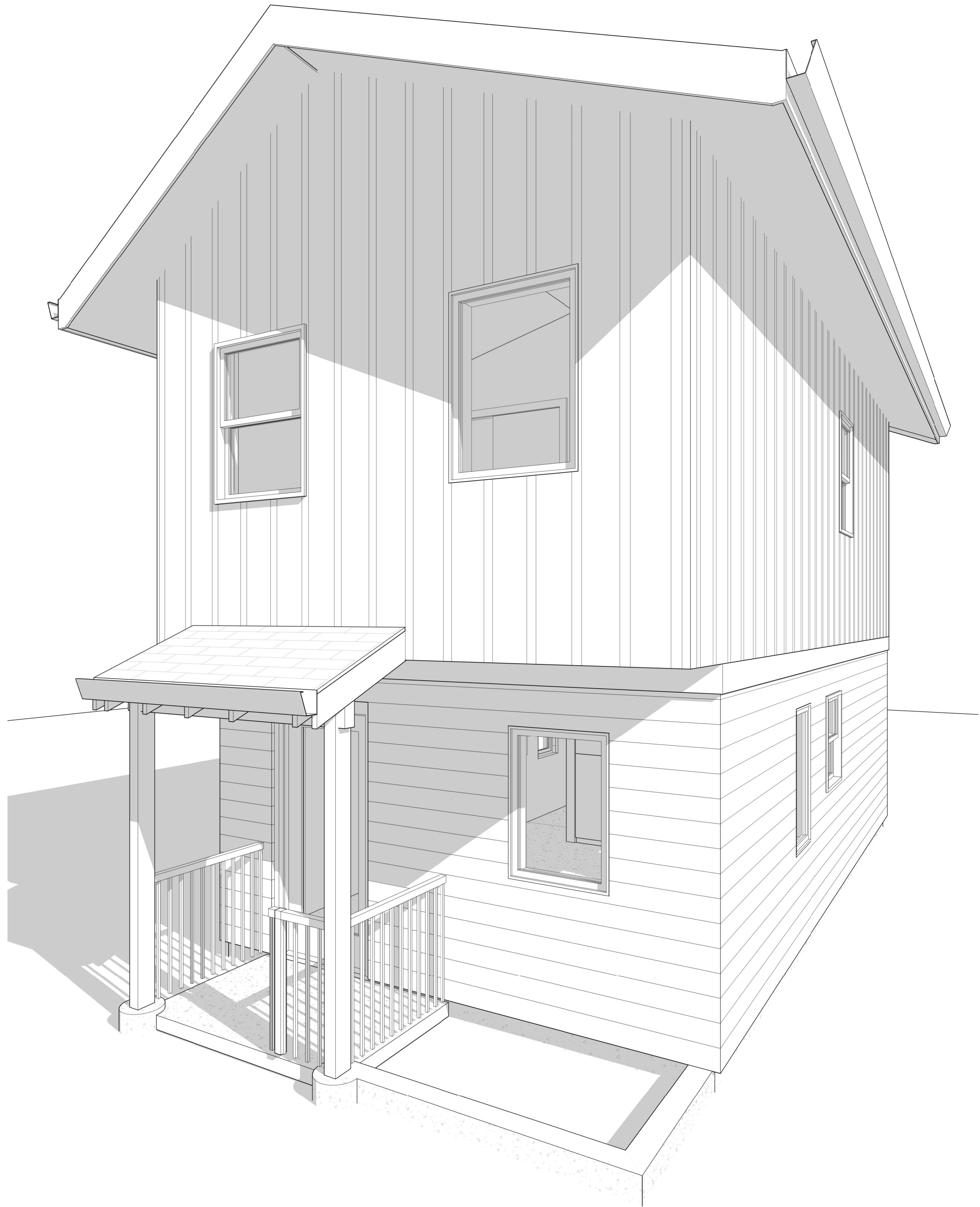
SCALE:
N.T.S.

JOB NO.
25-04-046

DRAWN BY:
ECK

SHEET:
A1

CASCADE COTTAGE



GENERAL NOTES

- ALL WORK SHALL CONFORM WITH THE APPLICABLE LOCAL CODES AND ORDINANCES. ALL RESIDENTIAL WORK SHALL CONFORM TO THE OREGON RESIDENTIAL SPECIALTY CODE (ORSC.)
- NOTHING IN THESE PLANS, NOR THE ABSENCE OF INFORMATION SHALL BE CONSTRUED TO PERMIT WORK NOT IN COMPLIANCE WITH CODE REQUIREMENTS. THE CONTRACTOR IS RESPONSIBLE FOR ALL WORK TO MEET FULL CODE COMPLIANCE, WHETHER INDICATED HEREIN OR NOT.
- THESE DOCUMENTS ARE NOT, AND DO NOT PURPORT TO BE PERFECT. IT IS THE OWNER'S AND CONTRACTOR'S RESPONSIBILITY **-PRIOR TO THE START OF CONSTRUCTION-** TO BRING TO THE ATTENTION OF THE DESIGNER PERCEIVED OR ACTUAL DISCREPANCIES, ERRORS OR INCONSISTENCIES DISCOVERED IN THE DOCUMENTS AND REQUEST ADDITIONAL INFORMATION, CLARIFICATION, OR CORRECTION OF SUCH ITEMS AND ISSUES.
- THE DRAWINGS ILLUSTRATE LOCATIONS, ARRANGEMENTS, DIMENSIONS AND DETAILS TO DETERMINE THE GENERAL CHARACTER OF THE WORK.
- CONSTRUCTION SHALL COMPLY TO ANY AND ALL COVENANTS, CONDITIONS, AND RESTRICTIONS RECORDED AGAINST THE SITE.
- DIMENSIONS ARE TO FACE OF STUD, FACE OF STEMWALL, AND TOP OF PLATE UNLESS NOTED OTHERWISE.
- DRAWINGS OF A GREATER SCALE TAKE PRECEDENCE OVER DRAWINGS OF A LESSER SCALE. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER DRAWING SCALE.
- METHOD, PROCEDURES, AND SEQUENCES OF CONSTRUCTION (MEANS & METHODS) ARE THE RESPONSIBILITY OF THE CONTRACTOR. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO MAINTAIN AND ENSURE THE INTEGRITY OF THE STRUCTURE AT ALL STAGES OF CONSTRUCTION.
- DIMENSIONS SHOWN ON PLANS SHALL BE VERIFIED BY THE CONTRACTOR, AND ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGNER AND ENGINEER, **PRIOR TO COMMENCING THE WORK.**
- SAFETY, CARE OF ADJACENT PROPERTIES DURING CONSTRUCTION AND COMPLIANCE WITH ALL APPLICABLE SAFETY REGULATIONS IS AND SHALL BE, THE CONTRACTORS AND ALL SUBCONTRACTOR'S RESPONSIBILITY.
- DRAWINGS SHALL NOT BE SCALED UNLESS AUTHORIZED BY THE DESIGNER. REQUEST CLARIFICATION FROM THE DESIGNER FOR ANY MISSING DIMENSIONS.
- CONTRACTOR SHALL COORDINATE CONSTRUCTION WITH ALL TRADES.
- CONFLICTS DISCOVERED IN THE DRAWINGS, OR BETWEEN THE DRAWINGS AND THE SPECIFICATIONS AND ANY SUBSTANTIAL OMISSIONS MUST BE BROUGHT TO THE ATTENTION OF THE DESIGNER FOR CLARIFICATION BEFORE CONSTRUCTION BEGINS.
- THESE DRAWINGS DO NOT PURPORT TO INCLUDE COMPLETE DETAILS OF ALL PHASES, AND FACETS OF CONSTRUCTION.
- PARTS NOT DETAILED SHALL BE SUBJECT TO THE DESIGNER OR ENGINEER'S APPROVAL
- A SET OF CONSTRUCTION DOCUMENTS APPROVED BY THE GOVERNING AUTHORITY MUST BE ON THE JOB SITE AT ALL TIMES, AS WELL AS A SET OF THE MOST RECENT ISSUE OF CONSTRUCTION DOCUMENTS AND SUPPLEMENTAL INFORMATION

THIS SET USES KEYNOTES
SEE BELOW FOR CATEGORY CLASSIFICATIONS:

- M - HVAC
- N - NOTES
- X - ENTOURAGE
- E - ELECTRICAL
- P - PLUMBING
- F - FLOOR
- R - ROOF
- C - CASEWORK
- A - APPLIANCES
- S - STRUCTURAL
- W - WALL

SHEET INDEX	
SHEET #	SHEET NAME
A001	TITLE SHEET
A002	ASSEMBLIES & SCHEDULES
A101	FLOOR PLANS ELEVATIONS
A301	SECTIONS
A501	FOUNDATION FRAMING PLANS
A601	DETAILS

PROJECT TEAM

DESIGNER:

TVP ENGINEERING
CONTACT: JOSEPH TANNER
260 FERRY ST #101
ALBANY, OR 97405
TEL: 541.791.7118
EMAIL: JOE@TVP.ENGINEERING

OWNER:

JBLC Construction
24000 Alsea Hwy
Philomath, OR 97370
TEL: 541-223-1738
EMAIL: damkrierenterprises@gmail.com

CONTRACTOR:

JBLC Construction
24000 Alsea Hwy
Philomath, OR 97370
TEL: 541-223-1738
EMAIL: damkrierenterprises@gmail.com

PROJECT INFO

~712 sqft, 2 bedroom, one bath cottage

CONSTRUCTION TYPE: V-B

ZONING: R-1

AREA:

Footprint:
Conditioned Space:
Impervious Area:

BUILDING CODES

ALL WORK TO BE IN COMPLIANCE WITH THE FOLLOWING BUILDING CODES:

2023 OREGON RESIDENTIAL
SPECIALTY CODE
2022 OREGON FIRE CODE

ENERGY CODE

TABLE N1101.1(1) - PRESCRIPTIVE ENVELOPE REQUIREMENTS

WALL INSUL - ABV GRADE	R-21
WALL INSUL - BELOW GRADE	R-15ci
FLAT CEILING	R-49
VAULTED CEILING	R30/R30A
UNDERFLOORS	R-30
SLAB-EDGE PERIMETER	R-15
HEATED SLAB INTERIOR	R-10
WINDOWS	U-0.27
SKYLIGHTS	U-0.50
EXTERIOR DOORS	U-0.20

VALUES ARE MINIMUM INSULATION LEVELS, WHERE POSSIBLE, PLEASE PROVIDE HIGHER LEVELS

SEE SEPARATE 8.5x11
PACKET FOR STRUCTURAL
CALCULATIONS

VICINITY MAP

14TH AVE SE

SITE

16TH AVE SE

WAVERLY DR SE

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TVP ENGINEERING
260 SW FERRY ST #101
ALBANY, OR 97321
541.791.7118

1/4" = 1'-0" @ 100% 20x34
0 1 2 3 4

CASCADE COTTAGE

1550 NE Waverly Dr
Albany, OR

PROJECT NUMBER: 25-02-015

#	DATE	INITIALS

Date 03/07/2025
Drawn by JLT
Checked by JLT

CD

TITLE SHEET

A001



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Building & Planning 541-917-7550

Conditional Use

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fees (subject to change every July 1): staff will contact you for payment after submittal.

Type II (staff decision with appeal option):

- Existing Building
- New Construction

Note: If staff's decision is appealed and a public hearing is scheduled, additional fee applies.

Type III (public hearing):

- Existing Building
- New Construction
- Home Business
- Parking Lot Modification
- Additional fee if Design Standards apply
- Additional fee if Traffic Report is required

Construction Value¹ _____

- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Application and materials must be submitted online through Accela at <http://www.albanyoregon.gov/permits>. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

¹ This valuation is composed of the estimated cost of all improvements to the land related to the proposed site plan review project, but not the cost of the land itself. Building valuation is computed either from the Building Valuation Table used by the City of Albany's Building Division, or an actual construction bid submitted by the applicant. If the two valuations are different, the highest valuation will prevail. Land improvements include, but are not limited to, patios, decks, sidewalks, parking areas, and landscaping.

CONDITIONAL USE SUBMITTAL CHECKLIST

☐ **PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**

☐ **NEIGHBORHOOD MEETING SUMMARY.** (if required)

Some types of development require the developer/applicant to hold a neighborhood meeting before submitting a development application to the City. Refer to ADC 1.140(2) and Table 1.100-1 to determine whether a neighborhood meeting required. **If a neighborhood meeting is required**, see ADC 1.140(3)-(6) for neighborhood meeting standards.

☐ **REVIEW CRITERIA AND DEVELOPMENT STANDARDS RESPONSES.**

Requests for Conditional Use will be approved if the review body finds that the application meets all the following criteria, either outright or with conditions that bring the proposal into compliance.

In a separate document, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Conditional Use complies with each of the following review criteria (ADC 2.250). Each criterion must have at least one finding of fact and conclusion statement. (See last page for example findings of fact.)

1. The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
2. The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
3. The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.
4. Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.
5. The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation. (b) Privacy and safety issues.
6. Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

☐ **DESIGN STANDARDS.** Refer to Article 8 of the Albany Development Code (ADC). Submit detailed findings of fact that explain how the proposed development meets all of the applicable design standards.

☐ **SITE PLAN.** The site plan must be labeled as such and include the following information. If any listed item below is not provided, please include a written explanation why it should not be applicable to this development.

- Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the site.
- Names and addresses of the property owner(s), applicant(s), developer(s), surveyor, and engineer, as applicable.
- Date plan was drafted and a north arrow.
- Scale of the plan. (Use 1 inch = 20 feet, unless otherwise approved by planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) The plan must be clear, measurable, and fully dimensioned.
- Total gross and net land areas of the entire site. ("Net" is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the lengths of all existing property lines of the development site.
- Label and show the zoning designations, property boundaries, land uses, and approximate building locations of all adjacent properties.
- Label and show the area and square footage of any land to be dedicated to the public; include its intended purpose (e.g., right-of-way, parkland, conservation easement, etc.).
- Label and show the locations and construction type of all existing and proposed driveways.
- Label and show the locations of all existing and proposed structures, wells, septic tanks, and drain fields, the distances between them and the existing property lines, and each other. Indicate what is to be removed, relocated, and/or retained. If relocated on the site, show, and label the new location.

- Label and show the locations of all public improvements to be constructed as part of the development of the site (e.g., streets, sidewalks, and utilities).
- Label and show the locations and sizes of all existing and proposed public sewer and water mains and private service lines from the main to the site; culverts, ditches, and drainpipes, and electric, gas, and telephone conduits, including those on site, on adjacent property, and within adjacent rights-of-way. Include invert elevations of sewer lines at points of proposed connections.
- Label and show all existing natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed swales, ditches, or other drainage ways.
- Location, size, type, and capacity of the existing and proposed drainage system including pipe size, slope, and detention facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, type, and capacity of the downstream drainage system that would serve the proposed development. Also provide any supporting calculations.
- Location, size, type, and capacity of all existing and proposed post-construction stormwater quality facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.
- Label and show the locations, widths, and names of all existing or platted adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses, railroad rights-of-way, and other important features such as City boundary lines.
- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all streets to any proposed streets shown on any City approved plan or proposed with the application.
- Label and show the locations, widths, ownership, and purpose of all existing and proposed easements on the site and on adjacent properties.
- Label and show existing and proposed contour (topography) lines drawn at one-foot intervals, or at a larger interval if approved by the City Engineer. Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.
- Percentage of the site covered by existing and proposed structures and paved areas. Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.
- Show the typical cross sections at adjacent property boundaries showing pre- and post-development conditions and clearly identify any changes in elevation at the property line not captured in the typical section.
- Locations and species of trees with individual trunks, or multiple trunks that when combined, are larger than 25 inches in circumference measured at 4½ feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences which are greater than six inches in circumference. Identify any trees proposed for protection and the method of protection. Indicate which, if any, you propose to remove. (A tree felling application may also be required. See ADC 9.205 for tree felling regulations.)
- Locations and dimensions of all delivery and loading areas.
- Locations and dimensions of all parking and circulation areas.
- Location and dimensions of all vision clearance areas per ADC Article 12.180.
- Locations and dimensions of all trash disposal areas. Include elevation drawing of trash enclosure.
- Locations of all proposed signs. (Sign permits are issued separately from this review.)
- Location, design, and illumination detail of proposed site and building lighting.
- Location and type of proposed pedestrian amenities and common areas (when applicable).
- Location and design drawings of all proposed utility vaults and mailboxes.

ADDITIONAL PLAN INFORMATION

The following may not apply to every site. If an item does apply, show the information on the proposed site plan. If an item does not apply, attach a short explanation as to why it does not apply.

- Label and show the width, direction, and flow of all watercourses on the site.
- Label and show areas within the 100-year Floodplain and other areas subject to inundation or storm water overflow, with approximate high-water elevation. State the base flood elevation (BFE); label and show the floodplain boundary on the map.
- Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and Local Wetland Inventory maps. Land not on these maps still may contain wetlands.
- Label and show location of the following significant natural resources: 1) Significant Wetlands, Riparian Buffers, and Habitat Assessment overlays identified on the City's Natural Resource overlay; 2) Floodplain overlay; 3) Willamette River Greenway overlay district; 4) existing channels as shown on the most current version of the Albany Storm Water Master Plan; and 5) Hillside Development overlay with slopes greater than 12 percent.
- Label and show location of the following natural features: 1) non-significant wetlands identified on the City's Local Wetlands Inventory; 2) wooded areas with five or more trees over eight inches in diameter measured four and a half feet from the ground; and 3) springs.
- Location of airport height restrictions.
- Location of Willamette Greenway.
- Location of historic districts, structures, and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

☐ **ELEVATION DRAWINGS.**

Fully dimensioned drawings of each elevation of each building. Include building height, materials, and colors to be used.

☐ **FLOOR PLAN DRAWINGS.** (If applicable)

Floor plans shall include dimensions and square footages.

☐ **LANDSCAPE AND IRRIGATION PLANS.**

The site plan or separate landscape plan must show locations where landscaping will be provided, including any vegetated post-construction stormwater quality facilities. That plan must include a legend that indicates the number, size, spacing, and botanical and common names of all proposed plants.

☐ **PUBLIC UTILITY PLANS.**

Submit full-sized copies of preliminary water, sewer, and storm sewer plans and systems. These plans must provide enough information to enable the City Engineer to determine the proposed development is feasible but are not required to be detailed construction level documents. The City's Engineering Standards, while not land use criteria, may be used, in whole or in part, by the City Engineer to determine the feasibility of a proposed plan.

- **Preliminary Water Plans**
- **Preliminary Sanitary Sewer Plans**
- **Preliminary Storm Sewer Plans**

Include detention calculations demonstrating the proposed detention facility is correctly sized, and which show how the Storm Drain Control structure will function.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

OTHER PERMITS, PLANS, OR REPORTS THAT MAY BE REQUIRED

- ☐ **FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (/FP) overlay, refer to ADC Sections 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development permit is required.
- ☐ **NATURAL RESOURCES IMPACT REVIEW.** If any of the property is within one of Albany's Significant Natural Resource (/SW, /RC, /HA) overlay districts, refer to ADC Sections 6.260-6.310 to determine if a Natural Resource Impact Review may be required.
- ☐ **MITIGATION PLAN.** If the project is proposed within any of Albany's Significant Natural Resources overlay districts (/SW, /RC, /HA), a mitigation plan may be required. See ADC Sections 6.400 and 6.410.
- ☐ **GEOTECHNICAL REPORT FOR HILLSIDE DEVELOPMENT.** If any of the property is within the Hillside Development (/HD) overlay, refer to ADC Sections 6.170-6.235 to determine if Hillside Development standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report on the site.
- ☐ **HISTORIC REVIEW.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, refer to Article 7 to determine if historic review is required.

ADDITIONAL APPLICATION INFORMATION

Submit answers to the following proposal questions (separately or on this sheet).

Gross Land area of the site to be developed _____

Net land area (gross land minus land to be dedicated to the public) _____

Does the site contain any existing structures, private wells, septic tanks, or drain fields? ☐ Yes ☐ No

If yes, describe (Show the location of these on the site plan map indicating whether or not they will remain.) _____

Current use of the property _____

Number and surface type of all existing driveways at the site _____

Existing uses and zoning of properties adjacent to the site (including across the street if applicable)

Current Uses

Zoning

North: _____

South: _____

East: _____

West: _____

Is there a phasing plan? ☐ Yes ☐ No

If yes, indicate how many phases and clearly outline and label the boundaries of the phases on the site plan. Number of phases _____

Are you applying the Cluster Development overlay district provisions to this project? ☐ Yes ☐ No

If yes, attach written findings of fact that demonstrate how this project meets ADC Sections 11.400 through 11.530.

Lot coverage calculations are required for all applications except Change of Use and Temporary Merchant license.

LOT COVERAGE

Percent lot coverage allowed _____

Proposed lot coverage percent _____

Net land area of the site _____

Square footage of all building pads _____

Square footage of all parking/access areas _____

PROVIDED PARKING

Indicate the square footage of each use within the proposed structure(s). Employee and/or company vehicle information may be needed as well. Refer to ADC Article 9 for commercial and industrial parking space requirements and categories. For residential use, see Article 9.020 and Table 9.020-1.

Number of bicycle parking spaces provided [see ADC 9.120(13)] _____

Building heights (Must also be shown on all elevation drawings) _____

SUPPLEMENTAL INFORMATION FOR MULTIPLE DWELLING UNITS**(ADDITIONS TO EXISTING DEVELOPMENT OR COMPLETELY NEW DEVELOPMENT)**

1. **Gross land area** of the subject property _____ sq. ft.
2. **Land area** proposed for dedication to the public _____ sq. ft.
3. **Net land area** (gross land minus dedication area) _____ %
4. **Lot Coverage:** maximum allowable by the ADC for the zone is _____ % [See Article 3, Table 3.190-1.]
 Lot coverage includes parking, driveway, and building pad areas. It does not include patios or internal pedestrian walkways. **Analysis for the applicant:**
 Building foundation coverage is _____ sq. ft. = _____ % of total net site
 Parking and driveway areas are _____ sq. ft. = _____ % of total net site
 Density calculation analysis for the _____ Zoning District.
 [See Article 3, Table 3.190-1 for the minimum land area required per dwelling unit.]
 _____ Single dwelling units at _____ sq. ft. per unit = _____ sq. ft.
 _____ Duplex units at _____ sq. ft. per duplex = _____ sq. ft.
 _____ Two or more attached single units at _____ sq. ft. per unit = _____ sq. ft.
 _____ Three or more 1-bedroom units at _____ sq. ft. per unit = _____ sq. ft.
Total = _____ sq. ft. (should be no greater than 3 above)
5. If the net land area does not support the number of dwelling units, the site must either be approved for a variance (which is a separate application) or qualify for density bonus(es). [See Section 3.220 for the bonus provisions.] **On a separate sheet(s) of paper identify any bonus(es) being requested;** explain how this project qualifies and submit the percentage for each and recalculated density based upon the bonus(es).
6. **Proposed number of units per acre** (number of units divided by net acres): _____
 Regardless of any bonus provisions applicable, the maximum number of units per acre allowed by the ADC for this zone is _____ (See ADC 3.020.)
7. **Parking Analysis: Provided** parking spaces must be shown and dimensioned on the site plan. [See Article 9 for design standards.] Note: There are other categories of parking for special uses. If any pertain to the application, list the use(s) and the parking requirement in the following format:
 _____ Studio and 1-bedroom units at 1 space/unit + 1 visitor space for every 4 units = _____ spaces
 _____ 2-bedroom units at 1.5 spaces/unit + 1 visitor space for every 4 units = _____ spaces
 _____ 3-4-bedroom units at 2 spaces/unit + 1 visitor space for every 4 units = _____ spaces
Total provided per plan _____ spaces
Number of parking spaces by type: Standard _____ Disabled _____ Compact _____ Garages _____
Size of parking space by type: Standard _____ Disabled _____ Compact _____ Garages _____

FIRE DEPARTMENT SUPPLEMENTARY QUESTIONNAIRE

- | | | |
|--|------------------------------|-----------------------------|
| 1. Does the Business plan to STORE hazardous materials? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does the Business plan to USE hazardous materials? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 3. Does the Business GENERATE hazardous materials or hazardous waste? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| 4. Is your Business currently reporting hazardous substances to the State Fire Marshal's Office? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Note: Hazardous materials are materials that pose a potential threat to fire and life safety. Examples include paints, solvents, compressed gases, pesticides, poisons, gasoline, propane, and laboratory chemicals. Please call the Albany Fire Marshal if you have questions about this section. 541-917-7700.

CONDITIONAL USE PROCESS AND PROCEDURE

Purpose (ADC 2.230). The City does not allow some uses outright, although they may have beneficial effects and serve important public interests. These uses are subject to the Conditional Use regulations because they may have adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use review process provides an opportunity to allow the use when it will have minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.

Uses identified as requiring Conditional Use approval may be permitted, enlarged, or altered according to the provisions of the ADC. In addition, when a use is not authorized in any district or when it is unclear how to classify a particular use or development within the intent of this Code, the use or type of development may be established by a conditional use approval.

Procedure (ADC 2.240). A Conditional Use application is reviewed as either a **Type II** or a **Type III** procedure, according to the Schedule of Permitted Uses.

EXAMPLE OF FINDINGS OF FACT

Criteria For Findings of Fact:

A Conditional Use will be granted if the approval authority finds the application conforms with the criteria found in Article 2.250 of the ADC, and to applicable development standards. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

Format For Findings Of Fact:

Statements addressing individual criteria must be in a “finding of fact” format. A finding of fact consists of two parts:

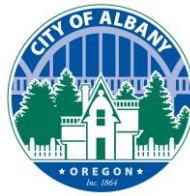
1. Factual information, such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

Example:

Criterion: The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping; or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.

Fact: The proposed use will occur in an existing commercial building located in the Community Commercial zoning district. The existing site meets all setback and landscaping requirements of the zoning district. The proposed use will not increase the existing intensity of the site (lot coverage) because the request does include any expansion of the building or parking area.

Conclusion: The proposed use will be compatible with the existing uses in the area.



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Site Plan Review – Tree Felling

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (*subject to change every July 1*): staff will contact you for payment after submittal.
 - Concurrent with a Development Proposal
 - Not Concurrent with a Development Proposal
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Application and materials must be submitted online through Accela at <http://www.albanyoregon.gov/permits>. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

SITE PLAN REVIEW – TREE FELLING CHECKLIST

- ☐ **PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- ☐ **SUPPLEMENTAL APPLICATION INFORMATION.** (see below)
- ☐ **REVIEW CRITERIA.** (see below)
- ☐ **SITE PLAN AND TREE INVENTORY.** (see below)

SITE PLAN REVIEW – TREE FELLING OVERVIEW

ALBANY DEVELOPMENT CODE SECTIONS 9.205-9.206

Trees of significant size represent a visual and aesthetic resource to the community. Trees provide benefits including shading, reduction in excess stormwater runoff, erosion control, and wildlife habitat. These standards are intended to balance the preservation of significant trees as a benefit to the community with the individual right to use and enjoy property.

When Tree Felling Approval is Required: In any zoning district to fell five or more trees that have a trunk that is larger than 25 inches in circumference when measured 54 inches from the base of the tree and that are located on a property (or properties under single ownership) that are larger than 20,000 square feet in area.

Definitions: For the purposes of this application, these definitions apply:

1. Critical Root Zone: The area around a tree where roots are critical to a tree's survival. For the purposes of this section, the critical root zone is estimate and expressed as a circle around the center of a tree's trunk, where the radius is calculated by adding one foot for every one inch of trunk diameter plus the tree trunk's radius, and where all tree measurements are consistent with those for establishing Tree Circumference. For example, a tree with a Tree Circumference of 6.5 feet would have a trunk radius of 1.0 feet and diameter of 25 inches. The critical root zone would be a circle with a radius of 26 feet (1 ft + (25 in * 1 ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet.
2. Fell: To remove or sever a tree or the intentional use of any procedure the natural result of which is to cause the death or substantial destruction of the tree. Fell does not in any context include normal pruning of trees.
3. Tree: A living, standing, woody plant.

4. **Tree Circumference:** The circumference of a tree is measured at 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference.

Exemptions: The following activities are exempt from Site Plan Review under this section. Notwithstanding the foregoing, all tree felling activities located within Significant Natural Resource Overlay districts must meet the applicable requirements of Article 6:

1. The action of any City official or of any public utility necessary to remove or alleviate an immediate danger to life or property; to restore utility service, or to reopen a public street to traffic.
2. Felling of any tree that is defined as a nuisance under the Albany Municipal Code.
3. Any felling necessary to maintain streets or public or private utilities within a public right-of-way or utility easement, provided the Tree Commission or City Forester approved the proposed tree felling.
4. Felling of trees planted as Christmas trees.
5. Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry.

A **pre-application meeting** is held for all applications, unless the Director determines one is not necessary. The meeting provides for an exchange of information about Development Code and Comprehensive Plan requirements and provides technical and design assistance to the applicant.

The Director acts as the review body for a Tree Felling application (Type I-L procedure) unless it is filed with a concurrent application that has a higher review level. In that case all concurrent applications are reviewed together at the highest level. Notice of the application is sent to neighbors, residents, and neighborhood associations, if applicable, within a 300-foot boundary of the subject properties where the trees are located. The Director may increase the notice area. Written comments from affected parties are considered when making the decision.

Oregon statutes require that land use decisions be made within 120 days from the date the application is deemed complete. However, unless the project is complex, or a large number of applications have been submitted for review before your application is submitted, the City typically is able to issue a decision within a shorter time.

Persons with standing may appeal the City's decision filing a notice of intent to appeal to the State Land Use Board of Appeals (LUBA) not later than 21 days after the date of the decision is mailed. In order to be able to appeal to LUBA, an affected party must have raised an issue in writing before the date given in the notice of filing.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

SUPPLEMENTAL APPLICATION INFORMATION

Describe in detail, here or on a separate sheet of paper, the proposed tree felling project. Include the total number of existing regulated trees on the site, and of those, the total number proposed for removal:

Which type of situation is applicable to this request: ADC 9.205 (1), (2), (3) or 9.206? _____

Size of the subject properties: _____

Does the site contain any existing structures, private wells, septic tanks, drain fields? _____

If yes, describe: _____

(Show the location of these features on the accompanying site plan, and if they are to be removed.)

Current use of the subject property: _____

Existing uses and zoning of properties adjacent to the site (including across the street, if applicable):

Current Uses

Zoning

North: _____

South: _____

East: _____

West: _____

Is there a phasing plan? _____ If yes, describe here and show the phase lines on the site plan:

To assess whether the City will need additional information and/or whether you must obtain additional permits or applications from other agencies or departments, please answer the following questions.

Will the tree removal:

- | | |
|---|--------------------|
| a. Require removal or demolition of any existing structure(s)? | Yes _____ No _____ |
| b. Affect historic structures or historically significant features? | Yes _____ No _____ |
| c. Be located within a 100-year floodplain? | Yes _____ No _____ |
| d. Be located within the designated Willamette Greenway? | Yes _____ No _____ |
| e. Affect an identified wetland? | Yes _____ No _____ |
| f. Require a Major or Minor Variance from a development standard? | Yes _____ No _____ |
| g. Involve fill or removal of contaminated soils or hazardous material? | Yes _____ No _____ |
| h. Involve grading/fill: within the 100-year floodplain or a watercourse, as shown on the City's Drainage Master Plan; over an existing public storm drain, sanitary sewer or waterline; or more than 50 cubic yards in areas that have an average slope of 12% or greater? | Yes _____ No _____ |
| i. Involve land that has a current average slope of 12% to 25%? | Yes _____ No _____ |
| j. Involve removal of other vegetation? | Yes _____ No _____ |

If you answered yes to any of the above, contact the Planning Division before submitting your application.

TREE FELLING REVIEW CRITERIA (ADC 9.205)

Requests for tree felling will be approved if the review body finds that the application meets all of the criteria applicable to this application either outright or with conditions that bring the proposal into compliance with the criteria.

- ☐ This application either falls under Situation A, B, and/or C as outlined below. Identify which is applicable to your situation, and on a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed tree felling complies with each of the review criteria that are applicable to this application. Each criterion must have at least one finding of fact and conclusion statement.

Situation A: The Community Development Director shall approve a Site Plan Review for tree felling when the applicant demonstrates that the felling of the tree(s) is warranted because of the condition of the tree(s) with respect to disease, hazardous or unsafe conditions, danger of falling, proximity to existing structures or proposed construction, or interference with utility services or pedestrian or vehicular safety. The Director, in consultation with the City Arborist, may also grant an exception to any of the tree cutting standards for industrial development on industrially zoned land. The Director may require the applicant to provide a Certified Arborist's report.

Situation B: For property where a Site Plan Review, Conditional Use, or land division application has been approved or is currently under review for development of the property, the Community Development Director shall approve a Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:

1. It is necessary to fell tree(s) in order to construct proposed improvements in accordance with an approved Site Plan Review or Conditional Use review, or to otherwise utilize the applicant's property in a manner consistent with its zoning, this Code, applicable plans adopted by the City Council, or a logging permit issued by the Oregon Department of Forestry.
2. The proposed felling is consistent with City ordinances including tree regulations in the Albany Municipal Code, and the proposed felling does not negatively impact the environmental quality of the area, including but not limited to: the protection of nearby trees and windbreaks; wildlife; erosion; soil retention and stability; volume of surface runoff and water quality of streams; scenic quality, and geological sites.

3. The uniqueness, size, maturity, structure, and historic value of the trees have been considered and all other options for tree preservation have been exhausted. The Director may require that trees determined to be unique in species, size, maturity, structure, or historic value, are preserved.
4. Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6.

Situation C: For property where tree felling is proposed and there is no approved or concurrent Site Plan Review, Conditional Use, or land division application for development of the property, the Community Development Director shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria above in Situation B are met, and the following criteria are met:

1. Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
2. Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
3. Wooded areas associated with natural drainage ways and water areas will be maintained to preserve riparian habitat and minimize erosion. The wooded area to be retained shall be at least 10 feet in width or as required elsewhere in this Code.
4. Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
5. Tree felling on developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future City residents.
6. Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
7. The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning.

The Director may attach conditions to the approval to the tree felling review to ensure that replacement of trees and landscape or otherwise reduce the effects of the felling and may require an improvement assurance to ensure that all conditions are met.

CLEAR AND OBJECTIVE TREE FELLING REVIEW CRITERIA ASSOCIATED WITH THE DEVELOPMENT OF HOUSING (ADC 9.206)

For property where a building permit, Site Plan Review, subdivision, or partition application has been approved or is currently under review for the development of housing on a property, the applicant proposing the felling of trees may choose to meet the criteria in Section 9.206 rather than the criteria in Section 9.205. A Site Plan Review application for tree felling subject to the criteria in Section 9.206 will be processed as a Type I decision. The Community Development Director, City Forester, or his/her designee shall approve the Site Plan Review application when the applicant demonstrates that all of the following review criteria are met:

- (1) The critical root zone of each tree to be felled is no more than five feet from proposed roads, driveways, utilities, and required site improvements of 10 feet from proposed residential building pads.
- (2) The proposed felling is consistent with other applicable sections of the Development Code (such as Article 6, Significant Natural Resource Overlay Districts) and City ordinances, including tree regulations in the Albany Municipal Code.

Trees that do not meet the criterion (1) shall be preserved (see AMC 7.98.215 for recommended methods for protecting residual trees).

SITE AND TREE INVENTORY PLAN REQUIREMENTS

The map must include all of the following.

- ☐ Existing address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed tree felling site.
- ☐ Names and addresses of the owner(s), developer(s), surveyor, and engineer, as applicable.
- ☐ Date map was drafted and north arrow.

- ☐ Scale of map. (Use 1 inch = 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use 1 inch = 100 feet.) Map must be clearly readable and measurable and fully dimensioned.
- ☐ Total land area of the entire site.
- ☐ Show the location of all existing structures, infrastructure, property lines, public and private easements, existing contours, and if applicable, proposed grading.
- ☐ *If there is a concurrent development plan, in addition, show all proposed structures, public and private easements, and proposed contours after grading.*
- ☐ **Tree Location/Identification.** For each tree on the property that has a trunk larger than 25 inches in circumference: assign it an identification number, and show its location on the property, trunk dimension, species, drip line of its canopy and the square footage of the canopy. (For a tree with multiple trunks, to arrive at total trunk circumference, add together the individual trunks that have a circumference larger than six inches.)
Optional: You may find it helpful to provide the inventory information in table form.

Example:

Tree ID Number	Species	Trunk circumference*	Canopy (sq. ft.)	Retain/Remove
1	Cottonwood	12	400	Remove
2	Oregon White Oak	15	600	Retain

* Measured 4.5 feet above mean ground level of the tree.

- ☐ Identify any “significant” trees located on the site. A significant tree is a tree with a trunk diameter of 25 inches or greater, measured four and one-half feet above the base of the tree.
- ☐ Identify which trees are proposed for removal. (It is assumed all others will remain.)

Date: 6/26/2025
Scale: 1"=1(FS)
Time: 10:35
File: dng\2024\24-64\PD Prelim\24-64-exis.dwg (Jared)

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DATE	REVISIONS	BY



K & D ENGINEERING, INC.



276 N.W. HICKORY STREET
P.O. BOX 725
ALBANY, OREGON 97321
(541) 928-2583

15FIFTY PLACE
WORKFORCE HOUSING

CITY OF ALBANY, LINN COUNTY, OREGON

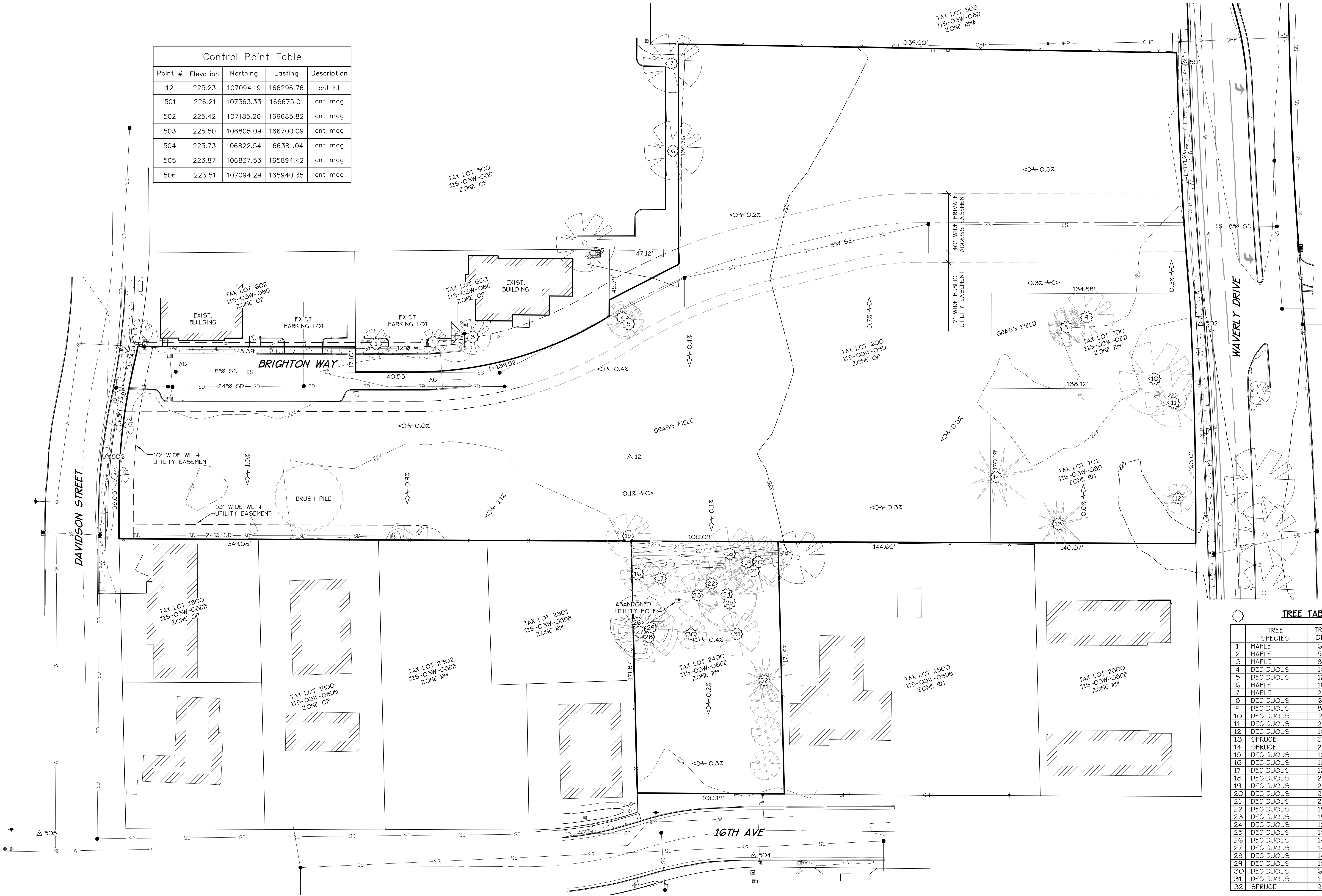
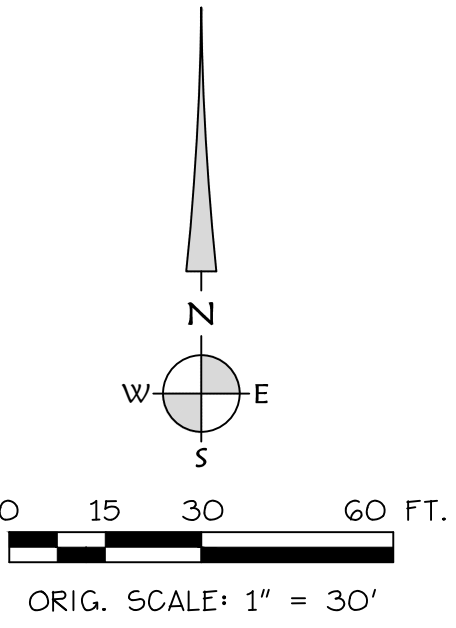
PLANNED DEVELOPMENT
EXISTING CONDITIONS

HORIZ. SCALE: 1" = 30'
VERT. SCALE: N/A
SIGN DATE:
DSGN BY: DKW
DRWN BY: JLD
CHKR BY: DKW
PROJECT No.: 24-b4

SHEET No.

C101

Control Point Table				
Point #	Elevation	Northing	Easting	Description
12	225.23	107094.19	166296.76	cnt ht
501	226.21	107363.33	166675.01	cnt mag
502	225.42	107185.20	166685.82	cnt mag
503	225.50	106805.09	166700.09	cnt mag
504	223.73	106822.54	166381.04	cnt mag
505	223.87	106837.53	165894.42	cnt mag
506	223.51	107094.29	165940.35	cnt mag



TREE TABLE:				
	TREE SPECIES	TRUNK DIA. *	DRIP LINE RADIUS	TREE TO BE SAVED
1	MAPLE	6"	10'	YES
2	MAPLE	5"	9'	YES
3	MAPLE	8"	12'	YES
4	DECIDUOUS	16"	12'	NO
5	DECIDUOUS	12"	12'	NO
6	MAPLE	18"	20'	YES
7	MAPLE	20"	20'	YES
8	DECIDUOUS	6"(3)	12'	NO
9	DECIDUOUS	8"(3)	18'	NO
10	DECIDUOUS	20"	25'	NO
11	DECIDUOUS	20"	20'	NO
12	DECIDUOUS	16"	10'	NO
13	SPRUCE	32"	16'	NO
14	SPRUCE	26"	20'	NO
15	DECIDUOUS	12"	15'	NO
16	DECIDUOUS	12"	12'	NO
17	DECIDUOUS	12"	12'	NO
18	DECIDUOUS	24"	18'	NO
19	DECIDUOUS	24"	18'	NO
20	DECIDUOUS	24"	18'	NO
21	DECIDUOUS	24"	18'	NO
22	DECIDUOUS	15"	15'	NO
23	DECIDUOUS	15"	15'	NO
24	DECIDUOUS	10"	20'	NO
25	DECIDUOUS	10"	20'	NO
26	DECIDUOUS	14"	20'	YES
27	DECIDUOUS	14"	20'	NO
28	DECIDUOUS	14"	20'	NO
29	DECIDUOUS	10"	10'	NO
30	DECIDUOUS	6"	10'	NO
31	DECIDUOUS	17"	15'	NO
32	SPRUCE	26"	15'	NO

ARBORIST REPORT
Waverly Tiny Homes
Tree Preservation Plan
JBLC Construction
Damien Olsen & Arturo Olivera
DATE: July 23, 2025

Prepared for:

JBLC Construction
Damien Olsen & Arturo Olivera
PO BOX 974
Philomath, OR 97370

Prepared by:

Vernon L. Esplin, Senior Consulting Arborist
ISA Lifetime Member
6635 Prather Road
Independence, OR 97351
541-990-1773

Waverly Tiny Homes

The Project

Dan Watson of K&D contacted me on July 14, 2025, and asked if I could do a tree inspection for his project for Waverly Tiny Homes. My first site visit took place on July 15th of this month. I viewed all 32 trees, as well as any trees adjacent to the project that would be impacted. In this report, you will find the tree inventory, basic findings, and recommendations.

Tree Inventory

Tree #	Species	Comments	Recommendations
1	Red maple (Acer rubrum)	Healthy young tree	Preserve with a tree preservation fence
2	Red maple (Acer rubrum)	Healthy young tree	Preserve with a tree preservation fence
3	Red maple (Acer rubrum)	Healthy young tree	Preserve with a tree preservation fence
4	Black Cottonwood (Populus trichocarpa)	Part of a co-dominant stem is hazardous	Remove
5	Black Cottonwood (Populus trichocarpa)	Part of a co-dominant stem is hazardous	Remove
6	Red maple (Acer rubrum)	Healthy young tree	Preserve with a tree preservation fence and the adjacent copper beech tree
7	Red maple (Acer rubrum)	Healthy young tree	Preserve with a tree preservation fence
8	Willow (Salix)	Multi-stem, small grove	Remove the entire grove
9	Cherry (Prunus)	Multi-Stem, poor structure	Remove
10	Pin oak (Quercus palustris)	Multiple stems, hazardous	Remove
11	Silver maple (Acer saccharinum)	Multiple stems under high- voltage lines, atypical canopy, hazardous	Remove
12	Golden chain tree (Laburnum anagyroides)	Small tree is slightly atypical and needs to be removed for access	Remove

Waverly Tiny Homes

13	Spruce (Picea)	Multiple stems, significant dieback, hazardous	Remove
14	Douglas fir (Pseudotsuga menziesii)	Multiple tops, multiple previous failures	Remove
15	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
16	Hawthorn (Crataegus)	Poor health and structure	Remove
17	Apple (Malus)	Poor health and structure	Remove
18	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
19,20,21	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure, three- stemmed, hazardous	Immediate removal
22	Apple (Malus)	Poor health and structure	Remove
23	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	remove
24	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
25	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
26	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
27	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
28	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
29	Black cottonwood (Populus	Improper species for location, high target rating, and probability of failure	Remove

Waverly Tiny Homes

	trichocarpa)		
30	Black cottonwood (Populus trichocarpa)	Improper species for location, high target rating, and probability of failure	Remove
31	Cherry (Prunus)	Poor health and structure	Remove
32	Douglas fir (Pseudotsuga menziesii)	Improper species for location, high target rating	Remove

Tree preservation fence must be installed around the trees to be preserved under my supervision and before construction begins. It shall remain intact throughout the project and can't be removed or infringed on without my approval.

First, I need the proposed construction zones needed and the proposed infrastructure locations identified with stakes and/or flagging tape. Once I see the proposed construction areas needed for the project, I will determine the exact location of the tree preservation fence and then mark the ground with marking paint. The paint markings are where the final location of the tree preservation fence shall be installed.

After installation, please call me and I will inspect the fence and install signs.

Tree preservation fencing shall consist of 6' metal T-posts, no more than 10' apart and 4' metal fencing. The fence shall be installed on or outside my painted lines.

Attached is the map with the coordinating tree locations. Please contact me if you need further clarification.

Sincerely,

Vernon L. Esplin
541-990-1773

Limits of liability

1. Any legal description provided to the consultant/appraiser is assumed to be correct. Any titles and ownership to any property are assumed to be good and marketable. No responsibility is assumed for matters legal in character. Any and all property is appraised or evaluated as though free and clear under ownership and competent management.
2. Care has been taken to obtain all information from reliable sources. All data has been verified insofar as possible; however, the consultant/appraiser can neither guaranty nor be responsible for the accuracy of information provided by others.
3. The consultant/appraiser shall not be required to give testimonies or attend court by reason of this report unless subsequent contractual arrangements are made, including payments of additional fee for services as described in the fee schedule and contract of engagement.
4. Loss or alteration of any part of this report invalidates the entire report.
5. Possession of this report or a copy therefore does not imply the right of publication or use for any purpose by any other person to whom it is assessed, without the prior expressed or written or verbal consent of the consultant/appraiser.
6. Neither all nor any part of the contents of this report, nor copy thereof, shall be conveyed by anyone, including the client, to the public through advertising, public relations, news, sales or other media, without the prior expressed or written or verbal consent of the consultant/appraiser particularly as to value conclusions, identity of the consultant/appraiser, or any reference to any professional society or institute or to any initialed designation conferred upon the consultant/appraiser as stated in his/hers qualification.
7. This report and values expressed herein represent the opinion of the consultant/appraiser, and the consultant/appraiser's fee is in no way contingent upon the reporting of a specified value, a stipulated results, the occurrence of a subsequent event, nor upon any finding to be reported.
8. Sketches, diagrams, graphs, and photographs in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering or architectural reports of surveys.
9. Unless expressed otherwise: (1) information contained in this report covers only the items that were examined and reflects the condition of those items at the time of the inspection; and (2) the inspection is limited to visual examination of accessible items without dissection, excavating, probing, or coring. There is no warranties or guarantee, expressed or implied, that covers problems or deficiencies of the plants property in question may not arise in the future.

Certification of performance

I Vernon L. Esplin, certify that:

- I have personally inspected the tree and the property referred to in this report and have stated my findings accurately. The extent of the evaluation or appraisal is stated in the attached report and the terms of assignment.
- I have no current or prospective interest in the vegetation or the property that is the subject of this report and have no personal interest or bias with respect to the parties involved.
- The analysis, opinions, and conclusions stated herein are my own and are based on current scientific procedures and facts.
- My analysis, opinions, and conclusions were developed, and this report has been prepared according to commonly accepted arboricultural practices.
- Vernon L. Esplin, Senior Consulting Arborist, supervised and provided significant professional assistance.
- My report is not contingent upon the reporting of the predetermined conclusion that favors the cause of the client or any other party nor upon the results of the assessment, the attainment of stipulated results, or the occurrence of any subsequent events.

I further certify that I am a professional arborist and a lifetime member of the International Society of Arboriculture. I have been involved in the field of Arboriculture for 34 years.

Signed: 

Date: 

TRAFFIC TRIP GENERATION STUDY**15FIFTY PACE
WORKFORCE HOUSING PORJECT
Albany, Oregon**

Prepared by: Daniel Watson, P.E.
K&D Engineering
P. O. Box 725
Albany, OR 97321

Client: GEH Waverly, LLC

Date: July 15, 2025

TRAFFIC TRIP GENERATION

15FIFTY PACE

WORKFORCE HOUSING PORJECT

Albany, Oregon

Project Description

15FIFTY Place (1550 Waverly Drive SE) is designed to address Albany's housing need on a site that is accessible to services, with homes that are affordable to Albany's work force. The proposed new residential community provides affordable rental housing for veterans, seniors, and working families in a compact, efficient neighborhood setting. 15FIFTY Place includes 83 single-family bungalows with common open space and a shared community center, all on an undeveloped 4.28-acre site consisting of four lots surrounded by a mix of existing residences and commercial buildings, with easy access to transit, shopping, services, transit and Albany's public library.

Trip Generation

Trip generation is a measure or forecast of the number of trips that will be made to or from the project. It is generally equal to the traffic volume expected at the project entrances.

This project closely matches the Specialized Land Use referenced in the ITE Trip Generation Manual referred to as "Patio Homes". Based on three sites totaling 299 dwelling units the PM Peak Hour Trip Generation Rate is estimated to be 0.47 Trip per unit with a total weekday trip rate of 5.35 trips per unit.

Land Use	Unit of Measure	Units	PM Peak Hour Trip Rate	PM Peak Hour Trips	Total Trip Rate	Total Trips
Patio Home	/Unit	83	0.47	40	5.35	445

Sincerely,

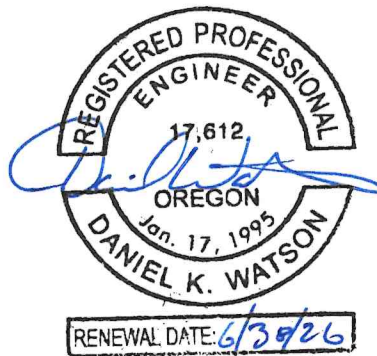


Dan Watson, P.E.
K&D Engineering, Inc.

**15FIFTY PLACE
WORKFORCE HOUSING**

1550 Waverly Drive SE, Albany, Oregon

**STORM WATER DETENTION
AND WATER QUALITY
DESIGN REPORT**



Prepared by: Dan Watson, P.E.
K&D Engineering
P. O. Box 725
Albany, OR 97321

Owner: GEH Waverly, LLC

Project No. 24-46

Date: July 16, 2025

Storm Drainage

15FIFTY Place is a master planned community developed to provide housing and amenities that meet the needs of Albany residents. This project will be constructed under a Conditional Use Permit issued by the City of Albany. This planned development proposal promotes an integrated, coordinated infill development on land that is currently vacant and surrounded by a mix of existing housing, services and commercial retail development.

15FIFTY Place (1550 Waverly Drive SE) is designed to address Albany's housing need on a site that is accessible to services, with homes that are affordable to Albany's work force. The proposed new residential community provides affordable rental housing for veterans, seniors, and working families in a compact, efficient neighborhood setting. 15FIFTY Place includes 83 single-family bungalows with common open space and a shared community center, all on an undeveloped 4.27-acre project site consisting of four lots surrounded by a mix of existing residences and commercial buildings, with easy access to transit, shopping, services, transit and Albany's public library.

Detention will be in a pond and pipe with a flow control manhole outlet. Water quality pre-treatment will be performed by cartridge style treatment manhole.

Site soils are listed as Hydrologic Soils Group D in the Natural Resources Conservation Service, Web Soil Survey published on their website. Therefore, no infiltration is required for the detention basin.

Detention Analysis Methods

Design storm flows for detention were calculated using the SCS Urban Hydrograph Methods within the modeling program used. This method uses an equation based on land use and soil conditions with time of concentration computed using TR-55 methods. Calculations were performed using the modeling software Hydraflow Hydrographs version 8.0.0.3 developed by Intelisolve. Peak discharge from the detention basin is limited by the City of Albany requirements to not exceed the 2, 5, 10 and 25-yr pre-project discharge rate respectively.

Detention Basin Operation

Storm water runoff will be collected in an underground storm drainage system and routed through a pipe detention facility metered by a flow control manhole and treated through a water quality treatment manhole prior leaving the site. Detention will be provided by 286 linear feet of 24-inch diameter drainage pipe and a detention pond. The flow control manhole will be located downstream of the pipe. The WQ treatment manhole will be downstream of the flow control structure.

Drainage Basin Parameters

Design Storms:	2yr, 5yr, 10yr, 25yr
Distribution Curve:	Type 1A Distribution Curve
Basin Area:	4.27 Acres
Hydrologic Soils Group:	Group D
Runoff Model/Curve No.:	SCS Curve Number 90 for the developed site SCS Curve Number 84 for the undeveloped site
Time of Concentration;	TR 55 Method
Available Pond Storage Depth	3.5 feet
Capacity (pond + pipe)	11,200 cubic feet
Orifice Diameter	5-inches @ Elevation 220.75 feet 5-inches @ Elevation 222.50 feet
Overflow Weir Elevation	224.25 feet
Top of Pond Berm	224.75 feet

SUMMARY OF POND ROUTING RESULTS

	<u>2-yr</u>	<u>5-yr</u>	<u>10-yr</u>	<u>25-yr</u>
Pre-project Peak Runoff:	0.71 cfs	1.01 cfs	1.36 cfs	1.72 cfs
Developed Peak Inflow:	1.52 cfs	1.99 cfs	2.51 cfs	3.03 cfs
Developed Peak Outflow:	0.70 cfs	0.82 cfs	1.06 cfs	1.48 cfs
Peak Detention Storage:	2,187 cf	3,339 cf	4,614 cf	5,592 cf
Peak Ponding Depth:	0.84 ft	1.25 ft	1.67 ft	2.00 ft

The 2-yr, 5-yr, 10-yr and 25-yr developed peak flows, after detention, are all equal to or less than pre-developed peak flows. Over land escape route is through the driveway to Davidson Street. No structures are threatened by overflow flooding, in the case of system failure. A summary of the hydraulic model run can be found in the Appendix.

Stormwater Quality

Stormwater quality pre-treatment is provided for this project using a Contech Stormfilter treatment manhole approved for Basic Treatment by Washington Department of Ecology. The water quality storm event is based on the 1-inch 24hr storm using the same model as the detention analysis. The in-line treatment manhole will be installed downstream of the flow control manhole and detention system.

Water Quality Filtration Operating Parameters:

Capacity of Stormfilter Manhole

Treatment Flow	0.24 cfs	0.24 cfs minimum for treatment
25-yr Peak Flow	3.03 cfs	3.00 cfs minimum for bypass

Peak Flows

Collection piping was designed using the rational method as specified the City of Albany Drainage Manual. Peak flow analysis spreadsheets can be found in the Appendix.

Conclusion

The design objectives of the City of Albany codes and regulations as listed in E301 of the Engineering Design Manual.

- A. These requirements are established to comply with state and federal water quality and stormwater regulations and the Albany Municipal Code
- B. The purpose of the stormwater quality standards is to:
 - reduce pollutant loads,
 - reduce the velocity and quantity of stormwater runoff, and
 - provide for the infiltration and treatment of stormwater runoff on or as close as possible to the site where it is generated.
- C. Additionally, the goal of these stormwater quality standards is to require, where feasible, infiltration, low impact development, and vegetated stormwater quality facilities (i.e., green infrastructure)

The proposed design for this project meets all of the water pre-treatment goals as set forth by the City of Albany.



TO: David Martineau, Planning Manager

From: Lora Ratcliff, Fire Marshal

DATE: July 25, 2025

SUBJECT: CU-05-25—15Fifty Multi-Family Development - Fire Department Comments

The fire department has reviewed the above project for conformance to the 2022 Oregon Fire Code (OFC) per your request and has the following comments:

**** NOTE: Addition of a private fire line will result in a quarterly Fire Line Fee***

****Land Use permit will include a \$125 Fire Plans Review fee****

1. Two new streets will be created with this project; street names will need to be approved prior to final plat. Please submit proposed names to me for approval.
2. Residential developments/projects of one- or two-family dwellings where the number of dwellings exceeds 30 shall be provided with at least 2 means of fire apparatus access. These access points shall be remotely separated by at least $\frac{1}{2}$ the length of the maximum overall diagonal dimension of the property or area served. (OFC Appendix D107.1)

Please ensure at least two of these are separated by $\frac{1}{2}$ the diagonal of the area served. No more than 30 dwellings can be built before the 2nd access will be required, unless all the structures are fire sprinklered.

3. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
4. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)

Future plans shall indicate fire apparatus turnarounds.

5. The fire apparatus roadways for this project are required to be provided and maintained at a minimum of 20 feet wide of improved surface and an unobstructed vertical clearance of not less than 13 feet 6 inches (**ensure parking covers do not impede this clearance requirement**). (OFC 503.2.1)
6. Fire apparatus access roadways shall be permanently marked "NO PARKING—FIRE LANE" using a combination of "RED" painted curbing and approved signs spaced along the road edge as follows: (OFC 503.3 & Appendix D 103.6)
 - a. Roads 20 to 26 feet in width – Posted both sides
 - b. Roads more than 26 feet in width – Posted on one side (as approved)
7. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3).

LAR/lar

Lora.ratcliff@albanyoregon.gov

541-917-7728



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Albany Comprehensive Plan Map, Zoning Map and Development Code Amendments

Planning Files: CP-02-25, ZC-02-25, DC-03-25

September 2, 2025

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, September 15, 2025	Wednesday, October 8, 2025
HEARING TIMES:	5:15 p.m.	6:00 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	
VIRTUAL OPTIONS:	Instructions to attend the hearings and provide comments will be provided on the applicable agenda.	
STAFF REPORT PREPARED BY:	Anne Catlin, Comprehensive Planning Manager	

Application Information

Proposal:	The proposed legislative amendments would amend the Albany Comprehensive Plan and Map, the Albany Zoning Map, and Albany Development Code to adjust the boundary of the Downtown Climate Friendly Area (CFA) overlay zoning district for four properties (and Article 14); correct uses allowed in the LE zone in Article 5; add maximum block length and pedestrian perimeter lengths to comply with climate friendly rules in Article 11, 12, 14 and 22; minor clarifications/corrections to multiple-dwelling unit standards in Article 8; add Comprehensive Plan consistency criteria to Articles 2 and 11; and reduce the special noise corridor setbacks in Articles 3 and 4.
Applicant:	Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
Location:	Legislative amendments to the Downtown CFA boundary, the LE zone uses, and other citywide changes.

Overview

The City has a process to periodically evaluate and adopt changes to the ADC, Comprehensive Plan and Zoning maps as needed to make clarifying amendments or corrections and include minor policy amendments. This amendment package includes minor adjustments to the recently adopted Climate Friendly Area (CFA) overlay district in downtown (Downtown Site A) as part of Phase 3 efforts to comply with the Climate Friendly Equitable Communities (CFEC) rules, reduced noise corridor setbacks to remove obstacles to compact and efficient development in CFAs and mixed use areas, updates to the Albany Development Code (ADC) to adopt some of the walkable neighborhood standards in the Oregon Administrative Rules (OARs) required in Phase 4, and miscellaneous clarifying edits.

Climate Friendly Equitable Communities (CFEC) rules were adopted by the Oregon Land Conservation and Development Commission in July 2022 in response to Governor Brown's Executive Order 20-04, which directed state agencies to take actions to meet Oregon's climate pollution reduction targets while ensuring equitable outcomes for underserved populations. The CFEC rules require cities over 5,000 people to amend land use and transportation plans

albanyoregon.gov/cd



to reform parking, support electric vehicle charging, add walkable design standards, and designate one or more walkable urban mixed-use areas called Climate Friendly Areas (CFAs) that can accommodate 30 percent of current and future housing needs. CFAs are intended to provide residents with more housing and transportation choices close to services to create opportunities to reduce reliance on driving.

Phase 1: Parking Reform - The city adopted reform parking requirements by June 30, 2023. (DONE)

Phase 2: CFA Candidate Identification and Evaluation: city identified areas throughout the near transit that are or could be mixed use and walkable areas that have the capacity to accommodate Albany's needed housing to year 2040 and submit the study to DLCD by December 31, 2023. (DONE)

Phase 3: Adopt CFAs that comply with OAR 660-012-0315, -0320, and -0325. The City adopted six Climate Friendly Area overly zoning districts in April 2025, effective May 23, 2025. (DONE) **This package of amendments includes a minor boundary adjustment to the Downtown CFA and a few minor corrections and clarifications to standards related to CFAs.**

Phase 4: Adopt Walkable Design Standards and Maximum Block Lengths before a city's next Transportation Systems Plan (TSP) to comply with CFEC requirements. (IN PROGRESS) **This package of amendments includes adopting maximum block and perimeter lengths and pedestrian perimeter lengths for residential development outside of CFAs to comply with the OAR 660-012-0330.**

Phase 5: Update the City's TSP to comply with OAR 660 Division 12 Transportation and Division 44 Metropolitan Greenhouse Gas Reduction Targets rules. (SCHEDULED FOR 2025-2026.)

Summary of Proposed Changes

The City of Albany is proposing to amend the Albany Comprehensive Plan (CP), Zoning Map and Albany Development Code (ADC).

The specific proposed amendments are attached as Exhibits and summarized below. In the exhibits, proposed new text is shown in red underline print and proposed deleted text is ~~in black strike-out font~~.

Commentary boxes in the attached exhibits provide context for the proposed amendments. Should the proposed amendments be approved, the text boxes with the explanations will be removed and the approved amendments made part of the ADC.

Exhibit A: Albany Comprehensive Plan and Zoning Maps (CP-02-25 and ZC-02-25)

- Comprehensive Plan Map and Zoning Map - modify the boundary of the Downtown CFA Site A to remove 4 properties and a portion of a fifth property in the HD zone from the CFA overlay district.
- Comprehensive Plan Map Plates - update Plate 14, Comprehensive Plan Map, and Plate 15, the Climate Friendly Area Overlay District Map.

Exhibit B: Albany Development Code (DC-03-25)

Downtown CFA Adjustments:

- Article 5, Mixed Use Zoning Districts - update the Schedule of Permitted Uses and associated special condition (17) to clarify uses allowed in the HD and LE zones within and outside of CFAs.
- Article 14, Climate Friendly Area Overlay Districts (CFAs) – update the Downtown CFA Site A map to remove a few properties from this CFA.

Add maximum block length and perimeter lengths to comply with CFEC rules in OAR 660-012-0330

- Article 11, Land Divisions and Planned Developments –set maximum block length and perimeter standards in residential neighborhoods as required by CFEC rules.
- Article 12, Public Improvements - relocate mid-block accessway standards from Article 14 to this article.
- Article 22, Use Categories and Definitions- update definitions of block length and block perimeter.

Noise Corridor Setback Reductions and Exemptions for Residential Development:

- Article 3, Residential Zoning Districts and Article 4, Commercial and industrial Zoning Districts –reduce the special noise corridor setback for residential development and provide exceptions in Climate Friendly Areas, residential above commercial, or when enhanced landscaping is provided.

Miscellaneous Clarifying Amendments:

- Article 8, Design Standards – clarify multiple-dwelling unit setback and orientation standards.
- Article 2, Review Criteria and Article 11, Land Divisions and Planned Developments– add a review criterion that requires development be compatible with the comprehensive plan and any relevant adopted city plans.

Notice Information

Public notice was issued in accordance with legislative amendment requirements in state law and ADC Section 1.260. Specifically,

- Notice was mailed to the property owners of property proposed to be removed from the Downtown CFA overlay district and to property owners of LE-zoned property outside of the Downtown CFA boundary on August 20, 2025, at least 20 days before the September 15 Planning Commission public hearing.
- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on August 11, 2025, 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC.
- Notice of the proposed amendments was emailed on August 21, 2025, to Linn County, Benton County, and the North Albany Neighborhood Association.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on August 30, 2025, at least two weeks before the first public hearing on September 15, 2025.

As of the date of this report, the Community Development Department has not received any written testimony.

Analysis of Development Code Criteria

The ADC includes the following review criteria in Section 2.220, 2.740, and 2.290, which must be met for these legislative amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Comprehensive Plan Map Amendment Review Criteria (ADC 2.220)

Criterion 1: A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.

FINDINGS OF FACT

- 1.1 The Comprehensive Plan defines a goal as, “a general statement indicating a desired end, or the direction the city will follow to achieve that end.”
- 1.2 The Comprehensive Plan defines a policy as, “a statement identifying a course of action or City position.”
- 1.3 The Comprehensive Plan (Plan and CP) describes the City’s obligation regarding policies as follows: “The City must follow relevant policy statements in making a land use decision or show cause why the Comprehensive Plan should be amended consistent with statewide goals. Such an amendment must take place following prescribed procedures prior to taking a land use action that would otherwise violate a Plan policy. However, in instances where specific Plan policies appear to be conflicting, the City must seek solutions that maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City must consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage).”

- 1.4 The applicable Albany Comprehensive Plan and Statewide Planning goals and policies are provided in **bold** print are included in the “findings of fact” sections of the report.
- 1.5 The proposed legislative amendments would amend the Albany Comprehensive Plan Map, the Zoning Map and Albany Development Code to make minor amendments related to the recently adopted Climate Friendly Areas including reducing the noise corridor setbacks and providing exceptions in CFAs; adding maximum block and perimeter length as required by the Climate Friendly and Equitable Communities rules, adding a new review criterion for development to be compatible with the Comprehensive Plan and relevant adopted plans, and a few other minor amendments.

Statewide Planning Goal 1: Citizen Involvement. To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policies include involving the public in the evaluation and update of the Plan; seeking input from citizens, agencies, and interested parties; and ensuring information is made available to the public.

- 1.6 Community engagement to identify and evaluate candidate CFAs in Phase 3 of the CFEC rules adoption included four open houses, a mailing to property owners, and one-on-one meetings. Phase 4 included five open houses were held on September 11, 17, October 1, 30, and November 12, 2024. The CFA adoption hearings included two public hearings in March 2025. The proposed boundary adjustment in the Downtown CFA is related to public comments received at the CFA public hearing.
- 1.7 A project website was maintained throughout the CFEC project phases (albanyoregongov.gov/cd/cfec) with public input opportunities, meeting and hearing information, and project documents.
- 1.8 Public notice regarding the Planning Commission and City Council hearings was provided in accordance with ADC Section 1.260. Specifically, notice was sent to DLCD on August 11, 2025; notice was published in the Albany Democrat Herald on August 30, 2025; and the hearings notice was emailed to Linn County, Benton County and the North Albany Neighborhood Association on August 21, 2025. A “Ballot Measure 56” notice was mailed to the property owners proposed to be removed from the Downtown CFA boundary and to LE-zoned property owners outside of the Downtown CFA on August 20, 2025, more than 20 days before the September 15 Planning Commission public hearing.
- 1.9 Public hearings are part of the public involvement process. Two public hearings are scheduled – September 15, 2025 (planning commission), and October 8, 2025 (city council).
- 1.10 The proposed legislative amendments were posted on the city’s Planning Projects webpage on August 21, 2025.

Statewide Planning Goal 2: Land Use Planning: To establish a land use planning process and policy framework as a basis for all decisions and actions related to the use of land and to assure an adequate factual basis for such decisions. (CP Chapter 9: Land Use Planning)

Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:

1. Remains current and responsive to community needs.
2. Retains long-range reliability.
3. Incorporates the most recent and reliable information.
4. Remains consistent with state laws and administrative rules.

Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:

Conformance with goals and policies of the Plan,
 Citizen review and comment,
 Applicable Statewide Planning Goals,
 Input from affected governmental units and other agencies,
 Short - and long-term impacts of the proposed change,

Public need for the change, and**The amendments will best meet the identified public need versus other available alternatives.**

- 1.11 The proposed amendments to the Downtown Climate Friendly Area (CFA) overlay district boundary on the Plan and Zoning maps and changes to the ADC to clarify uses allowed within the HD and LE zones outside the CFA is responding to citizen comments and concern about local historic resources.
- 1.12 The proposed changes to add maximum block and perimeter lengths for residential developments will help the city comply with state rules to provide more mixed-use areas and walkable neighborhoods so the Plan remains responsive to community needs and retains long term reliability.
- 1.13 The proposed ADC amendments to reduce the additional setback along busier streets (noise corridor setback) and provide exemptions for residential development CFAs and mixed-use buildings will support statewide and Albany Plan goals to support compact, mixed-use and walkable development patterns that may offer more housing and transportation choices.
- 1.14 The CFEC-related legislative amendments will have short and long-term impacts on the built environment by increasing walkability and connectivity in residential neighborhoods and reducing setbacks in mixed-use and commercial zones to support housing in CFAs close to commercial, and employment opportunities and buildings closer to the street will help to create vibrant and compact walkable CFAs.
- 1.15 The proposed legislative amendments to comply with the CFEC rules are efforts to reduce pollution from the transportation system by helping cities plan for a future that reduces the need to drive while improving access to jobs, housing, and services.

Statewide Planning Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces. (CP Chapter 2: Special Areas)

- 1.16 The proposed minor amendments to the CP and Zoning maps to remove three houses in the Monteith National Register historic district and one property in the Downtown Commercial historic district from the downtown CFA boundary will reduce pressures to redevelop or modify the existing historic structures over time. This supports the following Goal 5 goal:
 - **Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.**
- 1.17 Reducing additional noise corridor setbacks and providing exemptions for development in CFAs and mixed-use areas in the ADC supports compact development patterns away from Albany's natural resources and the following CP natural resource goal 5:
 - **Balance compact development patterns with natural resource protection.**
- 1.18 The existing zoning standards and historic overlay district standards support development in the downtown historic district support restoration, improvement, and adaptive reuse of Albany's unique historic resources.

Statewide Planning Goal 6: Air, Water, and Land Resource Quality: To maintain and improve the quality of the air, water and land resources of the state. (CP Chapter 1: Natural Resources)

- 1.19 The CP contains a few relevant goals that support the need to amend the Plan and ADC to create CFAs:
 - **Reduce water pollution and ensure that future land use activities enhance or at least maintain water quality.**
 - **Reduce air pollution and ensure that existing and future land use activities maintain air quality standards.**
- 1.20 The proposed maximum block and pedestrian perimeter standards will comply with CFEC rules and will increase walkability and connectivity of neighborhoods, which may reduce vehicle miles traveled (VMT) and air pollution. The reduced additional noise corridor setbacks and setback exemptions in CFAs will remove a potential barrier to creating compact and efficient land use patterns that may reduce VMT, air pollution, and sprawl.
- 1.21 The proposed changes will also support the redevelopment of existing parking lots and infill development which may improve water quality with controlled runoff.

Statewide Planning Goal 10: Housing: To provide for the housing needs of residents of Oregon. (CP Chapter 4: Housing)

- 1.22 The proposal to reduce the additional noise setbacks for residential developments along busier roads in the ADC will enable more housing and compact development in CFAs and citywide, and enable more efficient use of land, which supports the following CP goals and policies related to meeting the city's housing needs:
- **Create a city of diverse neighborhoods where residents can find and afford the values they seek.**
 - **Encourage residential development that conserves energy and water, uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services.**
 - **Encourage residential development on already serviced residential vacant lots or in areas where services are available or can be economically provided.**
- 1.23 Albany's 2020 Buildable Land Inventory (BLI) and the 2020 Housing and Residential Land Needs Analysis (HNA) were adopted November 2, 2020. The HNA reflects the coordinated population forecast prepared by the Oregon Population Forecast Program at the Population Research Center at Portland State University (PSU) in 2017 that projects Albany will experience an annual average growth rate (AAGR) of 1.27 percent to 2040. The HNA was based on the 20-year need assessment requirements of ORS and OAR 660 Division 8 for statewide planning Goal 10, Housing. It projected the number and types of units by tenure and cost based on the PSU population projections to 2040 and compares housing demand to residential land supply.
- 1.24 Projected Housing Unit Need. The HNA found Albany is projected to add between 6,700 and 9,300 new households between 2020 and 2040. The analysis calculated Albany will need 1,328 acres to accommodate projections to 2040 in a mix of low-, medium- and high-density housing types and zoning districts. The 2020 BLI estimated the city had 1,397 buildable acres for residential development within the city limits and 1,278 acres in the urban growth boundary for residential development.
- 1.25 Since the 2020 HNA was adopted, the city has removed obstacles to housing development including removing density caps in the medium and high density zones and adding minimum densities in these zones, middle housing developments are increasing in former single dwelling unit zones, and the City adopted 6 CFAs where residential development is permitted where it may not have been previously and is projected to accommodate between 12,000 and almost 16,000 units at full build out and heights. These changes should need less land to accommodate housing projections in the 2020 HNA.
- 1.26 Reduced 2040 Population Forecast - a newer 2024 PSU population forecast reduced Albany's 2040 population from 71,985 to 68,161. Albany's 2050 population projection is 71,885, about the same as the 2017 2040 population projection. Assuming the same household size, Albany may not need as many housing units as initially projected by 2040.
- 1.27 The ADC amendment proposal to reduce the special noise corridor setbacks for residential developments will enable more land for housing and may promote infill development and housing in CFAs. More compact and walkable development will help provide more housing choices near goods and services, and employment with access to transportation choices.
- 1.28 Removing barriers to residential development, including in the CFA overlay districts will promote the development of compact mixed-use areas for the efficient use of land and infrastructure.

Statewide Planning Goal 12, Transportation: To provide and encourage a safe, convenient, and economic transportation system. (CP Chapter 5: Transportation)

- 1.29 The proposed legislative amendments to set maximum block and perimeter lengths for streets and pedestrians will help the city to comply with the CFEC walkable neighborhood standards in the OARs and support the following transportation Comprehensive Plan goals and policies.
- **Provide an efficient and safe transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.**
 - **Develop bicycle and pedestrian facilities that encourage non-vehicular travel to and from home, school, work, and other activity centers.**

- **Provide direct off-roadway pedestrian and bicycle routes and connections.**

1.30 Reducing the additional noise corridor setbacks for residential development and providing exceptions to the setback along primary transportation corridors in CFAs and for mixed-use development may encourage redevelopment of existing sites and support the following Plan goal.

- **Encourage redevelopment of existing parking facilities to foster more efficient use of land within the city.**

Statewide Planning Goal 13, Energy Conservation: Land and development shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. (CP Chapter 8: Urbanization)

1.31 The proposed legislative amendments to reduce additional setbacks for development in CFAs will encourage a compact land use pattern along transit lines that may reduce dependence on automobiles support the following Plan goal.

- **Transition to a compact land use pattern along transit lines that conserves natural resources and minimizes environmental impacts.**

Statewide Planning Goal 14, Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. (CP Chapter 8: Urbanization)

1.32 The proposed ADC changes to reduce and remove additional noise corridor setbacks and add maximum block and pedestrian perimeters will promote infill and redevelopment, and more compact development in CFAs, along transit lines, and more walkable and connected neighborhoods that support the following CP urbanization goals and policies.

- **Achieve stable land use growth that results in a desirable and efficient land use pattern.**
- **Promote infill development and redevelopment throughout the city.**
- **Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse and redevelopment.**
- **Support the conversion of surplus parking into other compatible uses.**
- **Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems.**
- **Encourage compact, mixed use, and multi-story developments that support walkability, reduce auto-dependency for access to goods and services, and promote efficient use of land and public infrastructure.**
- **Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans, and carpools as alternatives to single-occupancy vehicle commuting.**

CONCLUSIONS

- 1.1 **Goal 1, Citizen Involvement.** The City provided engagement opportunities to property owners within the CFAs and interested residents to participate in the development of the legislative amendments. The City followed the required public participation process. The proposed amendments comply with Goal 1.
- 1.2 **Goal 2, Land Use Planning.** The proposed amendments to the CP, Zoning map and ADC are needed to ensure plans and codes remain current and responsive to community needs and comply with state rules. The amendments are consistent with statewide planning goals and the CP goals and policies.
- 1.3 **Goal 5, Natural Resources and Goal 6, Air and Water Quality.** The proposed ADC amendments to reduce noise corridor setbacks may remove obstacles to infill and redevelopment that reduce sprawl near natural resources and support better water and air quality.

- 1.4 Goal 10, Housing. Reduced noise corridor setbacks for residential development will provide more opportunities for housing and housing choices in locations near transit and may reduce costs related to vehicle ownership and housing.
- 1.5 Goal 12, Transportation. Removing barriers to higher intensity development near public transit and setting maximum block and perimeter lengths will support walkability and connectivity, and safe and efficient bicycle and pedestrian networks.
- 1.6 Goal 13, Energy Conservation. Reducing and removing additional setbacks in CFAs and other mixed-use developments will support more efficient land use and transportation development patterns and redevelopment and will support transportation system efficiencies and reliance on autos.
- 1.7 Goal 14, Urbanization. The proposed amendments to improve walkability and connectivity standards and remove barriers to higher intensity development in CFAs will result in more efficient land use and travel patterns, which may improve the livability of the city while reducing dependency on automobiles.
- 1.8 In summary, the proposed legislative amendments are consistent with and supportive of Albany's Comprehensive Plan policies and statewide planning goals.
- 1.9 This review criterion is met.

Criterion 2: A legislative amendment is needed to meet changing conditions or new laws.

FINDINGS OF FACT

- 2.1 In 2007, Oregon legislators adopted a goal to reduce Oregon's climate pollution by 80 percent by 2050. That's what science called for at the time to avoid catastrophic impacts on Oregon's environment, communities, and economy.
- 2.2 In 2020, Governor Brown issued Executive Order 20-04 that directed state agencies to take actions to reduce climate pollution. The Land Conservation and Development Commission (LCDC) launched the CFEC rulemaking in response to reduce greenhouse gas emissions and pollution from transportation. The new CFEC rules were adopted into the OARs by LCDC on July 21, 2022.
- 2.3 The OARs require communities to change their land use and transportation plans to do more to ensure Oregonians have safer and more comfortable ways to get around and don't have to drive long distances to meet their daily needs. The rules also aim to improve equity in access to transportation and housing choices. More diversity in housing choices and locations is needed to address Albany's current housing needs and needs to 2040.
- 2.4 Improvements in construction practices and materials and changes to building codes mean buildings include insulation and windows than in the 1980s when the current version of the ADC was adopted. Modifications to these setbacks will help meet changing conditions and standards.
- 2.5 The proposed legislative amendments to the Downtown CFA boundary on the CP and Zoning maps, and the ADC changes to comply with the CFEC rules to improve walkability and connectivity will help address changing community needs and conditions that include reducing greenhouse gas emissions from transportation and providing more housing choices near transit, goods and services.

CONCLUSIONS

- 2.1 The proposed legislative amendments to the CP map, Zoning map and ADC are needed to meet CFEC rules and respond to changes in building codes, and to address changing conditions.
- 2.2 Based on the above analysis, this criterion is satisfied.

Zoning Map Amendments Review Criteria (ADC 2.740)

The requests may be approved if the review body finds that the application meets the following criteria.

Criterion 1: The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.

Criterion 2: Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.

Criterion 3: Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.

Criterion 4: The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

Criterion 5: The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

FINDINGS OF FACT (combined for all criteria and site based)

- Z.1 Downtown Climate Friendly Area Overlay District Boundary Adjustment: The proposal to modify the CFA overlay district boundary for the Downtown CFA Site A will not change the base zoning of the subject properties. The change will better meet the intent of the historic overlay district standards.
- Z.2 The base zoning and the CFA overlay district zoning are consistent with the Comp Plan map, which is also proposed to be amended to reflect the CFA Site A boundary adjustment.
- Z.3 The minor boundary adjustment to remove about 0.5 acres of land from the Downtown CFA will not impact existing or anticipated transportation facilities or existing or anticipated city services or school needs.

CONCLUSIONS

- Z1. The proposed zoning map amendments satisfy the review criteria.

Development Code Amendments Review Criteria (ADC 2.290)

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

FINDINGS OF FACT

- DC1.1 The Albany Development Code serves as the principal vehicle for implementing the Comprehensive Plan.
- DC1.2 Findings of fact provided for Comprehensive Plan Amendment review criterion 1 assess the proposed amendments against the CP goals and policies and are hereby incorporated as findings in support of this review criterion.
- DC1.3 The proposed ADC amendments will better achieve the goals and policies of the Albany Comprehensive Plan than the existing code and are needed to comply with state laws.

CONCLUSIONS

- DC1.1 The proposed ADC amendments are consistent with the applicable Albany Comprehensive Plan goals and policies related to public involvement, land use planning, natural and historic resources, housing, energy conservation, transportation, and urbanization.
- DC1.2 This review criterion is met.

Criterion 2: The proposed amendments are consistent with Development Code policies on purpose and with the purpose statements for the base zone, special purpose districts, or development regulation where the amendment is proposed.

Findings of Fact

- DC2.1 Article 2 Review Criteria. Amendments would add a review criterion for Conditional Uses and Site Plan Review that development be compatible with the CP and relevant adopted plans.
- DC2.2 Article 3 Residential Zoning Districts. Amendments to reduce the additional noise corridor setbacks for residential development are not zone specific. The change would not affect the types of uses and developments allowed in the residential zones.
- DC2.3 Article 4 Commercial and Industrial Zoning Districts. Amendments to reduce the additional noise corridor setbacks for residential development are not zone specific. The change would not affect the types of uses and developments allowed in the commercial and industrial zones and would remove obstacles to permitted development in the commercial zones.
- DC2.4 Article 5 Mixed Use Zoning Districts. This article establishes Albany's mixed-use zones originally concentrated in the downtown area, but that have also been established in other areas of the city where compact mixed-use developments are desired. These districts should include both housing and employment, be easily accessible to nearby residences, and be pedestrian friendly. Article 5 amendments are minor corrections to clarify uses allowed outside of the Downtown CFA overlay district in the HD and LE zones.
- DC2.5 Article 8 Design Standards. The purpose of this Article is to establish additional standards 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. Amendments in this article clarify existing multi-dwelling unit design standards related to setbacks and building orientation that enhance the environment for pedestrians.
- DC2.6 Article 11 Land Divisions and Planned Developments. The purpose of this article is to provide standards for land divisions. Amendments relate to residential block length standards for cars and pedestrians. Associated minor amendments to block length and block perimeter definitions are needed in Article 22.
- DC2.7 Article 12 Public Improvements. The purpose of this article is to provide standards for public improvements to address public health, safety and welfare as it relates to the transportation system and utilities. Existing bike and pedestrian accessway/corridor standards in Article 14 are proposed to be moved to this Article since they will apply to development outside of CFAs covered in Article 14.
- DC2.8 Article 14 Climate Friendly Area Overlay Districts. The purpose of this article is to identify uses and standards specific to CFAs intended to promote compact and efficient development near transit. Minor amendments to the boundary of Downtown Site A and moving accessway standards to Article 12.

Conclusions: Development Code Amendment Criterion 2

- DC2.1 The proposed Development Code amendments are consistent with applicable purpose statements, special purpose districts, or development regulations where amendments are proposed in Articles 2, 3, 4, 5, 8, 11, 12 and 14.
- DC2.2 Based on the above analysis, this criterion is satisfied.

Overall Conclusions

Based on the analysis in this report, the proposed Comprehensive Plan Map, Zoning Map and Development Code amendments meet the applicable review criteria as outlined in this report.

The Planning Commission has two options with respect to the proposed legislative amendments:

Option 1: Recommend that the City Council approve the amendment requests as presented; or

Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission.

Staff Recommendation

Based on the staff recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed legislative amendments to the Comprehensive Plan Map, Zoning Map, and Development Code as detailed in planning files CP-02-25, ZC-02-25, and DC-03-25.

This motion is based on the findings and conclusions in the staff report dated September 2, 2025, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

Attachments

Attachment A: Comprehensive Plan Map and Zoning Map Amendments

Attachment B: Albany Development Code Amendments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CFA	Climate Friendly Area
CFEC	Climate Friendly and Equitable Communities
CP	Comprehensive Plan Amendment File Designation
DC	Development Code Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes
Z	Zoning Map Amendment File Designation



CP-02-25 and ZC-02-25

Downtown Climate Friendly Area Overlay Boundary Modifications (CFA Site A)

Staff Comments: The City recently adopted six Climate Friendly Areas (CFAs) throughout the City to comply with the state's Climate Friendly and Equitable Community rules. The CFAs were applied as overlay districts OVER the base zoning and plan designations on the Zoning Map and Comprehensive Plan Map. The CFA boundaries would also be adjusted on Comprehensive Plan Plate 14 Comprehensive Plan Map and Plate 15 Climate Friendly Area Overlay Districts.

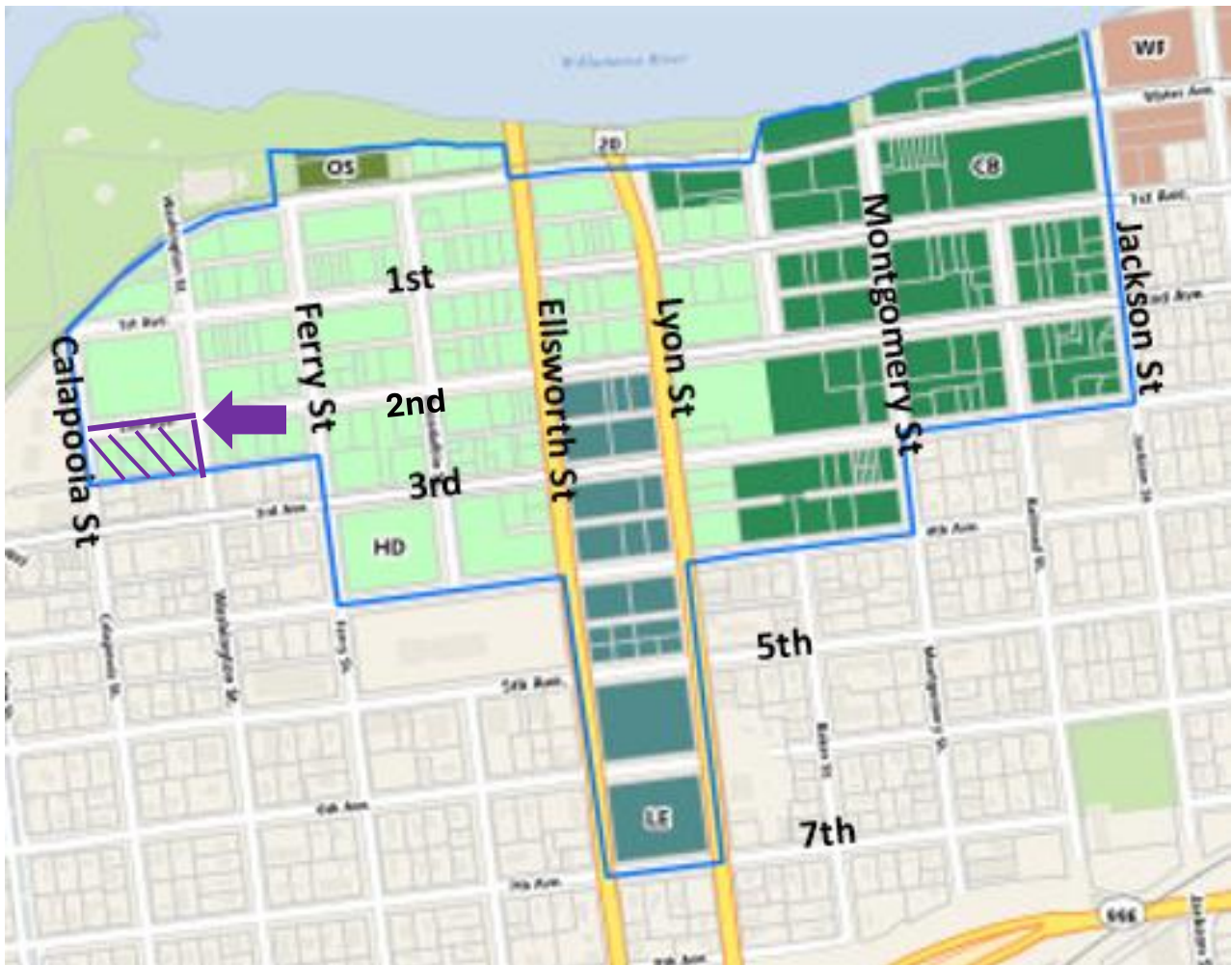
WHAT: The proposed amendments would remove four properties and a portion of a fifth property on the south side of 2nd Avenue between Calapooia Street and Washington Street and the public alley from the Downtown CFA overlay zoning district. The base zoning and comprehensive plan designations will not change.

WHY: There was some concern about the Site A CFA boundary including three houses in the Monteith National Register Historic District and properties in the Downtown Commercial Historic District.

CP-02-25: Remove 4 properties (222 Washington St SW, 518 2nd Avenue SW, 528 2nd Ave SW and 538 2nd Ave SW) and a portion of a fifth property consisting of two residences, the Monteith House Museum and Loafers Station, from the Secondary CFA overlay district (CFA Site A) on the Comprehensive Plan Map and Comprehensive Plan Plates 14 and 15.



ZC-02-25: Remove 4 properties (222 Washington St SW, 518 2nd Avenue SW, 528 2nd Ave SW and 538 2nd Ave SW) and a portion of a fifth property consisting of two residences, the Monteith House Museum and Loafers Station, from the Secondary CFA overlay district (CFA Site A) on the Zoning Map.



Aerial image of area proposed to be removed from the Downtown CFA overlay district.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

ARTICLE 2 REVIEW CRITERIA

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

- Adjustments
- Annexations
- Comprehensive Plan and Map Amendments
- Conditional Uses
- Development Code Amendments
- Nonconforming Situations
- Site Plan Review
- Vacations
- Variances, Major
- Variances, Minor
- Zoning Map Amendments

[Ord. 5445, 4/12/00; Ord. 5720, 8/12/09; Ord. 5947, 1/1/21]

Staff Comments: The Comprehensive Plan contains many goals, policies, and implementation measures, including some that are unique to adopted area plans or needs. To ensure development is consistent with the goals of the Comprehensive Plan and adopted area plans, staff proposes adding a review criterion that requires consistency with the Comprehensive Plan (in Articles 2 and 11).

2.020 Function of Review Criteria.

- (1) Review criteria describe the issues the applicant must address and that the City or affected parties may raise. A proposal that complies with all of the criteria will be approved. A proposal that can comply with the criteria with mitigation measures or limitations will be approved with conditions. A proposal that cannot comply with the criteria outright or with mitigation measures will be denied.
- (2) The review criteria are derived from the Comprehensive Plan. ~~Reviews against the goals and policies of the Comprehensive Plan are not required unless specifically stated.~~ The proposal must conform to the goals and policies in ~~to~~ the Comprehensive Plan and any adopted area plans in addition to satisfying if it fulfills the applicable review criteria.
- (3) When review criteria require an application to meet a specific standard, such as adequate services or no negative offsite impacts, all proposed improvements and mitigation measures must be identified before the review body will make a final decision.

[Ord. 5720, 8/12/09]

***** No changes are proposed to Sections 2.030 to 2.225, so those sections are not provided. *****

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CONDITIONAL USES

- 2.230 Purpose. The City does not allow some uses outright, although they may have beneficial effects and serve important public interests. These uses are subject to the Conditional Use regulations because they may have adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is necessary due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The Conditional Use review process provides an opportunity to allow the use when it will have minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved.

Uses identified as requiring Conditional Use approval may be permitted, enlarged or altered according to the provisions of this section. In addition, when a use is not authorized in any district or when it is unclear how to classify a particular use or development within the intent of this Code, the use or type of development may be established by ~~a~~ Conditional Use approval in accordance with this section.

[Ord. 5947, 1/1/21]

- 2.240 Procedure. A Conditional Use application is reviewed as either a Type II or a Type III procedure, according to the Schedule of Permitted Uses.

[Ord. 5446, 5/10/00, Ord. 5673, 6/27/07]

- 2.250 Review Criteria. Requests for Conditional Use will be approved if the review body finds that the application conforms with the Albany Development Code and all of the following criteria, either outright or with conditions that bring the proposal into compliance:

(1) The application is consistent with the goals and policies of the Comprehensive Plan and any relevant plans adopted by the City Council.

~~(4)~~(2) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.

~~(2)~~(3) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping or other design features.

~~(3)~~(4) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts and pedestrian safety.

~~(4)~~(5) Public services for water, sanitary and storm sewer, water management, and for fire and police protection, can serve the proposed use.

~~(5)~~(6) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to:

(a) Noise, glare, odor, litter, or hours of operation.

(b) Privacy and safety issues.

~~(6)~~(7) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

[Ord. 5265, 12/18/96; Ord. 5720, 8/12/09; Ord. 5764, 12/1/11; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21]

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

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

- 2.265 Application Contents. As applicable, application contents ~~shall~~must be the same as those required for Site

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Plan Review in Section 2.490.

[Ord. 5842, 1/1/15; Ord. 5947, 1/1/21]

***** No changes are proposed to Sections 2.270 to 2.350, so those sections are not provided. *****

SITE PLAN REVIEW

- 2.400 Purpose. Site Plan Review is intended to promote functional, safe, and attractive developments that maximize compatibility with surrounding developments and uses and with the natural environment. It mitigates potential land use conflicts through specific conditions attached by the review body. The review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]
- 2.415 Procedure. An application for Site Plan Review must be reviewed through either a Type I or Type I-L procedure, as indicated below.
- (1) Single dwelling unit detached, two primary detached units, and middle housing development: Type I procedure.
 - (2) Multiple-dwelling unit development, units above or attached to a business, and manufactured home parks: Type I-L procedure.
 - (3) Non-residential development: Type I-L procedure.
- [Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6062, 5/23/25]
- 2.420 Relationship to Other Regulations. When a land use application is approved based on review criteria in this Code, the applicant must still comply with other applicable codes, ordinances, statutes, and regulations. [Ord. 5445, 4/12/00]
- 2.430 Applicability. In general, Type I or Type I-L Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain legal nonconforming situations will be processed in accordance with Section 2.300 through 2.350.
- (1) Any activity or development that requires Site Plan Review as indicated in Table 1.100-1, Procedure by Application Type in Article 1, and the Schedules of Permitted Uses and Special Conditions in Articles 3, 4 and 5, unless specifically exempt in Section 1.105.
 - (2) Expansions to existing development ~~including~~include new structures and additions whether attached or detached, totaling more than 2,000 square feet or more than 50 percent of existing building area, whichever is less.
 - (3) New parking or loading areas or expansions to existing parking or loading areas or site modifications (excluding buildings) greater than 1,000 square feet or that provide more than two new parking spaces. Parking areas for middle housing development are exempt from this provision and will be reviewed for compliance with Articles 8 and 9 at time of building permit submittal.
 - (4) Modifications that change site circulation or access as identified below and similar actions.
 - (a) Creation, modification, and/or removal of a driveway or pedestrian connection to the street system.
 - (b) Modification of allowable movements at a driveway connection to the street system.
 - (c) Creation, extension, closure, and/or alteration of the direction of a travel aisle or walkway.
 - (5) Conversion of existing off-street parking areas to uses other than bicycle parking or transit-oriented facilities.
 - (6) Temporary placement of a manufactured home or modular building for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies (See Section 10.490).
 - (7) Tree Felling as specified in Sections 9.205 and 9.206

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[Ord. 5445, 4/12/00; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6018, 6/30/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25; Ord. 6062, 5/23/25]

2.450 Review Criteria – All Site Plan Review Applications. Site Plan Review approval will be granted if the review body finds that the application conforms with the Albany Development Code and meets all of the following criteria that are applicable to the proposed development.

- (1) ~~The application is complete in accordance with the applicable requirements.~~ The application is consistent with the goals and policies of the Comprehensive Plan and any relevant plans adopted by the City Council.
- (2) The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.
- (3) Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- (4) The application complies with all applicable Design Standards of Article 8.
- (5) The application complies with all applicable Design Standards of Article 10.
- (6) The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
- (7) The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
- (8) The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.
- (9) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
- (10) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- (11) Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.330.

[Ord. 5947, 1/1/21; Ord. 5966, 11/12/21]

2.455 Review Criteria – Additional Criteria for Non-Residential Applications (including the non-residential portion of a mixed-use development). Site Plan Review approval will be granted if the review body finds that, in addition to meeting the review criteria in 2.450, the application meets all of the following criteria that are applicable to the proposed development.

- (1) The transportation system can safely and adequately accommodate the proposed development.
- (2) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

[Ord. 5947, 1/1/21]

2.460 Conditions of Approval. The City may attach conditions to the approval of a Site Plan Review application ~~in order~~ to ensure that the proposal will conform to the applicable review criteria. Conditions of approval should be specific to the proposal and the facts set in the staff report for the application. In addition to

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conditions of approval, a list of general Code provisions that apply to the application may be attached to the approval. [Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]

2.465 Approved Plans are Final. Projects ~~shall~~must be completed according to the approved site plan and landscape plan. Modifications to approved plans are subject to the standards in Section 1.330.

[Ord. 5720, 08/12/09; Ord. 5947, 1/1/21]

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

- (1) A completed application form. The application ~~shall~~must be signed by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory ~~shall~~must be furnished to the City. The owner's name(s) and address, and the applicant's name, address, and signature ~~shall~~must also be provided.
- (2) A written narrative describing the proposed development and explanation of how the development satisfies applicable Albany Development Code standards and review criteria, including information required by Article 6 – Natural Resource Districts.
- (3) One set of conceptual drawings, including floor plans, lighting details, and building elevations and materials. When solar panels are proposed to comply with the large parking area standards in Section 9.130, provide solar panel specifications including kilowatt production and proposed location.
- (4) A landscape plan showing the type and location of proposed landscaping and screening, including parking lot landscaping and when applicable, the tree canopy calculations, and any vegetated post-construction stormwater quality facilities.
- (5) A storm drainage report when 5,000 square feet of new or replaced impervious surface is added for all phases of development. The storm drainage report must include infiltration feasibility as outlined in the Engineering Standards.
- (6) A site plan showing the following applicable information:
 - (a) Assessor's map and tax lot number and lot and block description or other legal description.
 - (b) Lot dimensions and total lot area.
 - (c) North arrow.
 - (d) Location of all existing and proposed structures, including minimum distances from all structures to property lines.
 - (e) Percentage of the lot covered by all existing and proposed structures and paved areas. Clearly identify the boundaries and total square footage of all new and/or replaced impervious surfaces.
 - (f) Adjacent zoning designations and land uses including approximate location of buildings, accesses, streets, sidewalks, curbs, easements, and utilities.
 - (g) Locations and dimensions of rights-of-way of all abutting streets (whether public or private) and existing and proposed driveways.
 - (h) Size and location of all utilities.
 - (i) Locations, dimensions, and nature of any existing and proposed easements.
 - (j) Location of any non-access strips.
 - (k) Natural drainage patterns, flow arrows showing existing and proposed drainage patterns, and existing and proposed finished grade contours at 1-foot intervals, or at a larger interval if approved by the City Engineer.
 - (l) Clearly identify any existing and proposed swales, ditches, or other drainage ways.
 - (m) Location, size, type and capacity of the existing and proposed drainage system including pipe size, slope, and detention facilities. Show existing and proposed finished grade elevations at collection points and property lines. Include the location, size, and capacity of the downstream drainage system that would serve the proposed development. Also provide any supporting calculations.
 - (n) Location, size, type and capacity of all existing and proposed post-construction stormwater quality

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facilities. Clearly identify all impervious surfaces and contributing areas draining to each facility.

- (o) Typical cross sections at adjacent property boundaries showing pre-and post-development conditions and clearly identify~~ing~~ any changes in elevation at the property line not captured in the typical section.
- (p) Location and species of trees larger than 25 inches in circumference (approximately 8 inches in diameter) measured ~~at~~ 4-1/2 feet above mean ground level from the base of the trunk. To obtain the circumference of a tree with multiple trunks, add the individual trunks circumferences, which are greater than 6 inches in circumference. Identify any trees proposed for protection and the method of protection.
- (q) Location and dimensions of delivery and loading areas.
- (r) Location and dimensions of parking and circulation areas.
- (s) Location and dimensions of trash disposal areas.
- (t) Location of proposed signs.
- (u) Location and type of proposed pedestrian amenities and common areas (when applicable).
- (v) Location of airport height restrictions.
- (w) Location of floodplains.
- (x) Location of hillsides with slopes greater than 12 percent.
- (y) Location of wetlands.
- (z) Location of riparian corridors.
- (aa) Location of Willamette Greenway.
- (bb) Location of historic districts, structures and sites on the City's adopted Local Historic Inventory, including individually designated National Register Historic Landmarks and archaeological sites.

[Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5720, 8/12/09 Ord. 5767, 12/7/11; Ord. 5842, 1/1/15; Ord. 5886, 1/6/17; Ord. 6018, 6/30/23; Ord. 6042, 7/12/24]

2.500 Appeals. A Site Plan Review decision is a limited land use decision and may be appealed in accordance with Sections 1.220 and 1.410. [Ord. 5445, 4/12/00; Ord. 5947, 1/1/21]

***** No changes are proposed to Sections 2.600 to 2.696, so those sections are not provided. *****

ZONING MAP AMENDMENTS

2.700 Purpose. This section states the procedures and review criteria necessary to process an amendment to the base zones, special purpose districts, and other map symbols of the Zoning Map. The section differentiates between amendments that are processed in a quasi-judicial manner and those processed in a legislative manner.

2.710 Initiation.

- (1) Quasi-judicial zoning map amendments may be initiated by a property owner, a representative of the owner, the Director, the Planning Commission, or the City Council.
- (2) Legislative zoning map amendments may be initiated by the Director, Planning Commission or City Council. Citizens may request that the Planning Commission initiate a legislative amendment. This type of initiation is addressed in Section 1.260.
- (3) Initiations by a review body are made without prejudice towards the outcome.

[Ord. 5947, 1/1/21]

2.720 Procedure. Zoning Map amendments will be reviewed through the Type IV-Q procedures as outlined in Section 1.250 or by legislative action as provided for in Section 1.260. [Ord. 5947, 1/1/21]

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- 2.730 Special Notice Requirements. If a zone change request would change the zone of property that includes all or part of a manufactured home park, the City ~~shall~~must give written notice by first class mail to each existing mailing address for tenants of the manufactured home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The failure of a tenant to receive a notice that was mailed ~~shall~~must not invalidate any zone change.

Staff Comments: The CFEC rules require cities to have regulations ensuring that amendments to land use designations are consistent with the functions, capacities, and performance standards of facilities identified in the Transportation System Plan (TSP). Albany's current review criteria for zoning map amendments (ADC 2.740) do require consistency with "transportation plan(s)." However, updates to the criteria are proposed to more clearly identify consistency with the TSP.

- 2.740 Review Criteria. Zoning Map amendments will be approved if the Council finds that the applicant has shown that all of the following criteria are met:
- (1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.
 - (2) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.
 - (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.
 - (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
 - ~~(5) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.~~
 - (6) The proposed zoning map amendment is consistent with the adopted functions, capacities, and performance standards identified in the City of Albany Transportation System Plan or any other City-contracted or funded transportation plan or study. If the proposal is not consistent with City plans or studies, the applicant must provide sufficient data to demonstrate good cause for the departure from the specific plan or study, as approved by the City Engineer.

[Ord. 5635, 1/11/06, Ord. 5764, 12/1/11]

***** No changes are proposed to the remainder of Article 2, so those sections are not provided. *****

ARTICLE 3

RESIDENTIAL ZONING DISTRICTS

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

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

- Zoning Districts
- Schedule of Permitted Use
- Development Standards

[Ord. 5673, 6/27/07]

**** No changes are proposed to Sections 3.020 to 3.320, so those sections are not provided. ****

Staff Comments: The Special Noise Corridor Setbacks in ADC 4.200 require buildings to be set farther back from the street along major roads and highways. The intent is to protect residents from negative noise impacts (and other health impacts) from high traffic roads. However, since these setbacks are in addition to the standard setbacks in residential zones and building code standards provide more noise attenuation than in the 1980s with more insulation and better windows, the setbacks can be overly restrictive to development. They can also conflict with the City's CFEC goals around increasing access to transit and promoting a pedestrian friendly environment. The 25-foot noise corridor setbacks along Pacific Boulevard and Santiam Highway are proposed to be reduced and exemptions are provided for Climate Friendly Areas, developments that provide enhanced landscaping to buffer noise impacts, and residential units above the ground floor. No change to the Interstate 5 setback is proposed.

3.320 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways ~~shall~~ **must** maintain the setbacks listed from the designated right-of-way in addition to the required setbacks for the Zoning District:

<u>Street/Highway</u>	<u>Setback</u>
Interstate 5	50 feet
Pacific Boulevard (Hwy. 99E)	25 15 feet
Santiam Highway (Hwy. 20)	25 15 feet
Geary Street (Pacific to Grand Prairie)	10 feet (1)
Queen Avenue	10 feet (1)
Waverly Drive (S. of Santiam Hwy.)	10 feet (1)

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

(1) The following residential developments are exempt from the special noise corridor setbacks on Geary Street, Queen Avenue, and Waverly Drive:

- (a) In a Climate Friendly Area overlay district as defined in Article 14;
- (b) Dwellings within 15 feet of the street right-of-way that are constructed to include exterior wall assembly and windows that achieve Sound Transmission Class (STC) ratings that achieve 45 decibels in all interior habitable rooms;
- (c) Dwellings in mixed-use buildings that are above a business or other non-residential uses that occupy the ground floor of the building; or
- (d) Development that includes landscape plantings meeting the following enhanced landscaping

standards on the street-facing façade(s) of buildings containing residential dwellings:

- i. At least two rows of evergreen trees must be planted. Each row must have a minimum of one tree for every 20 linear feet of street frontage. Tree planting must be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
- ii. Trees must be at least 6 feet tall at the time of planting.

**** No changes are proposed to Sections 3.330 to 3.390, so those sections are not provided. ****

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ARTICLE 4

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

4.010 Overview. The zones created in this article are intended to provide land for commercial, office and industrial uses, and mixed-use developments. 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. Development may 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, Natural Resource Districts, and Article 7, Historic Overlay Districts.

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

[Ord. 5555, 2/7/03; Ord. 6042, 7/12/24; Ord. 6062, 5/23/25]

**** No changes are proposed to Sections 4.020 to 4.090, so those sections are not provided. ****

SETBACKS

4.100 Minimum Standards. All setbacks must meet the minimum standards in Table 4.090-1, Development Standards. In addition to the setbacks in this Article, all development must comply with Section 12.180, Clear Vision Area. For residential accessory structures, see Article 3, Table 3.230-1, Accessory Structure Standards.

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6062, 5/23/25]

4.110 Measurements. Setback distances must be measured perpendicular to all portions of a property line.

[Ord. 5555, 2/7/03]

**** No changes are proposed to Sections 4.130 to 4.180, so those sections are not provided. ****

Staff Comments: The Special Noise Corridor Setbacks in ADC 4.200 require buildings to be set farther back from the street along major roads and highways. The intent is to protect residents from negative noise impacts (and other health impacts) from high traffic roads. However, since these setbacks are in addition to the standard setbacks in residential zones and building code standards provide more noise attenuation than in the 1980s with more insulation and better windows, the setbacks can be overly restrictive to development. They can also conflict with the City's CFEC goals around increasing access to transit and promoting a pedestrian friendly environment. The 25-foot noise corridor setbacks along Pacific Boulevard and Santiam Highway are proposed to be reduced and exemptions are provided for Climate Friendly Areas, developments that provide enhanced landscaping to buffer noise impacts, and residential units above the ground floor. No change to the Interstate 5 setback is proposed.

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- 4.200 Special Noise Corridor Setbacks. Residential developments adjacent to the following listed streets and highways must maintain the setbacks listed from the designated right-of-way in addition to the required setbacks for the zoning district:

<u>Street/Highway</u>	<u>Additional Setback</u>
Interstate 5	50 feet
Pacific Boulevard (Hwy. 99E)	25 <u>15</u> feet
Santiam Highway (Hwy. 20)	25 <u>15</u> feet
Waverly Drive (S. of Santiam Hwy.)	10 feet <u>(1)</u>
Geary Street (Pacific to Grand Prairie)	10 feet <u>(1)</u>
Queen Avenue	10 feet <u>(1)</u>

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

(1) The following residential developments are exempt from the special noise corridor setbacks on Geary Street, Queen Avenue, and Waverly Drive:

- (a) In a Climate Friendly Area overlay district as defined in Article 14;
- (b) Dwellings within 15 feet of the street right-of-way that are constructed to include exterior wall assembly and windows that achieve Sound Transmission Class ratings that achieve 45 decibels in all interior habitable rooms;
- (c) Dwellings in mixed-use buildings that are above a business or other non-residential uses that occupy the ground floor of the building; or
- (d) Development that includes landscape plantings meeting the following enhanced landscaping standards on the street-facing façade(s) of buildings containing residential dwellings:
 - i. At least two rows of evergreen trees must be planted. Each row must have a minimum of one tree for every 20 linear feet of street frontage. Tree planting must be staggered, with a maximum spacing of 20 feet on center for trees within the same row and 15 feet on center for trees within different rows.
 - ii. Trees must be at least 6 feet tall at the time of planting.

***** No changes are proposed to the rest of Article 4, so the remaining content is not provided. *****

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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), and Albany's Climate Friendly Areas (2025). These zoning districts are compatible with the Village Center Comprehensive Plan designation applied in the Central Albany area, North Albany, east of Interstate 5, 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; Ord. 6010, 7/1/23; Ord. 6062, 5/23/25]

5.020 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.

Development may 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; Ord. 5894, 10/14/17; Ord. 6062, 5/23/25]

Staff Comments: The Climate Friendly Area (CFA) overlay zoning districts were adopted to comply with the state's Climate Friendly and Equitable Community (CFEC) rules and went into effect on March 14, 2025. CFA adoption included a few changes to the Schedule of Permitted Uses in Table 5.060-1 to allow townhouses and multiple dwelling units in the Downtown CFA where they may not have been permitted previously in the base zones (HD, CB and LE). Removing four properties from the Downtown CFA requires a few minor amendments to Table 5.060-1 and associated special condition (17). Changes also include correcting an error that inadvertently changed townhouses to a permitted use in the LE zone outside of the CFA overlay district.

ZONING DISTRICTS

5.030 Establishment of Mixed-Use Zoning Districts. 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.
- (2) DMU – DOWNTOWN MIXED-USE DISTRICT. The DMU district is intended for a mix of retail,

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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.

- (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.
- (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.
- (5) WF – WATERFRONT DISTRICT. The WF district is intended to transition Albany's Willamette River waterfront into a vibrant center characterized by a variety of housing choices and a mixture of housing, office, and retail uses. Infill and redevelopment are encouraged, as well as adaptive reuse of existing buildings until the area is redeveloped. Development and design standards will result in great neighborhoods, a pedestrian-friendly environment, and an enhanced community image.
- (6) LE – LYON-ELLSWORTH DISTRICT. The LE district is intended primarily as a location for development that serves the Historic Downtown district and Downtown Central Business district. This district is the most desirable location in the Central Albany area for parking structures with ground-floor commercial uses.
- (7) MS – MAIN STREET DISTRICT. The MS district is intended primarily as an employment center with supporting commercial and retail services for residents and employees in the area. Infill and redevelopment are encouraged provided there is no adverse impact to surrounding residences.
- (8) ES – ELM STREET DISTRICT. The ES district is intended primarily to provide enough land for Albany General Hospital and associated medical uses while maintaining compatibility with adjacent residences in scale and design. Light commercial and personal services are encouraged to serve the nearby residents. Removal of existing residences and landscapes is discouraged. New parking facilities should be underground or completely screened. Only the amount of parking that is necessary should be provided for uses in this district, to minimize the amount of land consumed by parking.
- (9) PB – PACIFIC BOULEVARD DISTRICT. The PB district is intended as an auto-oriented commercial area along Pacific Boulevard in the Central Albany area. Design guidelines and front-yard landscaping will provide a coordinated look and enhance the community image along this major corridor as it develops or redevelops. Commercial infill and redevelopment are encouraged. Sound and visual buffers should be used to protect nearby residential areas.
- (10) MUC – MIXED-USE COMMERCIAL DISTRICT. The MUC zoning district is intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store and may include a mix of smaller retailers, offices, live-work units, and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.

[Ord. 5556, 2/21/03; Ord. 5577, 7/28/04; Ord. 5555, 2/7/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5832, 4/9/14; Ord. 5894, 10/14/17; Ord. 6018, 6/30/23; Ord. 6062, 5/23/25]

- 5.040 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 both 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 restrictive standards apply. The special purpose districts and the additional regulations that apply in such districts are summarized below:

Special Purpose District

Applicable Articles

Proposed new language is provided in red underlined font. Removed language is shown in ~~striketrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Airport Approach	Article 4
Floodplain	Article 6
Wetlands	Article 6
Willamette Greenway	Article 6
Hillside Development	Article 6
Historic Overlay	Article 7

[Ord. 5555, 2/7/03; Ord. 6059, 3/14/25; Ord. 6062, 5/23/25]

- 5.045 Relationship to State, Federal and Other Local Regulations. In addition to the regulations of this Code, each use, activity, or operation in the City of Albany must comply with applicable state and federal standards. Other local regulations including those in Article 6 – Natural Resource Districts and Article 7 – Historic Overlay District, and those of the Building Division and Fire Department.

[Ord. 5555, 2/7/03; Ord. 5894, 10/14/17]

SCHEDULE OF PERMITTED USES

- 5.050 Interpretation. Each use category in the schedule of permitted uses is described in Article 22, Use Categories and Definitions. Article 22 classifies land uses and activities into categories based on common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods and services are sold or delivered, and certain site factors. In addition to the clarification in Article 22, the following provisions must be used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the city. There are situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics.
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development must be reviewed utilizing the Conditional Use criteria if concurrent approval of all uses is sought.
- (3) A change in the use of a property is subject to review as specified by the schedules of permitted uses:
 - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
 - (b) When a property that has been unoccupied for more than one year and is non-conforming under the provisions of Article 2 is proposed to be occupied.

[Ord. 6062, 5/23/25]

- 5.060 Schedule of Permitted Uses. The specific uses listed in the following schedule (Table 5.060-1) are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions. The abbreviations used in the schedule have the following meanings:

Y	Yes; use allowed without review procedures but may be subject to special conditions.
S	Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
CU	Use considered conditionally under the provisions of Sections 2.230-2.260 through the Type III procedure.
CUII	Uses considered conditionally through the Type II procedure under the provisions of Sections 2.230-2.260.

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- PD Use permitted only through Planned Development approval.
- N No; use not allowed in the zoning district indicated.
- X/X Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition to determine what review process is required based on the details of the use.

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). These conditions are found following the schedule in Section 5.070.

**TABLE 5.060-1
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
INDUSTRIAL USE CATEGORIES											
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
COMMERCIAL USE CATEGORIES											
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-26 N
Offices: Traditional Industrial		S CU	S S	S S	S S	S S	S S	S S	S S	S N	S-26 N
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 Restaurants 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-26 N
Retail Sales and Service		S-8	S-8/ CU-24	S-8	S-8	S	S	S	S-8	S-8	S-8/26
Self-Serve Storage	9	N	N	N	N	N	N	N	N	N	N
Taverns, Bars, Brewpubs, Nightclubs	23	CUII	CUII	S	S/CUII-25	S/CUII-25	S	S	CUII	CU	CUII-26
Vehicle Repair		N	N/ CU-24	N	N	CU	N	S	N	N	N
Vehicle Service, Quick (gas/oil/wash)		S	N	N	N	N	N	S	S	S	N
INSTITUTIONAL USE CATEGORIES											
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

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Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Use Categories (See Article 22 for use category descriptions.)	Spec. Cond.	MUC	WF	HD	DMU	CB	LE	PB	MS	ES	MUR
Community Services	11	CU/S-11	CU	S-11	S-11	S-11	S-11	S-11	S-11	S-11	CU
Educational Institutions	12	S-12	CU	S	CU	S	S	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/S	CU	S	CU	S	S	CU	CU	CU	CU
Religious Institutions	12	CU	CU	CU	CU	S	S	CU	CU	CU	CU
RESIDENTIAL USES											
Residential Care or Treatment Facility	14	S	CU	S	S	S	S	N	S	S	S
Assisted Living Facility		S	CU	CU	CU	CU	CU	CU	CU	CU	S
Single-Dwelling Unit (SDU)	15, 27	Y-17	N	N/Y-16	N/Y-16	N/Y-16	N/Y-16	N	N	N/Y-16	Y
Duplex	15, 28, 29, 30	Y-17	S-16	N	S-16	S-16	Y	N	N	CU	Y
Townhouse	15, 28, 29	Y-17	S	N/Y-16	S	S	N/Y-16	N	N	CU	Y
Triplex or Fourplex	15, 28, 29, 30	Y-17	S-17	N	S-17	S-17	S	N	CU	CU	Y
Cottage Cluster		Y-17	N	N	S	N	N	N	N	N	Y
Multiple-Dwelling Units	27, 28, 29, 30	S-17	S-17	N/S-17	S-17	S-17	S-17	N	CU	CU	S
Units Above or Attached to a Business	27, 28, 29	S-17	S	S-17	S	S	S-17	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
OTHER USE CATEGORIES											
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

[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; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 2010, 7/1/23; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25; Ord. 6062, 5/23/25]

SPECIAL CONDITIONS

5.070 General. Where numbers appear in the “Special Conditions” column or in any cell in the Schedule of Permitted

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Uses, the corresponding numbered conditions below apply to the particular use category as additional clarification or restriction:

- (1) Contractors and Industrial Service Uses in CB, LE and PB zones.
 - (a) Limited Uses in CB, LE and PB zones. Salvage or wrecking operations are prohibited. See Section 5.360 for outside storage standards by zone.
- (2) Manufacturing and Production. The environmental performance standards of Article 9 may further limit the placement of certain uses in some districts. Developments on sites located within 300 feet of residential zoned land may require Conditional Use approval.
- (3) Manufacturing and Production in the CB and HD zones.
 - (a) Limited uses in the CB zone. The following manufacturing and production uses are prohibited in the CB zone: slaughterhouses, meat packing, and concrete and asphalt production.
 - (b) Limited uses in the HD zone. Expansion of existing Small-Scale Manufacturing uses into more than 10,000 square feet of floor area is allowed with Conditional Use approval, subject to the following limitations. All other manufacturing and production uses are prohibited.
 - i. Retail must be included as an accessory use.
 - ii. The Small-Scale Manufacturing Use must have occupied the space for at least 12 months prior to applying to expand.
 - iii. The use must occupy no more than 30,000 square feet of floor area on the first story.
- (4) Adult Entertainment.
 - (a) An adult entertainment use or store may not be established or expanded within 300 feet of the district boundary line of any residential zoning district.
 - (b) An adult entertainment use may not be established or expanded within 300 feet of any other adult entertainment use.
 - (c) An adult entertainment use may not be established or expanded within 300 feet of the property line of a church, school, or public park.
 - (d) Exceptions to the above may be considered by the Major Variance procedures.
- (5) Indoor Entertainment and Recreation in the WF, PB, MS, ES and MUC zones.
 - (a) Limited Uses in PB and MUC. The following indoor entertainment and recreation uses are prohibited in PB and MUC: movie theaters, indoor firing ranges, paint gun, coliseums, stadiums, and similar facilities.
 - (b) Limited Uses in MS and ES. Only the following indoor entertainment and recreation uses are allowed in MS and ES: athletic or exercise facilities, bowling alleys, skating rinks, pool halls, games, amusements, arcades and uses with similar impacts. All other indoor entertainment and recreation uses are prohibited.
 - (c) Limited Uses in WF. The following indoor entertainment and recreation uses are prohibited in WF, except as specified for Special Status sites pursuant to ADC Section 5.085: indoor firing ranges, coliseums, stadiums and similar facilities.
- (6) Outdoor Entertainment and Recreation in the CB zone.
 - (a) Conditional Uses in CB and WF. The following Outdoor Entertainment and Recreation uses are allowed with Conditional Use approval: tennis courts, miniature golf, skateboard parks and similar uses. All other uses in the Outdoor Entertainment and Recreation use category are prohibited.
- (7) Parking Facility in the ES zone.
 - (a) Limited Uses. Parking that is provided for a primary use on the same or adjacent property is allowed. Fee parking for people not connected to the primary use is limited to parking structures.
- (8) Retail Sales and Service in the MS, ES, HD, WF, DMU, MUC and MUR zones.

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- (a) Limited Uses in MS, ES, and MUR. The following retail uses are permitted: convenience and personal service-oriented commercial intended to serve nearby residents and employees; specialty retail stores and studios; small appliance rental and repair, shoe repair, and tailoring. All other retail uses are prohibited. See Article 22 for descriptions of convenience-oriented and personal service-oriented commercial uses.
- (b) Limited Uses in MUC. The following retail uses are prohibited: sale, leasing, and rental of vehicles and trucks; hotels and motels.
- (c) Limited Uses in HD, WF, and DMU zones. The following retail uses are prohibited, except as specified for Special Status sites pursuant to ADC Section 5.085: sale, leasing, and rental of vehicles and trucks.
- (9) Self-Serve Storage. These facilities are subject to the following standards:
 - (a) The minimum driveway width between buildings is 20 feet for one-way drives and 24 feet for two-way drives.
 - (b) The maximum storage unit size is 1,000 square feet.
 - (c) All outdoor lighting must be shielded to prevent glare and reflection on adjacent properties.
 - (d) Repair of autos, boats, motors and furniture and storage of flammable materials are prohibited on the premises, and rental contracts must so specify.
- (10) Basic Utilities. In all mixed-use village center zones, new regional/community utilities including treatment plants, major power generation and storage facilities, major overhead power lines requiring tower support structures, and utilities with potential visual or off-site impacts are prohibited. All other Basic Utilities are considered through the Conditional Use review.
- (11) Community Services. Government facilities that provide direct public services on site (examples: libraries, city hall) are permitted through Site Plan Review in Albany's Climate Friendly Area overlay districts ~~where~~ indicated by base zone. Community Service uses that may have significant off-site impacts like noise or traffic, such as public swimming pools, public safety facilities, and homeless shelters may be considered through the Conditional Use process. Applications for emergency shelters sited under ORS 197.782 and ORS 197.783 are not a land use decision.
- (12) Educational Institutions are permitted through Site Plan review on property located in one of Albany's Climate Friendly Area (CFA) overlay districts. New educational or religious institutions outside of CFA overlay districts require Conditional Use (CU) approval unless permitted through Site Plan Review. Land Use approval includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before- and after-school childcare activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities that constitute the use (excluding parking and travel to and from the site) take place on the site and no external noise is audible or light visible between 10:30 p.m. and 8:00 a.m.

Expansion of an educational or religious institution must be reviewed through either the Site Plan Review process or when these uses require CU approval, through the Conditional Use Type II procedure. An expansion includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities.

An educational institution having a capacity greater than 25 students must have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.
- (13) Public park development in Climate Friendly Area (CFA) overlay districts is permitted through Site Plan review. Public park development activity outside of CFA overlay districts that is subject to Conditional Use review includes major development; expansions of activities and development within parks which currently generate or will generate substantial traffic; or construction of major structures and facilities such as swimming pools, lighted ball fields, and community centers. Conditional use

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- 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-dwelling unit residences.
- (15) Single-Dwelling Units, Townhouses, Triplexes, Fourplexes, and Duplexes.
- (a) Single-dwelling, townhouse, triplex, fourplex, and duplex units that were legally constructed before December 11, 2002, may remain ~~as~~ a permitted use in any zone without being nonconforming. See Section 5.080.
- (b) In CB, ES, HD, DMU, and LE: Buildings originally built as a single-dwelling unit, house, or church may be converted to a single dwelling unit ~~residential use~~ without requiring a land use application.
- ~~(b)~~(c) In HD, all other single dwelling units and middle housing, except townhouses that comply with the standards in Article 14, are prohibited.
- (16) Single Dwelling Unit with One Accessory Dwelling Unit or Single Room Occupancy Unit. Where single-dwelling units are permitted outright, one accessory dwelling unit (ADU) or one Single Room Occupancy (SRO) Unit may be allowed on each lot that has one legally established single-dwelling unit, called the “primary residence”.
- (a) Accessory Dwelling Units. Accessory dwelling units must meet the following standards:
- i. The size of an ADU may not exceed 900 square feet. (Note: ADUs greater than 900 square feet that were legally constructed before July 1, 2007, may remain.) If the primary Dwelling Unit is less than or equal to 900 square feet, the ADU must be at least 25 square feet less than the primary dwelling unit.
 - ii. The lot was legally established.
 - iii. The front door of an ADU may not be located on the same façade as the front door of the primary dwelling 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 dwelling unit.
 - iv. Exterior additions must substantially match the existing materials, colors, and finish of the primary dwelling unit.
 - v. All required building permits must be obtained. If the primary dwelling unit is on the Local Historic Inventory, historic review may be required per Article 7.
 - vi. The front setback must be greater than or equal to the location of the front wall of the primary dwelling unit. All other setbacks must meet the requirements of the zone.
 - vii. Conversion of an Existing Building to an ADU. An existing accessory structure that was legally established prior to March 14, 2025, may be converted into an ADU, provided the conversion does not increase the nonconformity of the structure and complies with applicable building codes.
- (b) Single Room Occupancy (SRO) Unit. The SRO Unit must meet the following standards:
- i. The SRO Unit must be located interior to the primary dwelling-unit.
 - ii. The SRO Unit must share a kitchen with the primary dwelling unit and must not contain food preparation facilities.
 - iii. The SRO Unit must have an interior door connecting to the primary dwelling unit and may have an exterior door located in the rear yard.
 - iv. The SRO Unit must not operate independently of the primary dwelling unit unless converted to an accessory dwelling unit after all required building permits have been obtained.
- (17) Residential Development in CB, WF, DMU, HD, LE, and MUC.
- (a) In MUC, residential development must develop at a minimum net density of 10 units an acre;

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however, development in a Climate Friendly Area (CFA) overlay district must meet the minimum density standards specified in Article 14. Residences above a business or office are exempt from meeting the minimum density. In MUC districts located east of interstate 5, new development of Residential Use Categories is only permitted in conjunction with a primary use from the Commercial or Institutional Use Categories unless located in a CFA overlay district. The new residential use must be in the same building or on the same property as the primary non-residential use.

- (b) In HD and LE properties in the Downtown Climate Friendly Area (CFA) overlay district, townhouses are permitted only when vehicular access to garages or parking, if provided, is from the rear of the dwelling unit and minimum density standards in Article 14 are met. Multiple dwelling units are permitted above or attached to a business subject to the standards in ~~Section 14.050~~ Article 14. For the purposes of this section, the non-residential portion of a live/work dwelling unit is regulated as part of the dwelling unit and subject to all ~~of~~ the standards below.
 - i. Units above a business: Dwelling units on the second story or above are permitted.
 - ii. Units behind a business: Dwelling units on the first story that are separated from the front lot line by a non-residential use are permitted. In the CFA overlay district, the non-residential use may be located within the same building or in another building on the same property.
 - iii. Units attached to a business on a multiple frontage lot: On a lot with three or more street frontages, dwelling units are permitted on the first story facing a ~~street-front lot~~ line that is considered an interior lot line pursuant to the definition of front lot line in Article 22; however, in no case shall first story dwelling units but may not face onto First or Second Avenue. Street-facing first-story dwelling units ~~shall~~ must meet all applicable setbacks and design standards in Articles 5 and 8 as if the street line that the units are facing were a front lot line.
- (c) ~~In CB, triplexes, fourplexes, townhouses, and multiple dwelling units are permitted when vehicular access to garages and parking, if provided, is from the rear of the dwelling unit.~~ residential ~~development~~ is subject to minimum density and siting standards in Article 14.
- (d) ~~In CB, WF, and DMU,~~ triplexes, fourplexes, and multiple dwelling units with individual driveways that meet the standards of 8.150(1) are permitted subject to Site Plan Review.
- (18) Residential Accessory Buildings. Accessory buildings are permitted outright in MUC, MUR, WF, HD, DMU, CB, ES, LE, and MS 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 12 feet tall.
 - (b) All other residential accessory buildings require a Site Plan Review in MUC, MUR, HD, DMU, CB, and WF, and are considered through a Conditional Use Type II review in ES, LE, and MS. [This is indicated by the use of a “/” in the matrix. For example, “Y/S” means accessory uses that don’t meet the standards in (a) above require a Site Plan Review.]
 - (c) Accessory buildings over 100 square feet proposed on property in a National Register of Historic District or on the National Register of Historic Places require historic review. See Article 7 for the review process and criteria.
- Accessory dwelling units: See Special Condition 16.
- (19) Agriculture. All agricultural uses in existence before December 11, 2002, are allowed to remain. New agriculture uses are limited to the raising of crops and plants on vacant land. Regulations governing the keeping of animals/livestock area found in the Albany Municipal Code Title 6. [Ord. 5742, 7/14/10]
- (20) Communication Facility Placement Standards. The placement of antennas, satellite dishes and monopoles less than 50 feet in height when measured from the ground or within 15 feet of a rooftop is permitted outright in all districts subject to the following standards and those found in Section 8.500:
 - (a) No antennas, antenna supports, satellite dishes or monopoles must be located within any front

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- yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter and located within 10 feet of a residential lot line or visible from a public street, must be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
 - (c) Antennas used to display sign messages must conform to all district sign regulations in addition to the above.
 - (d) Antennas, satellite dishes, monopoles, and other communication structures less than 50 feet in height, when measured from the ground or over 15 feet above a rooftop, and not in conformance with the above, may be considered through a Conditional Use review, Type II process.
- (21) Communication towers and poles at least 50 feet in height when measured from the ground or over 15 feet above a rooftop, may be considered through a Conditional Use review, Type II process. No communication structure is allowed in any front setback. Article 8 for telecommunication facility design standards apply.
 - (22) Kennels. Kennels do not include indoor veterinary hospital kennels.
 - (23) Hours of Operation. Hours of operation for establishments or outdoor seating areas within 300 feet of a residence may be restricted through conditions of approval to be compatible with neighbors.
 - (24) Additional uses for Special Status List sites in the WF zone. Limited additional uses may be considered through the Conditional Use process for Special Status List sites, pursuant to ADC Section 5.085.
 - (25) Development on sites located within 300 feet of residentially zoned land requires a Type II Conditional Use approval.
 - (26) Non-residential uses in MUR. In MUR districts located east of Interstate 5, new development of uses in nonresidential Use Categories is only permitted in conjunction with a primary use from the Residential Use Categories. The new non-residential use must be in the same building or on the same property as the primary Residential Use.
 - (27) One Single Room Occupancy (SRO) Development with no less than four and no more than six individual SRO units is permitted outright per property zoned to allow single dwelling units. SRO development is also permitted through Site Plan Review as a multiple dwelling unit development, but each individual SRO unit is considered 0.5 dwelling units when calculating density.
 - (28) Housing. Affordable housing and conversion of buildings or portion of buildings in commercial use to housing will be permitted through Site Plan Review when the following standards are met.
 - (a) Affordable housing as defined in (b) is permitted on property zoned for commercial uses, religious assembly, or public lands OR is owned by one of the following:
 - i. A local, state, or special government or public body, as defined in ORS Chapter 174; or
 - ii. A nonprofit corporation that is organized as a religious corporation or is organized as a public benefit corporation whose primary purpose is the development of affordable housing; or
 - iii. A housing authority as defined in ORS 456.005; or
 - iv. A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803.
 - (b) As used in this section, “affordable housing” means residential dwellings that are subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 for a duration of no less than 30 years and meet either i, ii, or iii below.
 - i. Each unit on the property is made available to own or rent to households with incomes of 80 percent or less of the area median income (AMI); or
 - ii. All units on the property are made available to rent or own to households with incomes with a collective average of 60 percent or less of the AMI; or
 - iii. A manufactured dwelling park that serves only households with incomes of 120 percent or

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less of the AMI.

- (c) A building or portion of a building in commercial use may be converted to a residential use.
- (d) The residential uses described in (a) through (c) above are permitted on property zoned EMP, IP or LI only if the property is:
 - i. Publicly owned; and
 - ii. Adjacent to lands zoned for residential uses or schools.
- (e) Does not apply on lands zoned HI or where:
 - i. The development cannot be adequately served by water, sewer, storm water drainage or streets; or
 - ii. The property contains a slope of 25 percent or greater; or
 - iii. The property is within a 100-year floodplain; or
 - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to natural disasters and hazards; or natural resources, including air, water, land, or natural areas, but not including open spaces or historic resources.
- (f) Height Bonus. An affordable housing development proposal that meets the standards in this special condition and is located outside of a National Register historic district, will be granted the following height bonuses as applicable.

Maximum Zone Heights:	Height Increase Allowance
Less than 50 feet	Up to 12 feet
50 feet to 75 feet	Up to 24 feet
More than 75 feet or None	Up to 36 feet

- (29) Commercial Land for Affordable Housing. Per ORS 197A.460, affordable housing development subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 is permitted through Site Plan Review when the following standards are met.
 - (a) Each unit is affordable to a household with income less than or equal to 60 percent of the area median income (AMI) as defined in ORS 456.270; or
 - (b) Mixed use structures with ground floor commercial units. All residential units are made affordable to moderate income households with incomes between 80 and 120 percent of the AMI, as defined in ORS 456.270.
 - (c) Affordable housing per this section is only permitted on land that has been in the city's Urban Growth Boundary for at least 15 years and does not apply on vacant land or on lands where the city determines:
 - i. The development cannot be adequately served by water, sewer, storm water drainage or streets;
 - ii. The property contains a slope of 25 percent or greater;
 - iii. The property is within a 100-year floodplain; or
 - iv. The development of the property is constrained by land use regulations based on statewide land use planning goals relating to: Natural disasters and hazards; or Natural resources, including air, water, land or natural areas, but not including open spaces.
- (30) For the purposes of this code, Non-Property Line Separated Townhouses constructed under the Oregon Residential Specialty Code have the same meaning.

[Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5728, 1/27/10; Ord. 5767, 12/7/11; Ord. 5886, 1/6/17; Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 5949, 1/1/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22; Ord. 6010, 7/1/23; Ord. 6018, 6/30/23; Ord. 6042, 7/12/24; Ord. 6059, 3/14/25; Ord. 6062, 5/23/25]

***** No changes are proposed to the rest of Article 5, so the remaining content is not provided. *****

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ARTICLE 8 DESIGN STANDARDS

8.000 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.

An applicant for a development that does not meet the design standards in Article 8 may apply for one or more Adjustments pursuant to ADC 2.060-2.080 except that Adjustments are not permitted to the standards in Section 8.500 (Telecommunication Facilities) and Section 8.600 through 8.620 (Supplemental Design Standards for the Oak Creek Transition Area).

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

- Single Dwelling Unit Homes and Middle Housing
- Multiple Dwelling Unit Development
- Commercial and Institutional Site Design
- Supplemental Standards in Village Centers
- Telecommunications Facilities
- Supplemental Design Standards for the Oak Creek Transition Area

**** No changes are proposed to Sections 8.110 to 8.175, so those sections are not provided. ****

MULTIPLE-DWELLING UNIT DEVELOPMENT

8.200 Purpose. These sections are intended to set standards for quality designs in new multiple dwelling unit developments. Good design results when buildings are visually compatible with one another and adjacent neighborhoods and contribute to a residential neighborhood that is attractive, active, and safe.

[Ord. 5445, 4/12/00; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22]

8.205 Applicability.

- (1) Except as specified in ADC Section 8.110(2), the standards of ADC Sections 8.220 through 8.300 apply to the development of new Multiple-Dwelling Unit residential buildings (accessory buildings are exempt), additions to existing structures that create additional multiple-dwelling units, and to the residential components of new buildings with Units Above or Attached to a Business (see ADC Section 22.310). Non-residential components of mixed-use development are subject to the Commercial and Institutional Site Design Standards of Sections 8.330 through 8.390.
- (2) Except as required to meet building code, fire code, or other regulations, expansions and modifications to existing buildings and sites must not decrease conformance with these standards.
- (3) Unless otherwise specified, these standards apply in all zoning districts.

[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6059, 3/14/25]

**** No changes are proposed to Sections 8.210 to 8.220, so those sections are not provided. ****

Staff Comments: A few minor amendments are proposed to fix inconsistencies and confusion between the standards and the provided figures. In addition, staff proposed to replace the additional 10-foot setback required by the enhanced landscape option in 8.240 (3)(b) with the amount needed to provide enhanced landscaping.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

8.240 Setbacks and Building Orientation.

- (1) Purpose. The purpose of the standards in this section is to create and maintain street frontages that are attractive, create an environment that is conducive to walking, and provide natural surveillance of public spaces. The standards are also intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries, and yards to public streets.
- (2) Applicability. In all zoning districts except HD, CB, DMU, and WF, new multiple dwelling unit developments must meet the maximum setback and building orientation standards of this section. New multiple dwelling unit development in the HD, CB, DMU and WF zoning districts is subject to maximum setback standards in ADC Section 5.120 and building orientation standards in ADC Section 8.265.
- (3) Standards. Buildings on sites with frontage on a collector or arterial public street must either meet all of the standards of section (a) or all the standards of section (b) below. Buildings on sites with frontage on a local street must meet the standards of section (a).

A summary of the two options for meeting the Setback and Building Orientation standards, and references to applicable Code sections, are provided in Table 8.240-1. This table only summarizes standards in ADC Section 8.240; other standards in the Code related to setbacks, landscaping, and parking also apply.

TABLE 8.240-1: Summary of Street Orientation and Enhanced Landscaping Options

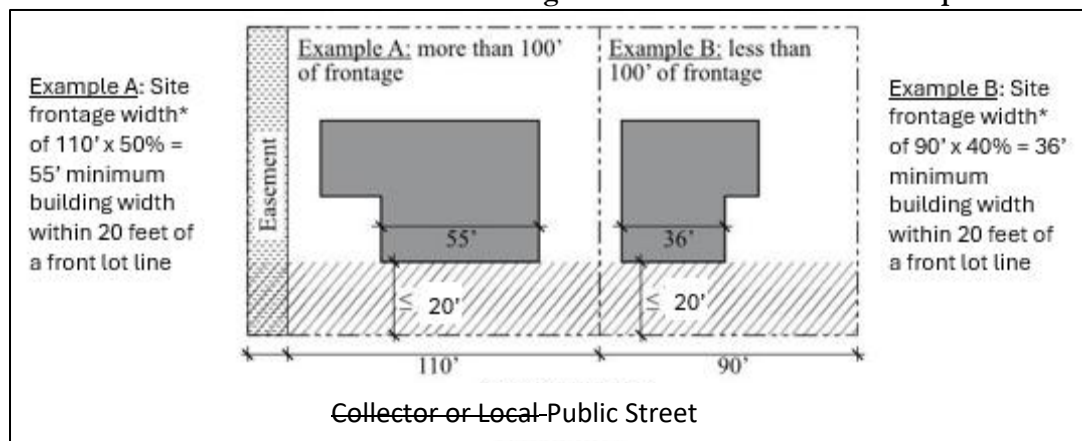
	(a) Street Orientation Option	(b) Enhanced Landscaping Option
Frontage	Buildings must occupy at least 40% or 50% of site frontage, depending on site width in accordance with ADC 8.240(3)(a)(i)-(ii).	No additional requirements in Section 8.240.
Minimum <u>Front</u> Setback	No additional requirements in Section 8.240.	10 feet in addition to base zone setback. <u>Amount needed to provide landscaping</u> in accordance with ADC 8.240(3)(b) <u>and Table 8.240-2</u> ; except in HDR zone, the maximum setback of 15' applies.
Maximum <u>Front</u> Setback	Buildings must be setback no more than 20 feet in accordance with ADC 8.240(3)(a)(i), <u>except in the HDR zone, the maximum setback is 15 feet.</u>	No additional requirements in Section 8.240. <u>Maximum Setbacks in Table 3.190-1 may be exceeded except in the HDR zone the maximum setback is 15 feet.</u>
Entries	At least 50% of front doors of units within 25 feet of collector or local public street must face the street and be recessed or have covered porches in accordance with ADC 8.240(3)(a)(iii)-(iv).	No additional requirements in Section 8.240.
Parking Location	No parking is allowed between the building and street in accordance with ADC 8.240(3)(a)(v).	Parking allowed between building and street for up to 25% of building frontage in accordance with ADC 8.240(3)(b)(ii).
Landscaping	No additional requirements in Section 8.240.	Enhanced landscaping required within <u>the</u> setback in accordance with Table 8.240-2.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

(a) Street Orientation Option.

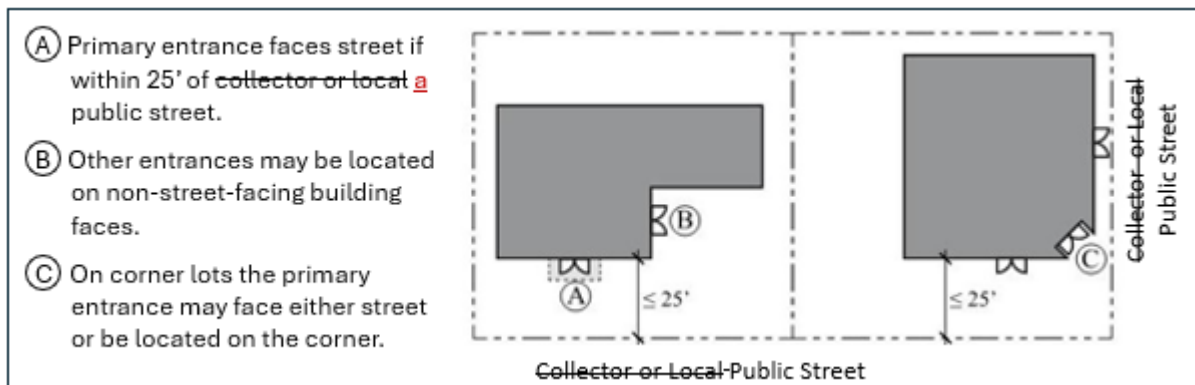
- i. The applicable maximum building setback requirement is based on the site frontage width, as follows:
 - On sites with 100 feet or more of frontage on a public street, at least 50 percent of the site width must be occupied by a building(s) placed no farther than 20 feet from the front lot line, or 15 feet in the HDR zone. See Figure 8.240-1, Example A.
 - On sites with less than 100 feet of frontage on a public street, at least 40 percent of the site width must be occupied by a building(s) placed no farther than 20 feet from the front lot line or 15 feet in the HDR zone. See Figure 8.240-1, Example B. Permitted flag lots are exempt from meeting this standard.
- ii. As used in these standards, “site width” does not include significant natural resources as mapped by the City, delineated wetlands, slopes greater than 20 percent, recorded easements, required fire lanes and other similar non-buildable areas as determined by the City.

FIGURE 8.240-1: Maximum Building Setback - Street Orientation Option



- iii. The primary entrance(s) of at least 50 percent of ground floor units of residential building(s) located within 25 feet of a ~~collector or local~~ public street must face the street. Primary entrances must provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. The following exceptions to this standard are allowed:
 - On corner lots, the main building entrance(s) may face either of the streets or be oriented to the corner.
 - For buildings that have more than one entrance serving multiple units, only one entrance must meet this requirement. (See Figure 8.240-2.)

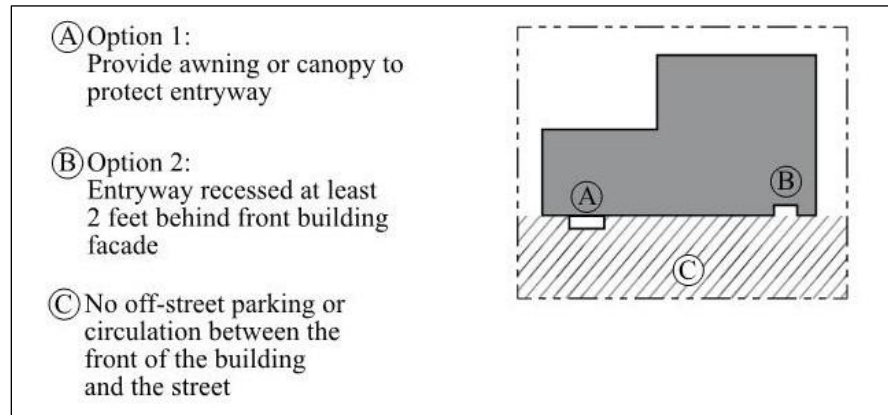
FIGURE 8.240-2: Primary Entrance Orientation - Street Orientation Option



Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- iv. Ground floor entries to individual units ~~shall~~must provide a covered front porch, or a front entry that is recessed a minimum of two feet behind the front building facade. Primary building entries (including shared entries to residential units) must provide an awning or canopy or be recessed a minimum of two feet behind the front building facade.
- v. No off-street parking or circulation may be located between the front of the building and the street. (See Figure 8.240-3.)

FIGURE 8.240-3: Entryways Treatment and Parking Location - Street Orientation Option



- (b) Enhanced Landscaping Option. The following standards apply to the lot line(s) abutting a collector or local public street.
 - i. ~~Buildings and off-street parking and circulation areas are subject to the minimum setback for the zoning district plus an additional 10-foot setback (see Figure 8.240-4).~~ The entire front setback area must be landscaped to meet the minimum standards in Table 8.240-2 (see Figures 8.240-~~45~~ and 8.240-56). There is no maximum setback except in the HDR zone, the maximum setback of 15' applies to the enhanced landscape option.

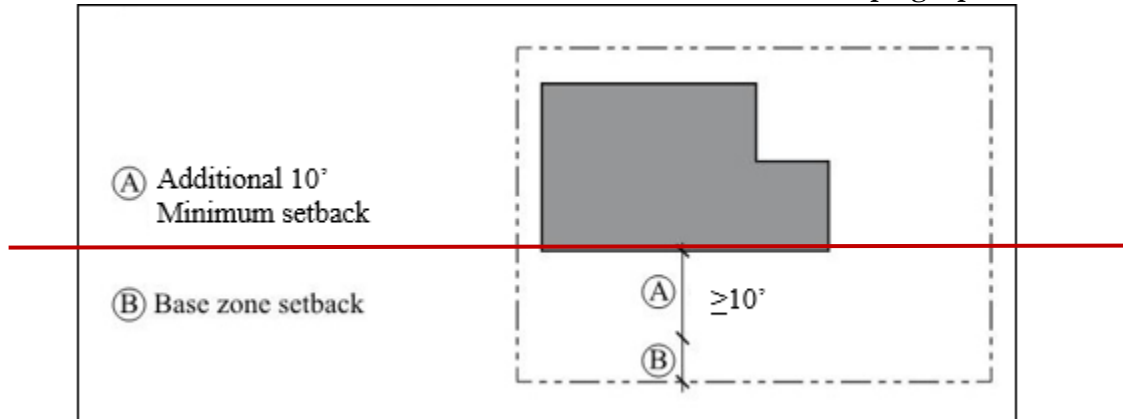
TABLE 8.240-2: Minimum Landscaping Required in Setback

Trees	<ul style="list-style-type: none"> • Must be at least 6 feet tall at the time of planting • Trees must maintain a minimum spacing of 10 feet on center (see Note 1) • The tree canopy of mature trees must be maintained at 6 feet or higher above ground
Street Frontages with Street Trees <u>in Planter Strip</u> (see Figure 8.240- <u>56</u>)	<ul style="list-style-type: none"> • 1 tree for every 30 linear feet of street frontage
Street Frontages without Street Trees <u>or Planter Strip</u> (see Figure 8.240- <u>56</u>)	<ul style="list-style-type: none"> • Planted in at least two rows • Each row must have a minimum of 1 tree for every 40 linear feet of street frontage • Maximum spacing of 30 feet on center for trees within different rows • Maximum spacing of 40 feet on center for trees within same row
Shrubs	<ul style="list-style-type: none"> • 4 three-gallon shrubs or accent plants for every 10 linear feet of street frontage. • Mature height of planted shrubs and ground cover must not exceed 3 feet.

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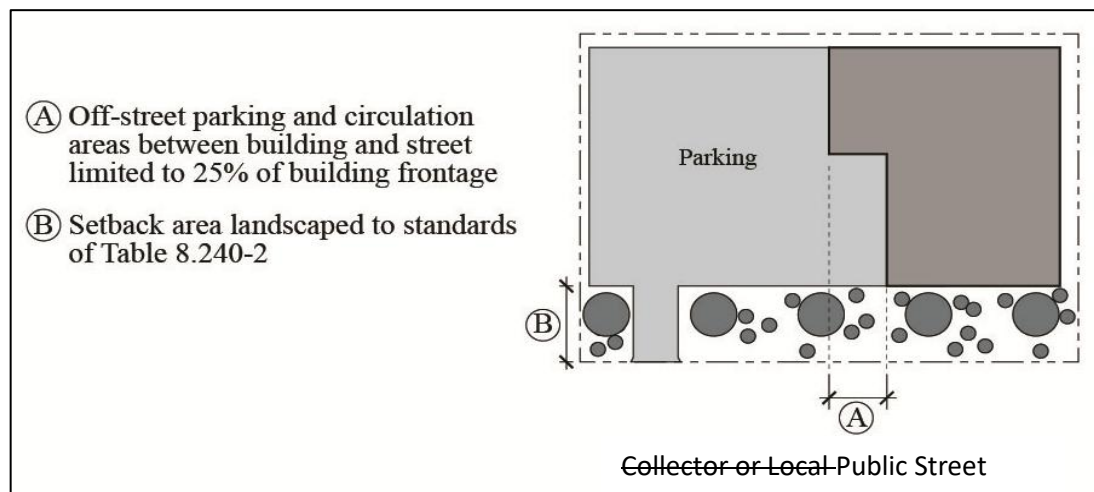
	<ul style="list-style-type: none"> Required shrubs may be clustered
Ground Cover	<ul style="list-style-type: none"> The remaining area must be planted with vegetative ground cover plantings except that rock, bark, or similar landscape cover materials may be used for up to 25 percent of the required landscape area
(Note 1) Adjustments to the tree spacing standards, which would result in trees being planted closer than 10 feet on center, must receive a Crime Prevention Through Environmental Design (CPTED) review from the City of Albany Police Department.	

FIGURE 8.240-4: Minimum Setback—Enhanced Landscaping Option



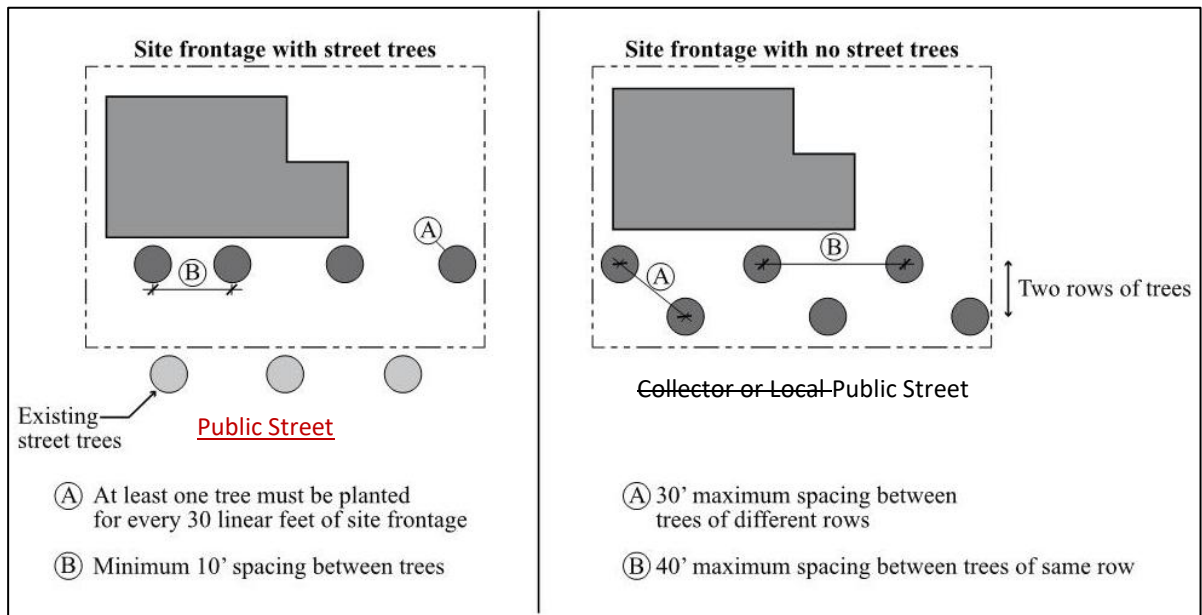
- ii. Off-street parking and circulation areas may be located between the building and the street for a maximum of 25 percent of the building's frontage (see Figure 8.240-~~45~~).

FIGURE 8.240-~~45~~: Parking and Circulation Location – Enhanced Landscaping Option



Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

FIGURE 8.240-~~56~~: Required Tree Planting – Enhanced Landscaping Option



[Ord. 5894, 10/14/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6062, 5/23/25]

***** No more changes are proposed to Article 8, so the rest of the Article is not provided. *****

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ARTICLE 11

LAND DIVISIONS AND PLANNED DEVELOPMENTS

11.000 Overview. The most permanent feature of a community is the way land is divided into parcels. This article describes the process of converting raw land into building sites. The primary goals of this design review are to better ensure that natural features have been taken into account; that roads and utilities are properly designed and installed, and that adequate open space has been provided. This article establishes the standards and procedures for property line adjustments, partitions, subdivisions, planned developments, and condominiums.

The following is a list of the main headings in this article.

- General Provisions
- Lot and Block Arrangement
- Property Line Adjustments
- Subdivisions and Partitions
- Planned Developments
- Condominiums
- Cluster Development
- Expedited and Middle Housing Land Divisions

[Ord. 5668, 4/11/07; Ord. 5968, 1/14/22]

**** No changes are proposed to Sections 11.010 to 11.080, so those sections are not provided. ****

LOT AND BLOCK ARRANGEMENT

Staff Comments: The CFEC rules require local governments to “set block length and block perimeter standards at distances that will provide for pedestrian network connectivity.” Amendments to ADC 11.090 are proposed for consistency with these requirements. The proposed amendments reduce block length to 500 feet (up to 800 feet when a mid-block accessway is provided) and establish block length perimeter standards. The shorter pedestrian block perimeter can be met by through-block accessways or paths/trails, in addition to street sidewalks.

11.090 ~~Lot and Block Arrangements. In any land division for single dwelling unit residential or middle housing development, lots and blocks~~ Land divisions must conform to the following standards in this Article and other applicable provisions of this Code. Land divisions proposed within a Climate Friendly Area overlay zone must meet the maximum block length standards in Article 14.

(1) Lot Arrangement. The following lot and block arrangement standards apply to land divisions for single-dwelling unit and middle housing development.

- (a) Lot arrangement must be such that there will be no foreseeable difficulties, for reason of topography or other condition, in securing building permits to build on all lots in compliance with the requirements of this Code except for lots designated Open Space.
- (b) Lot dimensions must comply with the minimum standards of this Code. When lots are more than double the minimum area designated by the zoning district, those lots must be arranged so as to allow further subdivision and the opening of future streets where it would be necessary to serve potential lots. An urban conversion plan is required in conjunction with submittal of tentative subdivision or partition plat.
- (c) Double frontage lots must be avoided except when necessary to provide separation of residential developments from collector and arterial streets or to overcome specific disadvantages of topography and/or orientation. When driveway access from arterials is necessary for several adjoining lots, those lots must be served by a combined access driveway to limit possible traffic

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hazards on such streets. The driveway must be designed and arranged to avoid requiring vehicles to back into traffic on arterials. An access control strip must be placed along all lots abutting arterial streets requiring access onto the lesser class streets where possible.

- (d) Side property lines must run at right angles to the street the property faces through the front setback line or 10 feet except that on a curved street frontage, the side property line must be radial to the curve through the front setback line or 10 feet, whichever is greater.

(2) Block Length and Perimeter. Land divisions in residential zones must provide a system of streets, accessways, and blocks meeting the block length and perimeter standards in this section to facilitate safe and convenient pedestrian and bicycle connectivity.

- (a) Block Length (Figure 11.090-1). The maximum block length is 800 feet. Where block length exceeds 500 feet, a public through-block accessway must be provided in conformance with the standards in ADC 12.355. Accessways must be located no more than 500 feet from the edge of the street pavement.

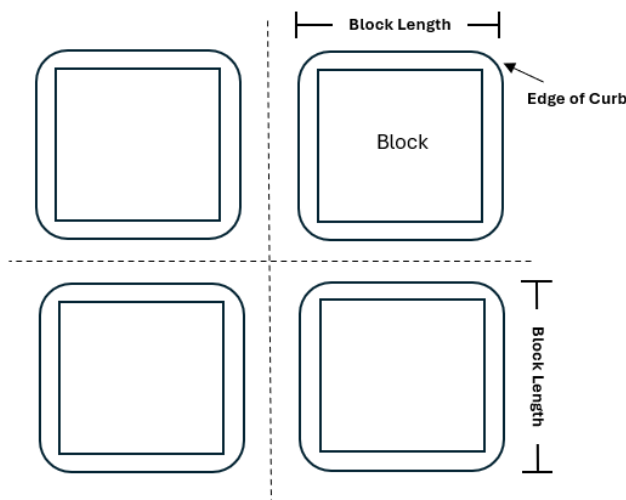
(b) Block Perimeter.

- i. Pedestrian Block Perimeter: The maximum pedestrian block perimeter is 1,600 feet. Pedestrian blocks may be bound by sidewalks along streets or a combination of sidewalks, bicycle and pedestrian accessways/connectors, and multiuse paths and trails.
- ii. Vehicle Block Perimeter: The maximum vehicle block perimeter is 2,200 feet. Vehicle blocks must be bounded on all sides by streets.
- ~~(c) The average block length must not exceed 600 feet and no individual block length may exceed 800 feet. Block length is measured from curb to curb (Figure 11.090-1).~~Exceptions. The City Engineer may grant an exception to the ~~average and~~ maximum block length and perimeter standards as part of a discretionary review process when one or more of the following conditions ~~in subsections (a) through (c) below exist on a development site and would make it impossible or impractical to implement; as part of a discretionary review process.~~
 - ~~i. Physical conditions preclude an average block length of 600 feet or less or a maximum block length greater than 800 feet. Such conditions may include permanent barriers or the existence of physical features, including, but not limited to steep slopes, wetlands, riparian corridors, rivers, mature tree groves, or a resource under protection by State or Federal law.~~
 - ~~ii. Existing transportation or utility facilities such as railroads or highways, buildings, or other existing development on adjacent lands, including previously subdivided but vacant lots or parcels, physically preclude an average block length of 600 feet or less or a maximum block length greater than 800 feet, considering the potential for redevelopment.~~
 - i. An existing public street or streets terminating at the boundary of the development site have a block length exceeding 600 feet or are situated such that the extension of the street(s) into the development site would create a block length exceeding 800 feet. In such cases, the average block length must be as close to 600 feet as practicable. Topography or natural features including but not limited to steep slopes, rivers, mature tree groves, riparian corridors, wetlands or other resource under protection by local, State or Federal law;
 - ii. Railroads, highways, or other permanent barriers;
 - iii. Lot or parcel size, orientation, or shape;
 - iv. Available access;
 - v. Existing or nonconforming development;
 - vi. To provide accessibility for people with disabilities; or
 - vii. Other similar permanent site constraints.

When approving an exception, the City Engineer may require pedestrian and/or bicycle connectivity through the development, when warranted.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

FIGURE 11.090-1. Block Length



- (2)(3) Pedestrian/Bicycle Connectivity. When approving an exception in ~~(5)(2)(c)~~ above, the City Engineer may require off-street pedestrian pathways that connect to the street network to provide pedestrian and bicycle access in situations where a public street connection is not feasible.
- ~~(3)~~(4) With the exception of townhouse development, the minimum frontage of a lot on a cul-de-sac must be 22 feet as measured perpendicular to the radius.
- ~~(4)~~(5) Flag lots are allowed only when the City Engineer has determined that the dedication and improvement of a public street is not feasible or not practical. The minimum width for a flag is 22 feet, except when access is shared by an access and maintenance agreement in which case each lot must have a minimum width of 12 feet and a combined minimum of 24 feet.
- ~~(5)~~(6) At all street intersections, an arc along the property lines must be established so that construction of the street at maximum allowable width, centered in the right-of-way, must require of the curb line not less than the table below:

Intersection	Curb Radius
Residential - Residential	15 feet
Residential – Collector or Arterial	20 feet
Collector – Collector or Arterial	30 feet
Arterial - Arterial	30 feet

[Ord. 5445, 4/12/00; Ord. 5886, 1/6/17; Ord. 5912, 7/11/18; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22; Ord. 6042, 7/12/24; Ord. 6062, 5/23/25]

***** No changes are proposed to the Sections 11.095 through 11.140 so those sections are not provided. *****

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Staff Comments: The Comprehensive Plan contains many goals, policies, and implementation measures, including some that are unique to adopted area plans or needs. To ensure development is consistent with the goals of the Comprehensive Plan and adopted area plans, staff proposes adding a review criterion that requires consistency with the Comprehensive Plan (in Articles 2 and 11).

SUBDIVISIONS AND PARTITIONS

- 11.150 Difference Between Partitions and Subdivisions. A subdivision relates to the division of land into four or more lots within a calendar year. A partition relates to the division of land into two or three parcels within a calendar year. A partition does not include the three exclusions set forth in ORS 92.010 (7), including property line adjustments as described in Section 11.100 of this article.
- 11.160 Explanation of Process. Partitions and subdivisions are reviewed at two stages. A tentative plat is reviewed primarily for design aspects, such as connections to existing and future streets, preservation of natural features, drainage and floodplain considerations, and compliance with requirements of other portions of this Code. The tentative plat need not be prepared by a surveyor. The final plat is reviewed for conformance to the tentative plat as approved (with or without conditions) and applicable state or county laws or rules. The final plat must be prepared by a licensed land surveyor and is the instrument by which the land division is recorded.
- 11.170 Procedure.
- (1) Except as provided in subsection (2), a tentative subdivision or partition plat is reviewed through the Type I-L procedure.
 - (2) A tentative subdivision plat that is reviewed concurrently with a Planned Development or a Cluster Development is subject to the Type II procedure.
 - (3) A final subdivision or partition plat is reviewed through the Type I procedure.
- [Ord. 5562, 10/10/03; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]
- 11.180 Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat, including for Planned Development, will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:
- (1) The application is consistent with the goals and policies of the Comprehensive Plan and any relevant plans adopted by the City Council.
 - ~~(4)~~(2) The proposal meets the development standards of the underlying zoning district, applicable lot and block standards, and open space requirements of this Article.
 - ~~(2)~~(3) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
 - ~~(3)~~(4) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
 - ~~(4)~~(5) The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
 - ~~(5)~~(6) The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
 - ~~(6)~~(7) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- [Ord. 5764, 12/1/11; Ord. 5886, 1/6/17; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- 11.190 Tentative Plat Conditions of Approval. The City may attach conditions of approval of a tentative subdivision or partition plat to ensure that the proposal will conform to the applicable review criteria.
- 11.200 Appeal of a Tentative Plat Decision. A decision to approve, approve with conditions, or deny a tentative subdivision or partition plat is a limited land use decision that may be appealed in accordance with the appeal procedures in Article 1. [Ord. 5947, 1/1/21]
- 11.210 Tentative Plat Submittal. All applications for tentative partition or subdivision approval must include a complete application form and copies of a plat showing the following details. The tentative plat need not be a finished drawing, but it should show all pertinent information to scale.
- (1) When the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the undivided portion indicating connections to existing or future improvements.
 - (2) If the tentative plat does not show the following information, a vicinity map at a scale of 400 feet to the inch ~~shall~~ must be prepared showing:
 - (a) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
 - (b) Name of the record owners of all contiguous land parcels.
 - (c) How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.
 - (3) The tentative plat ~~shall~~ must be drawn to a standard engineer's scale where 1-inch equals 20 - 60 feet; or for areas over 100 acres, 1 inch equals 200 feet (1" = 200').
 - (4) The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county or in the same area within six miles of Albany and must be approved by the Director and the County Surveyor.
 - (5) Date, north point, and scale of drawing.
 - (6) Location of the land division by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
 - (7) Names and addresses of the property owner(s), subdivider, surveyor, and engineer, if applicable.
 - (8) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; and other important features, such as railroad rights-of-ways, and City boundary lines.
 - (9) The location on the site and in the adjoining streets or property of existing and proposed sanitary sewers, storm drain facilities and water mains and services, culverts, ditches and drainpipes, all other utilities such as electric, gas and telephone conduits with invert elevations of sanitary and storm sewers at points of proposed connections. A storm drainage report is required when 5,000 square feet of new or replaced impervious surface is added for all phases of development. The storm drainage report must include infiltration feasibility as outlined in the Engineering Standards.
 - (10) Contour lines showing proposed excavations, fills and grading and having the following minimum intervals:
 - One-foot contour intervals for ground slopes less than 5 percent.
 - Two-foot contour intervals for ground slopes between 5 and 10 percent.
 - Five-foot contour intervals for ground slopes exceeding 10 percent.

The elevations of all control points which are used to determine the contours. Contours ~~shall~~ must be related to City of Albany datum.

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- (11) Approximate location of areas subject to storm water inundation or overflow with approximate high-water elevation.
- (12) Location, width, direction and flow of all water courses.
- (13) Location of properties within the 100-year floodplain and other areas subject to flooding or ponding (see the Floodplain standards in Article 6).
- (14) Location of the following significant natural resources:
 - (a) Significant wetlands identified on the City's Local Wetlands Inventory;
 - (b) Significant riparian areas on the City's Riparian Corridor Inventory;
 - (c) Significant wildlife habitat, if known;
 - (d) Existing channels or drainage ways as shown in the most current version of the City of Albany Stormwater Master Plan; and
 - (e) Slopes greater than 12 percent.
- (15) Location of the following natural features
 - (a) Non-significant wetlands identified on the City's Local Wetlands Inventory, and other wetlands;
 - (b) Trees over 25 inches in circumference (approximately 8 inches in diameter) measured 4½ feet above the mean ground level from the base of the trunk. (To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than 6 inches in circumference);
 - (c) Springs; and
 - (d) Trees proposed for protection and method of protection.
- (16) Existing uses of the property and adjacent property within 100 feet, including the location of all existing structures and other impervious surfaces to remain on the property.
- (17) Zoning of and adjacent to the tract.
- (18) Any proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the City.
- (19) Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of all easements.
- (20) Approximate dimensions of all lots, minimum lot size, proposed lot numbers, and block numbers [see Section 11.230 (11)].
- (21) Sites, if any, allocated for multiple-dwelling units, shopping centers, churches, industry, parks, schools, playgrounds, or public or semi-public buildings.
- (22) The following additional information must be submitted with the tentative plat:
 - (a) Total acreage in the subdivision and the percentage of land dedicated to the public, not including easements.
 - (b) All public improvements proposed to be installed and the approximate time of installation including the method of financing.
 - (c) Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc.). Sufficient detail regarding proposed improvements ~~shall~~ must be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the tentative plat, the additional details ~~shall~~ must be submitted at least 30 days prior to approval of the final plat.
 - (d) An urban conversion plan for large acreage subdivisions.

[Ord. 5562, 10/10/03; Ord. 5720, 8/12/09; Ord. 5764, 12/1/11; Ord. 5842, 1/1/15; Ord. 6004, 12/28/22; Ord. 6024, 12/29/23; Ord. 6042, 7/12/24]

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

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- (c) Open Space Easement - ~~shall~~must be used to identify that portion of a lot, or lots that have established an open space easement agreement with the City of Albany.
- (13) Special building setback lines (as may be required by this Code) and solar easements, if any, which are to be made a part of the subdivision's deed restrictions. These must be shown in writing on the face of the plat, not graphically shown.
- (14) The following certificates, which may be combined when appropriate. All signatures on the original subdivision or partition plat must be in permanent black India type ink.
 - (a) A certificate signed by the City Community Development Director certifying City approval.
 - (b) A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
 - (c) A certificate signed and acknowledged as above, dedicating to the public all land shown on the final plat intended for public access, use, or benefit.
 - (d) A certificate signed by the surveyor responsible for the survey and final map, the signature accompanied by seal, attesting that applicable requirements of City, state and county requirements have been met.
 - (e) A certificate signed by the County Surveyor.
 - (f) Other certifications as appropriate.
- (15) Filing of separate legal documents to achieve any of the above requirements (1 through 14) may be permitted by the Director when it can be shown that placing such information on the final plat is not required to achieve the purposes of this code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described area ~~shall~~must be marked with colored ink (other than black) on the City copy. A description of or reference to any other restrictions attached to the land division approval ~~shall~~must also be noted on the City copy.
- (16) Supplementary Information.
 - (a) A copy of any deed restrictions.
 - (b) A copy of any dedication requiring separate documents.
 - (c) Legal documents conveying property to the City.
 - (d) Assurance satisfactory to the Director of Public Works that improvements installed by the subdivider will be in conformity with the standards of the City and that streets and pedestrian ways will be improved.
 - (e) Financial assurances for all required improvements per Article 12, Public Improvements.
 - (f) Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres.
 - (g) Title Report.
- (17) For subdivisions, all monumentation ~~shall~~must comply with standards established in ORS 92.060. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments ~~shall~~must be clearly identified with the surveyor's name or registration number. Unless waived by the Director of Public Works, the intersection of all street centerlines ~~shall~~must be monumented according to County specifications.

[Ord. 5842, 1/1/15]

PLANNED DEVELOPMENTS

- 11.240 Definition. A planned development is a master planned environment intended for a variety of related activities. It promotes an integrated, coordinated development of land, normally involving increased flexibility in use and design standards, with special incentives or restrictions on development. A planned

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development may be primarily residential uses with associated commercial uses, a mixed-use development, or it may be a commercial or industrial development.

11.250 Purposes. The purposes of a Planned Development are to:

- (1) Encourage more innovative planning that results in more desirable or sustainable environments or neighborhoods, improved protection of open spaces, transportation options, and site phasing of developments through the application of flexible and diversified land development standards than would otherwise occur under conventional land development procedures; and
- (2) Facilitate the efficient use of land and resources in regard to land uses, buildings, circulation systems, natural features, energy conservations, open space and utilities.

[Ord. 5832, 4/9/14]

11.260 Procedure. A planned development is processed in two steps. The first step is review of the planned development project design and land uses by the Planning Commission under the Type III procedure. The final approval is reviewed by the Director through the Type I procedure. [Ord. 5832, 4/9/14]

11.270 Permitted Buildings and Uses. The following buildings and uses are permitted individually or in combination in a planned development:

(1) Residential areas:

- (a) Accessory buildings and uses (permitted in combination with principal uses only);
- (b) Dwellings, multiple-dwelling units;
- (c) Dwellings, single-dwelling unit;
- (d) Middle housing;
- (e) Open space;
- (f) Parks, playgrounds, golf courses, driving ranges, community centers, or recreation facilities supported by the planned development; and
- (g) Commercial services that primarily serve the Residential Planned Development.

(2) Industrial areas:

- (a) Any use allowed outright through Site Plan Review, or by Conditional Use approval in the underlying zone is permitted. Uses specified as Conditional Uses in the underlying zone are limited to 25 percent of the site except that additional amounts may be approved through the Conditional Use process.
- (b) Up to 25 percent of the total site area may be occupied by retail and service establishments not otherwise permitted within industrial districts provided that at least an equal area of the development has been previously or simultaneously developed for other permitted uses.
- (c) Up to 25 percent of the total site area may be occupied by office uses not pertinent to industrial uses within the development or otherwise permitted within the underlying zoning district.
- (d) Office uses, services, and other accessory uses totally supported by other permitted uses are allowed in addition to the percentage amounts specified above.

[Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

11.280 Standards That May Be Modified. The following standards may be modified in order to create developments that are superior to those that could be developed through the conventional development and design standards:

- (1) Development Standards. Except as noted in Table 11.330-1, minimum lot area, width and frontage, height and yard requirements (and for manufactured home parks, the manufactured home park standards in Article 10) will not be used to dictate the development but will act as general guidelines that may be adjusted to provide for higher quality development.

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- (2) Design Standards. Except as noted herein, design standards in Article 8 may be modified through a planned development if the Adjustment criteria in ADC 2.080 are met. Design standards identified in ADC 8.000 as not being eligible for Adjustments are also not eligible for modification through a Planned Development.
- (3) Streets. Private streets may be constructed in a planned development. These streets may be narrower than usual where on-street parking is prohibited and where access is limited to pre-approved locations. Any private street in an industrial planned development must be constructed to public standards. All lots must be provided with direct access to a public or private street.
- (4) Cottage Clusters. A cottage cluster project may be developed as a planned development (with a concurrent standard land division application) in order to provide the developer with flexibility in the number and configuration of units and lots. This is an alternative to the middle housing land division process under ADC 11.600-11.630. Cottage clusters that are divided as provided herein ~~shall~~ must continue to be classified as Middle Housing.

[Ord. 5968, 1/14/22; Ord 6018, 6/30/23]

11.290 Professional Design Team Required. An applicant for a planned development approval must certify in writing that a member of each of the following professions will be used in the planning and design process for the proposed development:

- (1) A licensed architect or professional designer;
- (2) A certified nurseryman, landscape architect, or landscape designer approved by the Director; and
- (3) A registered engineer or land surveyor.

11.300 Application Contents. A planned development proposal is reviewed in two stages. The following information is required to be submitted with each stage:

- (1) Preliminary planned development submittal requirements:
 - (a) Planned Development Program. A written statement outlining the following details: planning objectives to be achieved through the planned development; dwelling types and density; non-residential uses; lot layout; public and private access; parking; height of structures; lighting; landscaped areas and provisions for continued maintenance; water supply; sewage disposal; drainage; and areas devoted to various uses. This statement should include a description of the character of the proposed development and adjacent areas and discussion of how the proposed development will relate to the natural environment and significant natural resources of the site and adjacent areas.
 - (b) The location of existing and planned water, sewerage, and drainage facilities, including line sizes and how they will tie into existing facilities. A storm drainage report is required when 5,000 square feet of new or replaced impervious surface is added for all phases of development. The storm drainage report must include infiltration feasibility as outlined in the Engineering Standards.
 - (c) The location of all existing and planned sidewalks, pedestrian paths, bike paths and where they will connect with existing facilities.
 - (d) The location and utilization of land uses and structures including public and/or private parks, open space or common areas.
 - (e) A tabulation of land area to be devoted to each use, and a calculation of the average residential density per acre, if applicable.
 - (f) A boundary survey or a certified boundary description by a licensed surveyor.
 - (g) Data, drawings, and/or elevations clearly establishing the scale, character and relationship of buildings, streets, and open space.
 - (h) Detailed building and landscaping plans and elevations.
 - (i) A transportation impact analysis, where required by the City Engineering Division of the Public Works Department.

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- (j) A development schedule for commencement and of construction, or a phasing schedule if phased development is proposed.
- (k) If the development will be divided into different ownerships, any additional information generally required for a land division tentative plat approval and not required above.
- (l) Other applicable Site Plan Review information in Section 2.490(5).

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

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

[Ord. 5832, 4/09/14; Ord. 5842, 1/1/15; Ord. 5947, 1/1/21; Ord. 6042, 7/12/24]

11.310 Preliminary Plan Submittal Review Criteria. A planned development request will be granted interim approval by the review body if the development meets the Site Plan Review criteria of Section 2.450, Section 2.455 (if applicable), and all of the applicable criteria in (1) through (7).

(1) The application is consistent with the goals and policies of the Comprehensive Plan and any relevant plans adopted by the City Council.

~~(4)~~(2) The increased flexibility in Code standards and permitted uses will result in an improved development for the City, the surrounding area, and users of the development as compared to strict compliance with Code provisions.

~~(2)~~(3) The project design results in a more efficient provision of open space or utilization of the natural features of the site.

~~(3)~~(4) The project design results in a more efficient utilization of materials and public resources including streets, utilities, and energy supplies.

~~(4)~~(5) Provisions will be established to ensure the continued maintenance of any common areas.

~~(5)~~(6) More usable and suitable recreational facilities and other common areas are provided than would normally be provided under conventional development standards.

~~(6)~~(7) The planned development satisfies the development standards in Section 11.330.

~~(7)~~(8) Proposals for land divisions satisfy the standards in Sections 11.090 and 11.180, except as modified by the proposed planned development.

[Ord. 5832, 4/9/14; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

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

11.325 Phasing Planned Developments. The applicant may provide for development of the project in phases. Each phase ~~shall~~ must provide a proportionate share of the development facilities and amenities as approved. See Section 1.310 for land use approval time periods. [Ord. 5832, 4/9/14; Ord. 5947, 1/1/21]

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

(1) Open Space and Common Areas in Residential, Mixed-Use and other Non-Industrial Planned Developments. Open space or common areas must be provided for common enjoyment. In all residential developments and mixed-use developments, except as provided in subsections (b) and (h), 25 percent of the gross land area must be devoted to open space, outdoor living area or common areas as follows.

- (a) Land that may be counted towards the open space requirement includes:

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- Natural resources accessible to the public;
 - Common recreational space or commonly enjoyed amenities accessible to residents, including indoor or rooftop amenities – the total square footage of indoor amenities will be subtracted from the total land area; and
 - Common landscaped areas and paths but excluding sidewalks and planter strips in the right-of-way.
- (b) If proposing less than 25 percent open space, the applicant must demonstrate that the amount of open space proposed is appropriate to the scale and character of the planned development and well located to serve the residents and public, with high quality improvements designed to address the enjoyment, safety, and comfort of users. In no case may open space of less than 15 percent of the gross land area be approved.
- (c) Locations, shapes, sizes and other characteristics of open spaces must be consistent with their proposed uses and the purposes of the planned development.
- (d) Land in the right-of-way may not count towards the open space requirement unless designed with larger planter strips to allow for mature trees, a multi-use path, or a landscaped median.
- (e) Side and rear yards may not count towards the minimum open space requirements. Front yards may count toward the open space requirements in residential developments if they are shared by more than one dwelling unit.
- (f) Outdoor open space or living areas required by this Article may be dedicated to the City provided the size and amount of the proposed dedication meets the criteria of the City for neighborhood parks by one-half and if the City agrees to accept the dedication. The square footage of land dedicated for public parks must be deemed a part of the development site for the purpose of computing density.
- (g) Approved vegetated post-construction stormwater quality facilities are allowed in open space, outdoor living area and common areas.
- (h) Cottage clusters are exempt from the 25 percent open space requirement and subsections (a) through (f); however, subsection (g) applies. Cottage clusters must meet the common courtyard standards in ADC 8.175(4), except as modified by the proposed planned development pursuant to subsection 11.280(2) or as modified through Adjustment review.
- (2) Natural Resources. The planned development must provide for the protection of significant landscape features including Oak groves, heritage trees as defined by the Albany Municipal Code and land located within Albany's natural resource overlay districts and any historic sites and landmarks. Natural and cultural resources must integrate the proposed development with the environmental characteristics of the site and adjacent uses.
- (3) Underground Utilities. In any planned development, all electric and telephone facilities, fire alarm conduits, streetlight wiring, and other wiring, conduits and similar facilities must be placed underground by the developer, unless allowed above ground by the review body.
- (4) Density. When calculating density of a proposed planned development, the gross area including streets and park land dedications must be included, except for land in the Significant Wetland overlay district and waterways. The maximum density permitted per zoning district is outlined in Table 11.330-1 below.

TABLE 11.330-1. Maximum density permitted per zoning district.

	R-10	R-6.5	R-5 & HM	RM	RMA	HDR	OS
Maximum dwelling units per acre*	4	6	8	None	None	None	1**
Small SDU or Duplex 800-1,250 SF per net acres	6	9	12	None	None	None	1**

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Small SDU or Duplex less than 800 SF per net acres	8	12	16	None	None	None	1**
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* In Middle Housing Zoning Districts, additional density to allow for middle housing may be permitted. Middle housing lot sizes must not be less than the minimum lot size for the housing type in the applicable zoning district.

** Allows 1 residential unit per existing lot

- (5) Building Spacing and Yard Requirements. The plan must provide adequate building separation to allow for light, ventilation, and visual and acoustic privacy for residences and other structures. Fences, insulation, walks, barriers, and landscaping must be used, as appropriate, for the protection and aesthetic enhancement of property and the privacy of its occupants, screening of objectionable views, and reduction of noise.
- (6) Building Locations. Taller buildings must be located within the planned development in such a way as to avoid adverse impact on neighboring lower buildings and must not invade the privacy of the occupants of adjacent lower buildings.
- (7) Perimeter Compatibility. The plan must minimize adverse impacts of proposed uses and structures in the planned development on existing and anticipated uses and structures on adjacent properties and neighborhoods. The buffering and screening standards in Sections 9.210-9270 apply. If topographical or other physical barriers do not provide reasonable privacy and mitigation of potential adverse impacts on existing uses adjacent to the development, the development must provide additional setbacks, buffering or screening between residential and non-residential uses.

[Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5842, 1/1/15; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

11.340 Dedication and Maintenance of Facilities. The review body may, as a condition of approval for any planned development, require that portions of the tract or tracts be set aside, improved, conveyed, or dedicated for the following uses:

- (1) Parks or playgrounds set aside, improved, or permanently reserved for the owners, residents, employees, or patrons of the development.
- (2) Whenever private common outdoor living area is provided, an association of owners must be created under state law. Owners of property within the development will automatically be members and will be assessed levies for maintenance of the outdoor living area. The period of existence of such association will be at least 20 years, and it will continue thereafter until a majority vote of the members ~~shall~~ terminate it.
- (3) Right-of-way width within the development must be maintained as private streets or be dedicated to the City when necessary, in accordance with the Albany Comprehensive Plan. Other streets necessary to the proper development of adjacent properties may also be required to be dedicated. Streets must be constructed in accordance with city standards.
- (4) Easements necessary for the orderly extension of, maintenance of, or access to, public utilities.

11.350 Changes in the Approved Plan. Changes in the approved planned development may be made as long as they continue to meet the requirements of these provisions. Major changes, as determined by the Director, ~~shall~~ will be reviewed by the Planning Commission using the Type III procedure. Minor changes ~~shall~~ will be reviewed under the Type I procedure. [Ord. 5832, 4/9/14]

11.360 Revocation. In the event of failure to comply with approved plans, conditions of approval, stage development schedule; the Commission may, after notice and hearing, revoke a planned development permit. The determination of the Commission ~~shall~~ will become final 30 days after the date of decision unless appealed to the City Council.

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- 11.370 Failure to Adhere to Approved Plan, Satisfy Conditions, or Comply with Phased Development Schedule. Failure to comply with approved preliminary or final development plans, conditions of approval, or phased development schedule, ~~shall constitute~~s a violation of this ordinance as prescribed in Article 1.

CONDOMINIUMS

- 11.380 Definition. A condominium is a building, or group of buildings, in which units are individually owned, and the shared structure, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis. [Ord. 5968, 1/14/22]
- 11.390 Procedure. A proposal for new construction of a condominium or conversion of existing units into condominiums is reviewed through the procedure applicable to the housing type (e.g., multiple dwelling unit development or middle housing). All condominium proposals must meet the appropriate requirements of ORS Chapter 100. [Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

CLUSTER DEVELOPMENT

- 11.400 Purpose. Cluster development is intended to protect and/or restore natural and other special features in the development of a site. In return, the more flexible standards found in this section may supersede other stricter standards of this Code. Cluster developments may provide greater flexibility, reduced and/or varied lot sizes, and more variety in permitted uses. Residential density may be transferred within the development in exchange for restoring degraded or marginal quality resources located in a Significant Natural Resource overlay district or for protecting natural or other special features of the site. Developments must satisfy high-quality master planning and design requirements. [Ord. 5923, 2/8/19]
- 11.405 Optional Nature. Cluster development is an optional form of development. Cluster development proposals are reviewed as part of the land division, site plan, or Conditional Use application processes. [Ord. 5947, 1/1/21]
- 11.410 Eligibility. To be eligible to apply for cluster development, all of the following are required:
- (1) Residential Zoning. The site must be located in a residential zoning district.
 - (2) Natural and Other Special Features. The site must contain one or more of the features listed in Section 11.460
 - (3) Professional Designer. An applicant for cluster development approval must certify in writing that a certified landscape architect, site planner, or landscape designer, approved by the Director, will be used in the planning and design process for the proposed development. [Ord. 5668, 4/11/07]
- 11.420 Relationship to Other Regulations. If the applicant chooses the cluster development option, and the site is deemed eligible by the City, these standards will supplement other provisions of this Code. For example, a subdivision proposed as a cluster development is also subject to other provisions of Article 11 of the Development Code. Other types of residential development are subject to Site Plan Review or Conditional Use review. These provisions apply to issuance of building permits in a cluster development and to ongoing uses and activities in a cluster development. [Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 5947, 1/1/21]
- 11.430 Procedure. Cluster development proposals are reviewed as a Type II procedure. [Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 6059, 3/14/25]
- 11.440 Review Criteria. The review criteria for a cluster development are those that apply to a particular type of development. For example, the tentative plat criteria in Article 11 apply to cluster land divisions. (See Section 11.420 for relation to the other requirements.) Also, the review body must find that the application meets the following additional criteria:
- (1) The application is consistent with the goals and policies of the Comprehensive Plan and any relevant plans adopted by the City Council.

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(2) The proposed development meets all of the requirements for cluster development.

~~(32)~~ The proposed development preserves or restores natural or other special features as identified and prioritized in ADC 11.460.

[Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 5764, 12/1/11; Ord. 5923, 2/8/19; Ord. 5968, 1/14/22]

11.450 Natural Area Requirements. Cluster developments must provide a minimum of 20 percent of the site as permanent natural areas. Land designated as Open Space on the Comprehensive Plan or Zoning maps may not be used to fulfill this requirement.

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

11.460 Designation of Permanent Natural Area. The required natural area may be public or private. The minimum 20 percent of the gross acreage of the development site set aside as natural area in a cluster development must be designated in the following priority order:

- (1) The first priority for natural area designation is significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan (Figure 1), and Oregon White Oak (*Quercus garryana*) trees citywide equal to or greater than six and one-half feet in circumference (approximately 25 inches in diameter) measured as defined in Article 9.203(4). For individual trees, the natural area boundary is defined as the critical root zone (as defined in Article 9.203 (1)) plus a 10-foot buffer.
- (2) The second priority for natural area designation is natural resources within the Significant Natural Resource overlay districts that are of degraded or marginal quality and subsequently restored to good quality in accordance with the quality levels in ADC Section 6.410(5). This priority must be satisfied in the following order:
 - (a) Habitat for western painted and northwestern pond turtles within the Habitat Assessment Overlay (/HA), as identified by a turtle habitat assessment, that is restored to good quality.
 - (b) Wetland within the Significant Wetland overlay district (/SW) that is restored to good quality.
 - (c) Riparian area within the Riparian Corridor overlay district (/RC) that is restored to good quality.
- (3) The third priority for natural area designation is protection of other environmentally sensitive areas, or natural and scenic features of the site. This priority must be satisfied in the following order:
 - (a) Good quality habitat for western painted and northwestern pond turtles near Thornton Lakes within the Habitat Assessment overlay (/HA) as identified by a turtle habitat assessment.
 - (b) Good quality wetland within the Significant Wetland overlay district (/SW).
 - (c) Good quality riparian area within the Riparian Corridor overlay district (/RC).
 - (d) Other wetlands not within the Significant Wetland overlay district, as shown on the City's Local Wetland Inventories, or by a delineation approved by the Oregon Department of State Lands.
 - (e) Existing channels identified in the most current version of the City of Albany Storm Water Master Plan.
 - (f) Springs.
 - (g) Land with natural slopes 12 percent or greater as designated by the Hillside Development overlay district (/HD).
 - (h) Wooded area with five or more healthy trees over 25 inches in circumference (approximately eight inches in diameter) measured as defined in Article 9.203(4), if approved by the City Forester.
 - (i) Land that provides bike or walking trails that connect to existing or proposed parks or trails, inventoried natural features, or areas zoned Open Space; or areas otherwise protected as permanent natural areas.
 - (j) Incorporate public parks, trails, trailheads or open space designated in the Parks, Recreation and Open Space Plan, the North Albany Refinement Plan, and the South Albany Area Plan.
 - (k) Other features of the site unique to Albany, if approved by the Director.

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

[Ord. 5801, 2/13/13; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22]

11.470 Creation of Permanent Natural Areas.

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

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

11.480 Protection of Permanent Natural Areas.

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

[Ord. 5562, 10/10/03; Ord. 5668, 4/11/07; Ord. 5801, 2/13/13; Ord. 5842, 1/1/15]

11.490 Permitted Uses. The uses allowed within cluster developments outside the permanent natural areas are determined by the underlying zoning district standards in Section 3.050, with the following exceptions:

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- (1) On development sites greater than 20 acres, up to 20 percent of the housing units in RS-6.5 and RS-10 may be multiple dwelling units.
- (2) On development sites greater than 50 acres, up to two acres may be developed with neighborhood commercial uses through a Conditional Use review. The maximum building footprint of commercial or office uses must be 3,000 square feet. Commercial and office uses are limited to restaurants with no drive-through service, and convenience-oriented and personal service-oriented uses as described in Article 22.

[Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

- 11.495 Development Standards. In a cluster development, the following development standards in Table 11.495-1 supersede the same standards in Section 3.190, Table 3.190-1. The maximum density permitted by zoning district is specified in the following table.

TABLE 11.495-1. Allowable density ranges per zone.

Standard	R-10	R-6.5	R-5 & HM	RM	RMA	HDR	OS
Single Dwelling Units (SDU) per net acre (1)	4	6	8	None	None	None	1 (5)
Small SDU or Duplex 800 – 1,250 SF per net acres (1)	6	9	12	None	None	None	1 (5)
Small SDU or Duplex Less than 800 SF per net acres (1)	8	12	16	None	None	None	1 (5)
Minimum Lot Size (2)	None	None	None	None	None	None	N/A
Minimum Lot Width	None	None	None	None	None	None	N/A
Minimum front setback (3)	12 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	N/A
Maximum Lot Coverage (4)	70%	70%	70%	75%	80%	85%	N/A

- (1) In Middle Housing Zoning Districts, additional density to allow for middle housing may be permitted. Density for middle housing is based on the minimum lot size for the housing type in the applicable zoning district.
- (2) Lots on the perimeter of the cluster development must meet the standards in 11.500.
- (3) Except, when lots are adjacent to existing development on the same side of the street, the setback must be within 5 feet of the adjacent house(s) setback(s).
- (4) The maximum lot coverage may be up to 100 percent for lots that provide land only for the building footprint.
- (5) Allows 1 residential unit per existing lot.

[Ord. 5801, 2/13/13; Ord. 5923, 2/8/19; Ord. 5947, 1/1/21; Ord. 5968, 1/14/22; Ord. 6059, 3/14/25]

- 11.500 Perimeter Lot Compatibility. The following standards and exceptions will apply to the lots on the perimeter of a proposed cluster development.

- (1) Standards. The term “standard minimum lot size” as used in this section, means the minimum lot size allowed in the underlying base zone without any reductions in size allowed elsewhere in this Code.
 - (a) When the proposed cluster development abuts developed property in a lower density residential zoning district, the size of lots on the perimeter of the proposed cluster development must be at least the standard minimum lot size applicable to the proposed housing type that is allowed in the zone underlying the cluster development.

Example:

Proposed Cluster Development R-6.5 <i>Perimeter lots must be at least 6,500 sf</i>	Abutting Property w/ Lower Density Residential R-10 Zoning
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Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- (b) When the proposed cluster development abuts developed property in the same residential zoning district as the proposed cluster development, the size of lots on the perimeter of the cluster development must be at least 70 percent of the standard minimum lot size applicable to the proposed housing type that is allowed in the underlying zoning district.

Example:

<p>Proposed Cluster Development in <u>R-10</u> <i>Perimeter lots must be at least 7,000 sf (70% of minimum lot size for underlying zoning)</i></p>	<p>Abutting Property w/ Same Residential Zoning: <u>R-10</u></p>
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- (2) Exceptions. The Perimeter Lot Compatibility standards do not apply in the following cases:
- (a) Perimeter lots that are adjacent to land that is zoned for higher density housing, mixed-use or non-residential uses, or to residentially zoned property not in residential use (such as educational, institutional, religious or park uses).
 - (b) Where the same property owner owns the property abutting the proposed cluster development or when the perimeter lots share a property line with the Urban Growth Boundary.
 - (c) If a buffer area is created as a separate property along the perimeter and is at least 20 feet wide, the buffer area must become a permanent natural area and must meet the provisions in Sections 11.470 and 11.480.

Example:

<p>Cluster Development with <u>Buffer Area</u> <i>No minimum lot size required on perimeter</i></p>	<p>Buffer Area at least 20 feet wide</p>	<p>Any Residential Zoning</p>
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- (d) Cluster developments abutting property that is at least 1 acre in size.

[Ord. 5668, 4/11/07; Ord. 5968, 1/14/22]

11.520 Street Standards for Cluster Development. Local streets in a cluster development may be constructed to the Residential Street Design for Constrained Sites as described in Section 12.122(4). [Ord. 5968, 1/14/22]

11.530 South Albany Connectivity. Developments within the South Albany Area Plan boundary ~~shall~~ must provide a connected street and pathway network. [Ord. 5801 2/13/13]

***** No changes are proposed to Section 11.520 to 11.630, so those sections are not provided. *****

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

ARTICLE 12 PUBLIC IMPROVEMENTS

12.000 Overview. This article provides public improvement standards to address the City’s concerns related to public health, safety, and welfare as it relates to the management of public transportation systems and utilities. These standards are used with the procedural and design requirements contained in other articles of the Albany Development Code. [Ord. 5947, 1/01/21]

The following is a list of the main headings in this article.

- General Provisions
- Streets
- Sidewalks
- Street Trees
- Bikeways
- Utilities—General
- Water
- Sanitary Sewer
- Storm Drainage
- Improvement Assurances
- Addresses and Street Names

[Ord. 5673, 6/27/07; Ord. 6062, 5/23/25]

**** No changes are proposed to Sections 12.010 to 12.050, so those sections are not provided. ****

STREETS

**** No changes are proposed to Sections 12.060 to 12.100, so those sections are not provided. ****

Staff Comments: ADC 12.110 addresses the location of new streets, which are required to conform to “any approved transportation plan.” Staff propose to update this section to more specifically reference the City of Albany Transportation System Plan.

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

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

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

[Ord. 6062, 5/23/25]

**** No changes are proposed to Sections 12.120 to 12.350, so those sections are not provided. ****

Proposed new language is provided in red underlined font. Removed language is shown in ~~striketrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Staff Comments: As part of Albany's Climate-Friendly Areas code amendments, the City added new design standards for pedestrian and bicycle accessways in Article 14. Since accessways are referenced in the block length standards in both Articles 11 and 14, staff proposes to relocate the design standards to the public improvement standards in Article 12.

PEDESTRIAN AND BICYCLE ACCESSWAYS

12.355 Pedestrian and Bicycle Accessways. Pedestrian and bicycle accessways/connectors can be used to provide through-block connectivity to meet block length standards or where such routes and connectivity are not otherwise provided by the street system. Accessways must be approved by the City Engineer, constructed to city construction specification standards, and must meet the following minimum standards.

- (a) Must be created within public rights-of-way, tracts, or private tracts with public access and maintenance easements approved by the City Engineer.
- (b) Must have a minimum improved surface width of 10 feet with at least 5 feet of landscaping or approved surface on both sides of the improved surface.
- (c) Surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways must be approved by the City Engineer.
- (d) Surfaces must have a running slope of five percent or less and cross slopes of two percent or less.
- (e) Accessways longer than 200 feet in an easement must provide privately-owned lighting to illuminate the accessway and agree to participate in the Oregon 811 Utility Locate program. Lighting fixtures must be located and arranged to avoid any light or glare on abutting or adjacent properties and must meet the standards in Sections 9.100(13) and 9.480.
- (f) Accessways must be constructed with removable and lockable posts, bollards or other barriers as approved by the city Fire Department. Accessways connecting to sidewalks built with a full-height curb do not need to provide additional barriers.

**** No changes are proposed to the rest of Article 12, so the content is not provided. ****

Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Staff Comments: The Climate Friendly Area overlay zoning district was adopted in March of 2025 to comply with the Climate Friendly and Equitable Community rules in Oregon Administrative Rules 660-012-0310, -0315, and -0320. There was some concern about the Site A CFA boundary including three houses in the Monteith National Register Historic District and properties in the Downtown Commercial Historic District. The proposed ZC-02-25 amendments would remove four properties on the south side of 2nd Avenue between Calapooia Street and Washington Street from Downtown CFA [See 14.020 (2) and Figure 14.020-2].

ARTICLE 14

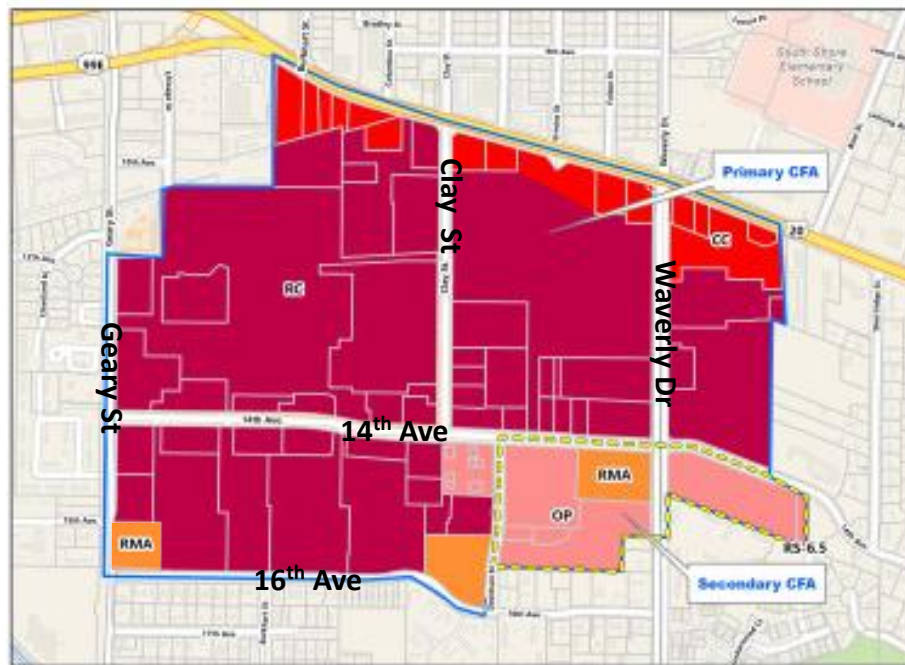
CLIMATE FRIENDLY AREA OVERLAY DISTRICTS

[Article 14 was added by Ord. 6062, 5/23/25]

- 14.000 Overview. To reduce pollution from transportation, the state adopted rules that require Oregon cities located within a metropolitan planning organization (MPO) boundary and that have populations greater than 5,000 to create more accessible mixed-use and walkable areas to increase opportunities for housing close to services, transit and employment – called Climate Friendly Areas (CFAs). These areas must have the capacity to accommodate at least 30 percent of Albany’s total projected households, as identified in an adopted and acknowledged housing needs analysis. Cities must adopt at least one CFA, called the “Primary CFA” that is at least 25 acres in size, and may designate additional climate friendly areas, called “Secondary CFAs”, to provide sufficient lands to meet future housing needs. Albany has identified one Primary CFA and six Secondary CFAs.
- 14.010 Purpose. This article outlines the additional uses and standards that apply within the city’s designated Primary and Secondary Climate Friendly Area overlay districts in addition to the uses allowed in the base zoning districts and requirements of the base zone and other sections of the Albany Development Code and applicable Albany ordinances.
- 14.020 Applicability. These standards apply to developments within the boundaries of one of Albany’s CFA overlay districts as identified on the maps in Figures 14.020-1 through 14.020-7 below and indicated as overlay zoning layers on the Albany Zoning Map.
- (1) Primary CFA. Properties within the Primary CFA boundaries as identified in Figure 14.020-1 are subject to the standards specific to the Primary CFA. The Primary CFA includes land zoned RC, CC, and RMA.

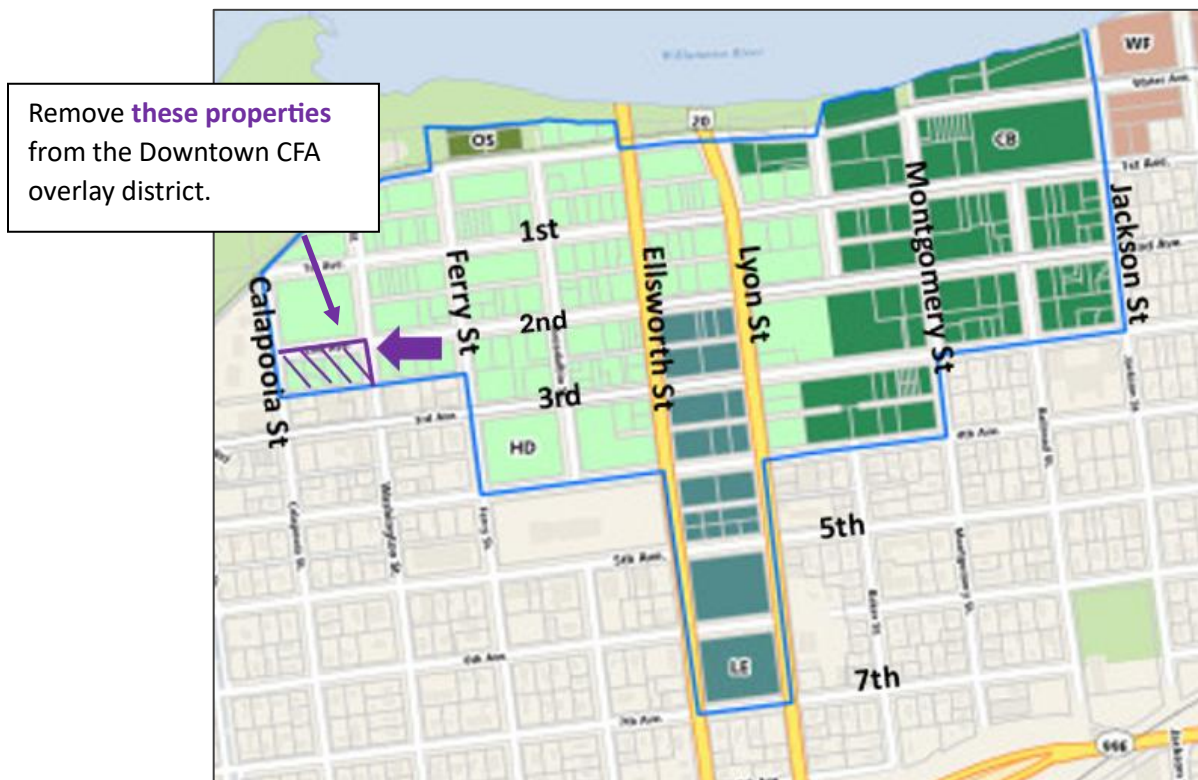
Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

Figure 14.020-1. Primary Climate Friendly Area



- (2) Secondary CFAs. All other climate friendly areas are considered Secondary CFAs and are identified in Figures 14.020-2 through 14.020-7. Secondary CFAs are subject to the standards listed in this Article, excluding standards specific to the Primary CFA.
- (a) Site A, Downtown includes properties in the HD, CB, and LE zones.

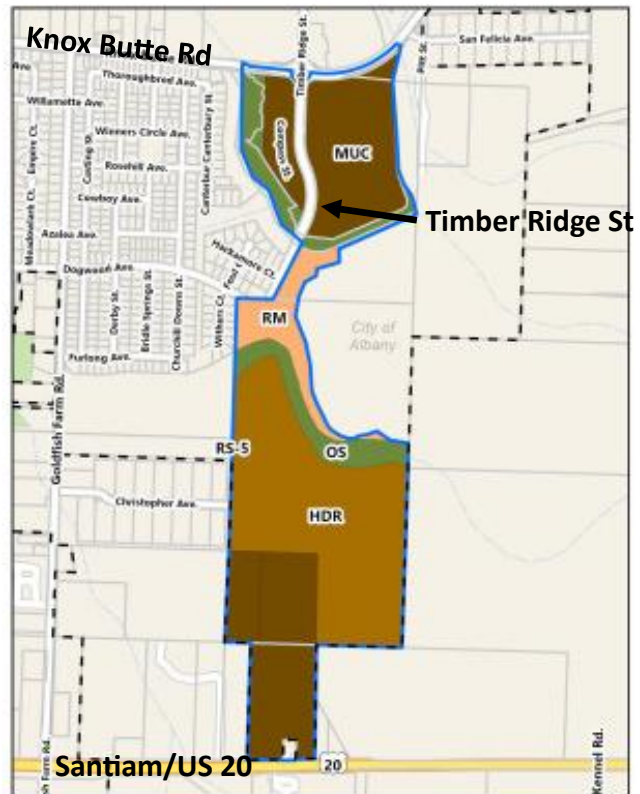
Figure 14.020-2



Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- (b) Site B, East Albany includes land zoned RM, MUC, HDR, and OS along Timber Ridge Road between Knox Butte Road and Santiam Highway/U.S. Route 20.

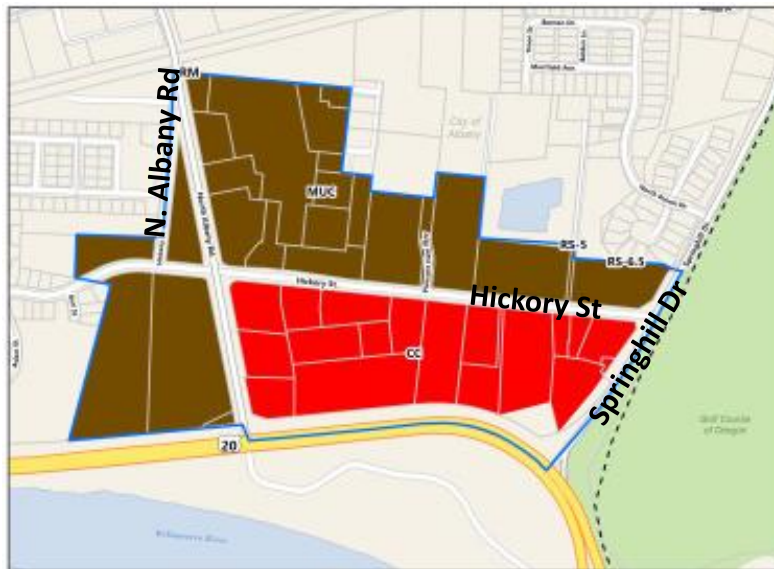
Figure 14.020-3



Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

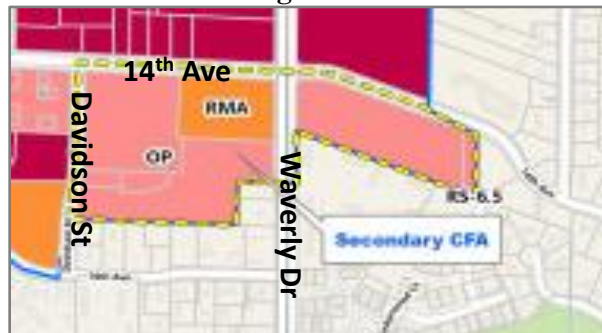
- (c) Site C, North Albany includes properties with MUC and CC zoning within the blue boundary.

Figure 14.020-4



- (d) Site D, 14th & Waverly includes properties zoned OP and RMA.

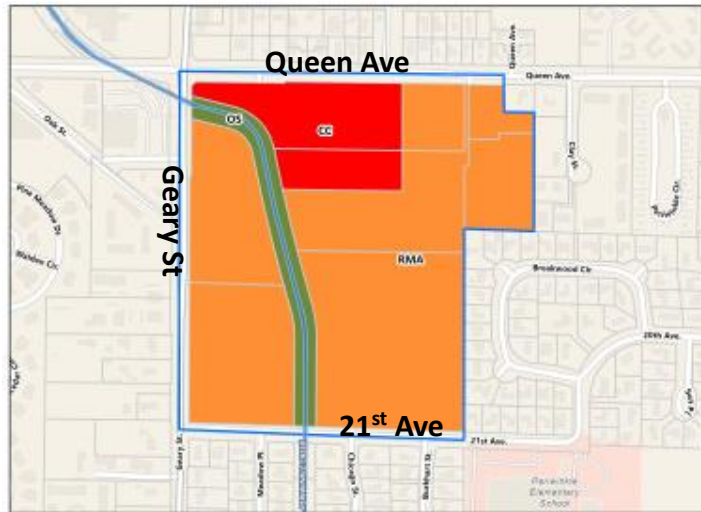
Figure 14.020-5



- (e) Site E, Queen and Geary includes properties zoned CC and RMA southeast of the intersection of Queen and Geary streets.

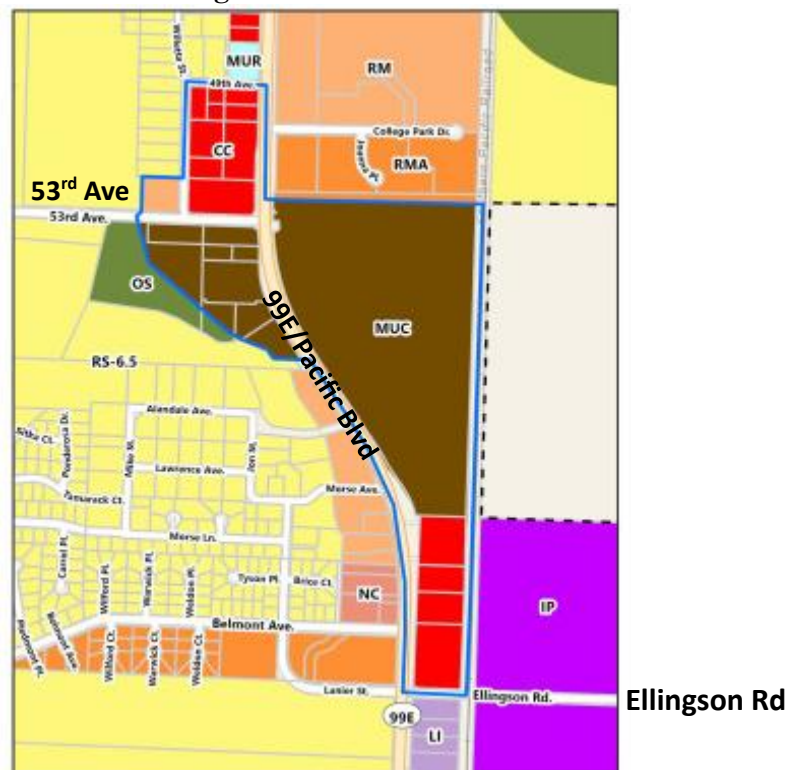
Figure 14.020-6

Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.



- (f) Site F, 53rd Avenue and 99E: - Include properties zoned MUC, CC, and RM near the intersection of 53rd Avenue and Oregon 99E.

Figure 14.020-7



14.030 Permitted Uses in the Climate Friendly Area Overlay Districts. In addition to the uses allowed in the Schedule of Permitted uses by zone in ADC Sections 3.050, 4.050, and 5.060, the following uses are permitted through Site Plan review within the Primary and Secondary Climate Friendly Area (CFA) overlay zones in single-use or mixed-use buildings:

- (1) Multiple Dwelling Units that meet the standards in Section 14.050.
- (2) Multiple Dwelling Units above or attached to a business that meet the standards in 14.050.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strike through~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

- (3) Multiple Dwelling Units that meet the definition of Affordable Housing in ADC Section 3.080(22)(b) and that are subject to an affordable housing covenant for a period of at least 30 years.
- (4) Townhouses are subject to the development standards in ADC Section 8.140 and 8.150.
- (5) Daycare Facilities
- (6) Educational Institutions
- (7) Public amenities (parks, open space, plazas, or similar amenities) and government facilities that provide direct public services on site (city hall, offices, etc.)
- (8) Offices
- (9) Restaurants, except restaurants with drive-thru facilities, are not permitted in the RM, RMA, CB and HDR zoning districts.
- (10) Retail Sales and Services, excluding auto-oriented uses as defined in Article 22.

14.040 Development Standards.

- (1) Maximum Height, before any eligible height bonuses:
 - (a) Primary CFA: 85 feet in the OP, CC, and RMA zones
 - (b) Secondary CFA: 50 feet in the OP, NC, MUR, and RM zones
- (2) Minimum Density: Residential development must achieve the following minimum net densities:
 - (a) Primary CFA: 25 units/net acre
 - (b) Secondary CFA: 15 units/net acre
 - (c) Exception: Minimum densities are not required in the following:
 - i. Mixed use buildings that meet a minimum Floor Area Ratio of 2.0;
 - ii. Redevelopment that renovates and adds residential units within existing buildings, but that does not add residential units outside the existing exterior of the building.
- (3) Maximum Density: There is no maximum density in the CFA overlay districts.
- (4) Maximum Block Length: Development within CFA overlay districts is subject to the following standards.
 - (a) For development sites less than 5.5 acres, the maximum block length is 500 feet. Where block length exceeds 350 feet, a public through-block accessway must be provided to facilitate safe and convenient pedestrian and bicycle connectivity. Accessways must meet the standards in subsection (5) below.
 - (b) For development sites equal to or greater than 5.5 acres, the maximum block length is 350 feet.
 - (c) Redevelopment of sites of 2 acres or more within an existing block that does not meet the standard must provide a public pedestrian and bicycle accessway allowing direct passage through the development site such that no pedestrian route will exceed 350 feet along any block face.
 - (d) Block Length Exceptions: The City Engineer may grant an exception to the maximum block length standards as part of a discretionary review process when one or more of the following conditions exist on a development site and would make it impossible or impractical to implement:
 - i. Topography or natural features including but not limited to steep slopes, rivers, mature tree groves, riparian corridors, wetlands or other resource under protection by local, State or Federal law;
 - ii. Railroads, highways, or other permanent barriers;
 - iii. Lot or parcel size, orientation, or shape;
 - iv. Available access;
 - v. Existing or nonconforming development;
 - vi. To provide accessibility for people with disabilities; or

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- vii. Other similar permanent site constraints.

When approving an exception, the City Engineer may require pedestrian and/or bicycle connectivity through the development, when warranted.

Staff Comments: Both Articles 11 and 14 include block length standards, and reference bicycle and pedestrian accessways as one way to meet the standards. As such, staff propose to relocate the accessway standards in ADC 14.040(5), below, to the public improvement standards in Article 12.

- (5) Pedestrian and Bicycle Accessways. When block length exceeds 350 feet per subsection (4)(a) above, accessways must be provided ~~and approved by the City Engineer and constructed to city construction specification standards.~~ Accessways must meet the following minimum in conformance with the standards in ADC 12.355. Accessways must:
- ~~(a) Must be located no more than 350 feet from the edge of street pavement.~~
 - ~~(b) Be created within public rights of way, tracts, or private tracts with public access and maintenance easements approved by the City Engineer.~~
 - ~~(b) A minimum improved surface width of 10 feet with at least 5 feet of landscaping or approved surface on both sides of the improved surface.~~
 - ~~(c) Surfaces must drain stormwater runoff to the side or sides. Paving materials, storm drainage, shoulder treatment, and landscaping for accessways must be approved by the City Engineer.~~
 - ~~(d) Surfaces must have a running slope of five percent or less and cross slopes of two percent or less.~~
 - ~~(e) Accessways longer than 200 feet in an easement must provide privately owned lighting to illuminate the accessway and agree to participate in the Oregon 811 Utility Locate program. Lighting fixtures must be located and arranged to avoid any light or glare on abutting or adjacent properties and must meet the standards in Sections 9.100(13) and 9.480.~~
 - ~~(f) Accessways must be constructed with removable and lockable posts, bollards or other barriers as approved by the city Fire Department. Accessways connecting to sidewalks built with a full height curb do not need to provide additional barriers.~~

14.050 Multiple Dwelling Unit Siting Standards. Multiple dwelling units must meet the following standards as well as the design standards in Article 8 for multiple dwelling units and development in Climate Friendly Areas. Multiple dwelling units in the CB, HD and LE zones are also subject to standards in Section 5.120.

- (1) In the RM, RMA, and HDR zones, multiple dwelling units are permitted in stand-alone buildings and above or attached to a business per the Schedule of Permitted Uses in ADC Section 3.050.
- (2) In the MUC zone, multiple dwelling units are permitted above or attached to a business and in stand-alone buildings in all CFAs except in East Albany CFA (area B). In the East Albany CFA, multiple dwelling units are permitted above or attached to a business and in free standing buildings when on the same property as an existing building in commercial use or designed for commercial use if vacant.
- (3) In the OP, CC, RC and HD zones, multiple dwelling units are permitted above or attached to a business, or in a stand-alone building on the same property as an existing building in commercial use or designed for commercial use, if vacant.
- (4) In the CC and RC zones, ground level units on a lot with multiple street frontages. On lots with two or more street frontages, dwelling units are permitted on the first story (ground level) when the commercial use occupies the primary street frontage (the street with a higher traffic volumes) and front entrances to the dwellings face a secondary street.

Proposed new language is provided in red underlined font. Removed language is shown in ~~strikethrough~~ font. Staff comments in blue font provide context for the proposed changes and are not considered amendments.

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

**** No changes are proposed to Sections 22.010 to 22.370, so those sections are not provided. ****

DEFINITIONS

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

Block Length: The distance along a block between the edge of the curb, outside edges of the street or sidewalk right-of way, tracts and/or easements that abut the block, or the outside edge of a storm drainage facility at either end of the block.

Block Perimeter: The total distance around the outside perimeter of a block. For vehicle block perimeter, the distance is measured along the outside edges of the street or sidewalk rights-of-way, tracts and/or easements, or storm drainage facility that abut the block. For pedestrian block perimeters, the distance is measured along the centerlines of the sidewalks or multiuse paths that form the block.

**** No changes are proposed to the rest of Article 22, so the content is not provided. ****