

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

WHEREAS, on November 7, 2016, the Albany Planning Commission held a public hearing and deliberated on proposed text amendments to the Albany Development Code (ADC) (City of Albany Planning File DC-03-16); and

WHEREAS, on November 7, 2016, the Planning Commission recommended that the City Council approve the proposed text amendments based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the Albany City Council held a public hearing on the proposal on December 7, 2016, and reviewed the findings of fact and conclusion included in the staff report and testimony presented at the public hearing and then deliberated; and

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

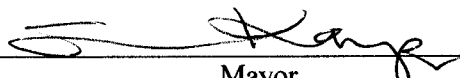
NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

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

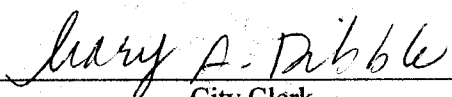
Passed by the Council: Dec 7, 2016

Approved by the Mayor: Dec 7, 2016

Effective Date: Jan 6, 2017

  
\_\_\_\_\_  
Mayor

ATTEST:

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

**ARTICLE 1**  
**ADMINISTRATION AND PROCEDURES**

**INTRODUCTION**

1.070 When Land Use Applications Are Not Required. Activities and developments listed below do not require a land use application but are nevertheless subject to the provisions of the Code, including, but not limited to setbacks, lot coverage, building height, design standards, on-site development and environmental standards.

Activities and development within special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable, and may require a land use application as described in each respective section.

Activities and development on either a non-conforming site or a site containing a non-conforming use may require a Nonconforming Situations Review in accordance with Article 2.

(7) Additions to an existing building or use expansions that are **less than** 2,000 square feet ~~or less~~ or **less than 50 25** percent of existing building area, whichever is less, and that do not:

- (a) Add dwelling units; or
- (b) Require three or more parking spaces or additional loading areas; or
- (c) Modify site circulation or access.

For building additions greater than 2,000 square feet, see Site Plan Review applicability in Section 2.430.

1.080 Expiration of Land Use Approvals.

(1) All land use approvals, except Type IV approvals, shall expire three years from the date of approval, unless:

- (a) The applicant has installed all of the required public infrastructure related to the development and the infrastructure has been accepted by the city, or the applicant has provided financial assurance for all required public infrastructure per Section 12.600 or the first phase, if the development was approved for phased construction; or
- (b) If the development did not require public infrastructure, a valid approved building permit exists for new construction or improvements, and work has commenced; or
- (c) Phased Subdivisions or Planned Developments. When an applicant desires to develop and record final subdivision plats covering portions of an approved tentative plat in phases, the City may authorize a time schedule for platting and otherwise developing the various phases not to exceed five years for all phases. Each phase that is platted and developed shall conform to the applicable requirements of this title; or
- (d) An extension has been **filed granted before the expiration date, and subsequently granted approval** pursuant to Section 1.083.

1.083 Extension of a Land Use Approval. These provisions apply to all land use approvals that have not expired or for which a written request for an extension was received prior to the effective date of this Section 1.083.

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended one time for two years for all land use approvals, except for phased or planned developments, a

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second two-year extension may be granted. Applicants shall apply for an extension by filing an application for extension ~~at least 45 days~~ before the expiration date. For the purposes of this sub-section the expiration date shall be the applicable anniversary date of the Notice of Decision previously given to the applicant.

- (2) Requests for extensions shall be processed as a Type I application and shall be granted if there has been no change to all applicable local, state or federal standards since the original approval, or the development complies with any changes or can meet the current standards with limited modifications to the approved development.
- (3) If the Type I application for the extension request is not approved, the subject land use approval shall expire on the applicable anniversary date of the Notice of Decision previously issued to the applicant.**
- ~~(4)~~**(3)** While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

## APPLICATION PROCEDURES

- 1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective ~~citizen-~~ **public** participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. ~~City staff will attend the neighborhood meeting in an advisory capacity to answer questions.~~

## LIMITED LAND USE PROCESS

### 1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of partitions, subdivisions with fewer than 20 lots, and applications involving discretionary standards for design or Site Plan Review of permitted uses.
- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.
- (3) Once the application is deemed complete, written notice will be provided to persons who own property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, multi-family development, and Site Plan Review. For **Site Plan Review of Residential Accessory Structures and** all other limited land use decisions, the City will provide written notice to persons who own property within 100 feet of the entire contiguous site for which the application is made. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given. Notice shall also be provided to any neighborhood or community organization recognized by the City Council and whose boundaries include the site and to other neighborhood associations recognized by the City Council located within 300 feet of the site.

**QUASI-JUDICIAL PROCESS****PROCEDURES**1.350 Type II Procedure.

- (1) The purpose of the Type II procedure is for the Director to review certain applications based on standards specified in this Code that may require limited discretion. A notice of filing is mailed to the applicant and property owners within ~~200~~ 300 feet of the property being reviewed to allow the applicant or property owners an opportunity to comment on the proposal prior to the Director's Decision. Persons that provided written comment are mailed the notice of tentative decision and given a chance to appeal the decision at the local level.
- (2) Once the application is deemed complete, a notice of filing shall be mailed to the applicant and persons who own property within ~~200~~ 300 feet of the proposed development site. Notice shall also be provided to any neighborhood association recognized by the City Council and whose boundaries include the site and to other neighborhood association recognized by the City Council within 300 feet of the site. The Director shall have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The notice and procedures used by the City will:

**PUBLIC HEARINGS**

- 1.400 Mailed Notice. Addresses for a mailed notice required by this Code shall **be generated from be provided by the applicants for land use applications. The mailing list must be certified by the applicants as accurate and complete as found on** the most recent property tax assessment roll where the subject property is located. A person whose name is not in the tax records at the time an application is filed may receive notice if the person provides the Community Development Department with the necessary address(es). Any deficiency in the form of notice prescribed in this section, or failure of a property owner to receive notice, shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice.

**ARTICLE 2**  
**REVIEW CRITERIA**

**CONDITIONAL USES**

- 2.250 Review Criteria. Requests for conditional uses 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 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.

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- (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.

## SITE PLAN REVIEW

2.430 Applicability. In general, Site Plan Review is intended for all new development within the city that specifically requires Site Plan Review as listed in Articles 3, 4 and 5. It applies to new construction, additions or expansions, site modifications, and changes in land use categories. Sites that contain a legal nonconforming use will be processed in accordance with Section 2.350.

- (3) Building additions or use expansions greater than 2,000 square feet or greater than 50 percent ~~25%~~ of existing building area, whichever is less, or any expansion that requires three or more new parking spaces, additional loading areas, or modifies site circulation or access.

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

- (3) Public utilities can accommodate the proposed development.
- (4) 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.
- (3) The transportation system can safely and adequately accommodate the proposed development.
- (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.
- (5) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (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.
- (7) The site is in compliance with prior land use approvals.
- (8) Sites that have lost their nonconforming status must be brought into compliance, and may be brought into compliance incrementally in accordance with Section 2.370.

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

- (1) A completed application form. The application shall 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 be furnished to the City. The owner's name(s) and address, and the applicant's name, address, and signature shall 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. A mailing list of property owners within 300 feet of the entire site. The Director shall

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~~have discretion to increase the notice area up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. The list must be compiled from the most recent property tax assessment roll. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.~~

- (3) One set of conceptual drawings, including floor plans, lighting details, and building elevations and materials.
- (4) A conceptual landscape plan showing the type and location of proposed landscaping and screening, including any vegetated post-construction stormwater quality facilities.

**ARTICLE 3  
RESIDENTIAL ZONING DISTRICTS**

**SCHEDULE OF PERMITTED USES**

Uses Allowed in Residential Zoning Districts								
Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
<b>RESIDENTIAL: Miscellaneous</b>								
Subdivision Sales Office	19	N	<u>YS</u>	<u>YS</u>	N	<u>YS</u>	<u>YS</u>	<u>YS</u>
<b>OTHER CATEGORIES</b>								
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		Y	Y	Y	<u>YN</u>	Y	Y	Y
Communication Facilities <del>over 50 ft.</del>	16	N	N	N	<u>N</u>	N	N	N
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y

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

N = No, not allowed  
 PD = Planned Unit Development, see Art. 11  
 S = Site Plan Review required

**SPECIAL CONDITIONS**

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

- (12) Antennas and satellite dishes are subject to the following standards:
  - (a) Antenna or antenna supports may not be located within any front setback area or within any required landscape buffer yard.
  - (b) Antennas shall not extend higher than fifteen feet above the peak of the roof.
  - (c) Dish antennas exceeding 12 feet in diameter are not permitted.
  - (d) Dish antennas exceeding 36 inches in diameter may not be roof mounted.
  - (e) Dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
  - (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
  - (g) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.
  - (h) Antenna not in conformance with the above may be considered by Conditional Use review, Type II process.

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

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

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

- (19) One subdivision sales office ~~and one parking lot to serve the office~~ is allowed ~~through a Site Plan Review~~ in a subdivision for two years from the date it opens if the following requirements are met:

Standards

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

**SPECIAL STATUS**

3.085 Existing Residential Uses in the HM and RS-5 Zones Granted Special Status

Notwithstanding the restrictions or terms of any other section of the Albany Development Code (ADC), properties on the Special Status List shall be deemed to be conforming to the Hackleman Monteith (HM) and RS-5 Residential Single-Family (RS-5) zoning districts, as applicable. If any building on these properties is substantially destroyed, as defined in ADC Section 2.335(3), 2.340(4), it can be rebuilt to the same size (square feet) and density as existed on the property at the time the HM or RS-5 zoning was first applied, but will be subject to the regulations of any applicable overlay zone.

**LANDSCAPING**

3.360 Requirements. All front yards shall be landscaped in accordance with Section 9.140. All front yards (exclusive of accessways and other permitted intrusions) are required to be landscaped prior to issuance of an occupancy permit or final building inspection approval. A temporary occupancy permit may be issued if the developer posts a bond with the City. In all residential districts except Rural Residential (RR), minimum landscaping acceptable per 50 lineal feet (or portion thereof, deducting the width of the driveway) of street frontage is:

- (1) ~~One tree at least six feet tall.~~
- (2) ~~Four 1-gallon shrubs or accent plants.~~
- (3) ~~The remaining front yard area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).~~

**ARTICLE 4**  
**COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

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

Commercial, Office and Industrial Zoning Districts									
Use Categories (See Article 22 for use category descriptions)	Spec. Cond.	OP	NC	CC	RC	TD	IP	LI	HI
<b>OTHER CATEGORIES</b>									
<u>Satellite Dish, Other Antennas, and Communication Facilities &lt; 50 ft.</u>	<u>23</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Communication Facilities >= 50 ft.	23	N	N	CU	S	CU	CU	S	Y

**SPECIAL CONDITIONS**

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

- (23) Communication Facility Placement Standards. Where allowed, Communication Towers and Poles over 50 feet in height when measured from the ground or over 15 feet above a rooftop are not permitted in front yard setbacks and must meet the standards in Section 8.500.



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

- (a) Antennas or antenna supports, satellite dishes and monopoles shall not be located within any front yard setback area or within any required landscape buffer yard.
- (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
- (c) Antennas used to display sign messages shall conform to all district sign regulations in 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 by conditional use review, Type II process.
- (e) See Section 8.500 for additional design standards for all telecommunications facilities.

**DEVELOPMENT STANDARDS**

**OUTSIDE STORAGE**

4.290 General.

- (5) Where outside storage is permitted,
  - (a) Materials and equipment stored as permitted in this subsection may be no more than 14 feet above the elevation of the storage area.
  - (b) Outside storage over six feet tall must be screened ~~by landscaping~~ in accordance with 9.250.

**ARTICLE 5**  
**MIXED USE ZONING DISTRICTS**

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

Use Categories (See Article 22 for use category descriptions)	Spec. Cond.	MUC	WF	HD	CB	LE	PB	MS	ES	MUR
<b>OTHER CATEGORIES</b>										
<u>Satellite Dish, Other Antennas, and Communication Facility &lt; 50 ft.</u>	<u>20</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
Communication Facility >= 50 ft.	<del>20</del> <u>21</u>	CU	N	N	<del>CU-21</del> <u>CU-21</u>	<del>CU-21</del> <u>CU-21</u>	<del>CU-21</del> <u>CU-21</u>	N	<del>CU-21</del> <u>CU-21</u>	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

**SPECIAL CONDITIONS**

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

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- (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 roof top 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 shall be located within any front yard setback area or within any required landscape buffer yard.
  - (b) Dish antennas larger than three feet in diameter, and located within ten feet of a residential lot line or visible from a public street, shall be screened with a six-foot solid screen fence, wall, hedge, or other landscaping.
  - (c) Antennas used to display sign messages shall conform to all district sign regulations in addition to the above.
  - ~~(d) Towers are not permitted.~~
  - (d)(e) 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) ~~In CB, LE, PB and ES, e~~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 III process. No communication structure is allowed in any front setback. Article 8 for telecommunication facility design standards also apply.

**ARTICLE 6**  
**NATURAL RESOURCE DISTRICTS**

**HILLSIDE DEVELOPMENT**

- 6.170 Purpose. The Hillside Development overlay district (/HD) is intended to regulate the development of potentially hazardous terrain, minimize public and private losses due to earth movement hazards in specified areas, and minimize erosion and related environmental damage. It is not the intent of Hillside Development standards to transfer density within a development.
- 6.180 Applicability. The Hillside Development standards apply to any property proposed for development that has slopes of 12 percent or greater as shown on Plate 7 of the Albany Comprehensive Plan. Where Plate 7 shows that there are slopes 12 percent or greater on a property, the applicant may choose to submit a topographic survey, prepared and stamped by a licensed surveyor or civil engineer, showing two-foot contour intervals for the entire site. If the applicant chooses to submit survey information, and the survey indicates that the property does not contain slopes 12 percent or greater, the Hillside Development standards will not apply.
- 6.190 Procedure. Hillside Development is reviewed as part of the land division, Site Plan Review, or conditional use application processes as a Type III procedure, except development that only requires a building permit is reviewed as a Type I procedure.

**ARTICLE 8**  
**DESIGN STANDARDS**

**MULTIPLE FAMILY DEVELOPMENT**

- 8.230 Private Open Space. In all newly constructed multiple family developments except in the CB, HD and LE zoning districts and assisted-living and nursing home developments, private open space

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shall be provided as follows:

### COMMERCIAL AND INSTITUTIONAL SITE DESIGN

8.380 Large Parking Areas. The amount of parking needed for larger commercial development can result in a large expanse of pavement. Landscaping in a parking area shall be incorporated in a manner that is both attractive and easy to maintain, minimizes the visual impact of surface parking, and improves environmental and climatic impacts (Figure 8-6). In addition to the provisions of Article 9, the following standards apply to commercial development when more than 75 parking spaces are proposed and/or modified.

- (1) Walkways are necessary for persons who will access the site by walking, biking or transit. A continuous pedestrian walkway at least 7 feet wide shall be provided from the primary frontage sidewalk to the customer entrance for each building. This internal walkway shall incorporate a mix of landscaping, benches, drop-off bays and bicycle facilities for at least 50 percent of the length of the walkway. The walkways must be designed for access by disabled persons. If the walkway crosses a parking area or vehicle aisle, the standards in Subsection (2) below apply.
- (2) For the safety of pedestrians, parking lots shall be designed to separate pedestrians from vehicles and include protected pedestrian walkways from parking areas to building entrances. Walkways shall be protected by landscaping, curbs or parking bumpers. ~~Walkways shall be at least 7 feet wide with no car overhang or other obstruction; 9' 6" for car overhang on one side; 12 feet for car overhang on both sides.~~ Walkways may cross a vehicle aisle if distinguished by a color, texture or elevation different from the parking and driving areas. Walkways shall not share a vehicle aisle.

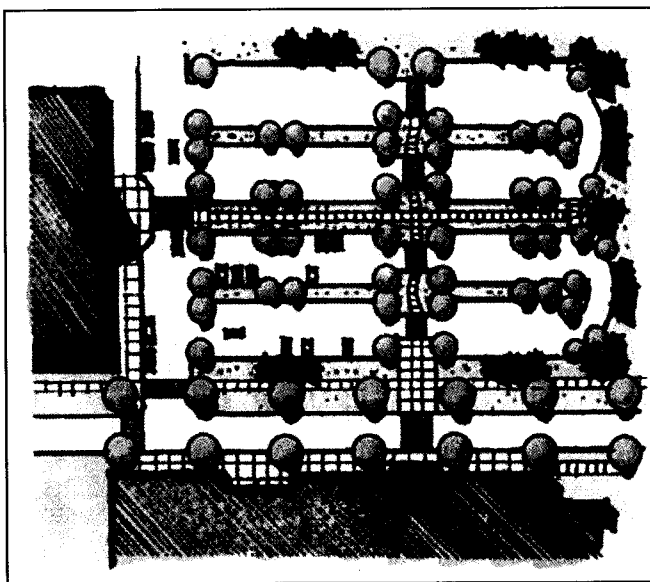


FIGURE 8-6. Sample parking area landscape design.

- (3) The parking area shall be divided into pods of no more than ~~75~~ 50 spaces each with landscape strips, peninsulas, or grade separations to reduce the visual impact of large expanses of paving, to direct vehicular traffic through the parking lot, and to provide a location for pedestrian walkways.
- (4) Pods may have access at one or both ends. A pod may be U-shaped with double access at one end.
- (5) Pods shall be separated with physical breaks by providing one or more of the following: building pads, pedestrian walkways, landscape strips, landscaped pedestrian walkways, interior streets or accessways.

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- (a) Pedestrian walkways used for pod separation shall have a minimum unobstructed width of 5 feet with no car overhang; 7' 6" wide for car overhang on one side; or 10 feet wide with a car overhang on both sides.
  - (b) Landscape strips used for pod separation shall have a minimum landscape strip width of 5 feet with no car overhang; 7' 6" wide for car overhang on one side; or 10 feet wide with a car overhang on both sides.
  - (c) Landscaped pedestrian walkways used for pod separation shall have a minimum unobstructed walkway width of 5 feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of 5 feet when provided.
  - ~~(a) Landscape strips between parallel parking rows that are at least 5 feet wide with no car overhang and 10 feet wide with a car overhang. When incorporating pedestrian walkways, the strips shall be at least 20 feet wide to accommodate vehicle overhangs, walkways, lights, posts and other appurtenances.~~
  - ~~(b) Building pads, landscaped pedestrian walkways, interior streets or other site features.~~
- (6) Landscaping for large parking areas shall consist of at least seven (7) percent of the total parking area plus one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.

## ARTICLE 9

### ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

#### OFF-STREET PARKING

- 9.120 Parking Area Improvement Standards. All public or private parking areas, loading areas and outdoor vehicle sales areas must be improved based on the following standards:
- (13) Bicycle Parking. Bicycle parking space requirements are as follows:
    - (a) For multiple-family dwellings (three or more units) – one space per four units.
    - (b) For industrial development – one space for every 10 automobile spaces required.
    - (c) For commercial or office development - ~~at least two spaces, plus~~ one space for every 10 automobile spaces required with a minimum of two spaces.

#### LANDSCAPING

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

- (1) Landscaping Required – Residential. All front setbacks (exclusive of accessways and other permitted intrusions) ~~are required to~~ must be landscaped or have landscaping guaranteed in accordance with ADC 9.190 before an occupancy permit will be issued or final building permit approved. In all residential districts except Rural Residential (RR), the minimum landscaping acceptable for every 50 lineal feet of street frontage (or portion thereof, deducting the width of the driveway) is:
  - (a) One tree at least 6 feet tall.
  - (b) Four 1-gallon shrubs or accent plants.
  - (c) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs).
- (2) Landscaping Required – Non-Residential. All required front and interior setbacks, (exclusive of accessways and other permitted intrusions), must be landscaped or have landscaping guaranteed in

Proposed code amendments are written in red with additions underlined and deletions in ~~strike-out~~.

accordance with ADC 9.190 before an occupancy permit will be issued. Minimum landscaping acceptable for every 1,000 square feet of required setbacks in all commercial industrial districts is as follows:

- (a) One tree at least 6 feet tall for every 30 feet of street frontage.
- (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
- (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
- (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.

9.190 Completion Guarantees. ~~Final~~ Occupancy of a development that required land use approval may be allowed prior to the complete installation of all required landscaping and irrigation only under the following circumstances:

~~(1) Occupancy is requested between December 1 and March 1.~~

~~(1)(2)~~ A security is provided to the City equal to 110 percent of the cost of the labor and materials (plants, ground covers, and any required irrigation) that have not been installed, as verified in writing by a landscape contractor. Security may consist of a performance bond payable to the City, cash, certified check, time certificate of deposit, or lending agency certification that funds are being held until completion or such other assurances as may be approved by the Director and City Attorney. Where a financial assurance is provided for landscaped areas with post-construction stormwater facilities under subsection ~~(4)(5)~~ below, no additional security under this subsection is required for that part of the landscaping.

~~(2)(3)~~ The required landscaping and irrigation shall be installed within six months of the date the final occupancy permit is issued. If an occupancy permit is not required, the landscaping and irrigation shall be installed within six months of the date of the land use approval. The applicant and City agree to a specified installation completion date. The date chosen will be the soonest date possible after it is safe to plant (i.e. chance of freezing has passed).

~~(3)(4)~~ To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned.

~~(4)(5)~~ Required post-construction stormwater quality facilities incorporated into the required landscaped areas have been completed (or financially assured) consistent with Title 12 of the Albany Municipal Code and applicable post-construction stormwater quality permits.

Amendments to the Albany Development Code (ADC)

**EXHIBIT A**

Proposed code amendments are written in red with additions underlined and deletions in ~~strike-out~~.

**TABLE 9-4. Buffer and screening matrix**

BUFFER MATRIX	PROPOSED USE								
	Detached dwelling	Attached dwelling 1-story	Attached dwelling 2+ stories and multi-family	Manufactured home park or subdivision	Commercial/professional or mixed-use	Industrial Park use	Light Industrial use	Heavy Industrial use	Parking lot with at least 5 spaces
Dwellings in RR, RS-10, RS-6.5, RS-5, and HM, RM, MUR and RMA districts	0'	0'	10'	0'	10' S	30' S	30' S	40' S	10' S
Dwellings in RM, MUR and RMA	<del>0'</del>	<del>0'</del>	<del>10'</del>	<del>0'</del>	<del>10' S</del>	<del>30' S</del>	<del>30' S</del>	<del>40' S</del>	<del>10' S</del>
Manufactured home park or subdivision in any district	0'	0'	0'	0'	10'S	30'S	30'S	40'S	10'S
Any arterial street (2)	10' S	10' S	10' S	10' S (1)	10'	10'	10'	10'	10'
Commercial or professional uses, or commercial and mixed use districts	10'	10'	10'	10' S	0'	20'	0'	20' S	0'
Industrial Park District	20'	20'	20'	20'S	0'	0'	0'	5'	0'
Light Industrial District	30' S	30' S	30' S	30' S	0'	20'	0'	0'	0'
Heavy Industrial District	40' S	40' S	40' S	40' S	20'	20'	0'	0'	0'
Any parking lot with at least 5 spaces	10' S	5' S	5' S	5' S	0'	0'	0'	0'	0'

"S" indicates screening required. (1) See Section 10.270(2)(c) for buffering and screening along arterials and collectors. (2) The buffer/screening standard does not apply along arterial streets where it conflicts with other provisions of this code. [Ord. 5445, 4/12/00]

**FENCES**

9.380 Standards. Fences and walls shall meet the following standards. If a fence or wall is used to meet required screening, it shall meet the provisions in Section 9.385.

Standards for All fences:

(5) In no instance or zone shall a fence exceed 8 feet except when permitted in 9.370.

Fences over ~~6~~ 7 feet tall require a building permit prior to construction. Fences over 6 feet tall shall meet building setbacks, except when permitted along property lines in Sections 9.370(4)(d) or permitted in required setbacks in 9.380(3)(a).

**ARTICLE 10****MANUFACTURED HOME DEVELOPMENT STANDARDS****RECREATIONAL VEHICLE PARKS**

10.520 Where Permitted. Recreational vehicle (RV) parks are permitted in the CC, RM and RMA districts with a conditional use approval. RV parks are also permitted in the LI and TD district with Site Plan Review approval.

10.530 Procedure. An application for conditional use approval of a proposed RV park will be processed through the ~~Type II~~ Type III procedure. Applications for Site Plan Review approval will be processed through the Type I-L procedure.

10.540 Recreation Vehicle (RV) Park. RV parks shall be built to the following standards and comply with state standards in effect at the time of construction:

- (1) The space provided for each RV must be a minimum of 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than RVs and landscaped areas.
- (2) Roadways must be at least 30 feet wide if parking is permitted on the margin of the roadway, or 24 feet wide if parking is not permitted on the edge of the roadway. Roadways must be paved with asphalt, concrete, or similar impervious surface and designed to permit easy access to each RV space.
- (3) A space provided for an RV must be covered with crushed gravel or paved with asphalt, concrete, or similar material and be designed to provide runoff of surface water. The part of the space not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel provided the area is landscaped or otherwise treated to prevent dust or mud.
- (4) All RV spaces must be provided with public water and sewer. An RV staying in the park must be connected to the water and sewer utilities provided by the park if the vehicle has equipment needing such service.
- (5) All RV spaces must be provided with electrical service.
- (6) Trash receptacles for the disposal of solid waste materials must be provided in convenient locations for the use of guests of the park and be of sufficient quantity and capacity so that there is no uncovered accumulation of trash at any time.

~~(7) No RV shall remain in the park for more than six months in any twelve month period.~~

**ARTICLE 11**  
**LAND DIVISIONS AND PLANNED DEVELOPMENTS**

**GENERAL PROVISIONS**

11.030 Relationship to Other Local Regulations. All proposed development governed by this article must meet the **underlying zoning district standards, applicable lot and block standards under this Section, the** applicable on-site improvements of Article 9 (e.g., off-street parking, landscaping, buffering and screening), the applicable Natural Resource District Requirements of Article 6 (e.g., open space, floodplain, hillside development, significant wetlands, habitat assessment, riparian corridor, and Willamette River Greenway), and the post-construction stormwater quality requirements in Title 12 of the Albany Municipal Code.

11.065 Recording Final Plats. Once city approval is granted for a final plat, it must be recorded ~~within 45 days~~ with the Linn or Benton County Records Division, ~~unless an extension is approved by the City and the County Surveyor's Office. If the final plat is not recorded within 45 days, it expires.~~

**LOT AND BLOCK ARRANGEMENT**

11.090 Lot and Block Arrangements. In any single-family residential land division, lots and blocks shall conform to the following standards in this Article and other applicable provisions of this Code:

- (8) ~~Cul-de-sac lots are limited to five lots or units with access on a cul-de-sac bulb except that additional lots or units may be permitted when one additional off street parking space is created for each unit that has access on a cul-de-sac bulb.~~ The minimum frontage of a lot on a cul-de-sac shall be 22 feet as measured perpendicular to the radius.
- (9) Flag lots are ~~discouraged and~~ allowed only when absolutely necessary to provide adequate access to buildable sites and only where the dedication and improvement of a public street **is determined by the City Engineer to be not feasible or not practical. cannot be provided.** The minimum width for a flag ~~lot~~ is 22 feet, except when ~~point~~ access is shared by an access and maintenance agreement in which case each lot shall have a minimum width of 12 feet and a combined minimum of 24 feet.

**PROPERTY LINE ADJUSTMENTS**

11.130 Submittal Requirements. An application for a property line adjustment **shall include the following:**

- (1) ~~consists of a~~ completed application form, signed by all property owners involved in the proposed adjustment, ~~and a map showing the following details:~~
- (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; and**
- (3) **A map showing the following details:**
  - a) The scale, north point and date of the map.
  - b) The County Assessor's tax map and lot number identifying each parcel involved in the adjustment.
  - c) The location, width and purpose of any easements and driveway access to public right-of-way, existing or proposed.



Proposed code amendments are written in red with additions underlined and deletions in ~~strike-out~~.

- d) The area, before and after the property line adjustment, of each parcel.
- e) The proposed property lines and dimensions of each parcel.
- f) Existing and proposed utility services and stub locations, including water, sanitary sewer, drainage, power, gas and telephone.
- g) Adjacent rights-of-way with width shown.

**SUBDIVISIONS AND PARTITIONS**

11.180 Tentative Plat Review Criteria. Approval of a tentative subdivision or partition plat 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 proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Section.**
- ~~(1)~~(2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- ~~(2)~~(3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- ~~(3)~~(4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- ~~(4)~~(5) The location and design allows development to be conveniently served by various public utilities.
- ~~(5)~~(6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

**ARTICLE 12**  
**PUBLIC IMPROVEMENTS**

**STREETS**

12.120 Rights-of-Way and Roadway Widths. Unless otherwise indicated on an approved street plan or in Section 12.130, the street right-of-way and roadway widths shall not be less than the minimum shown below in Table 12-1. Where a range is indicated, the width shall be determined by the City Engineer. Reductions in roadway width may be allowed to facilitate curb extensions required for approved street side post-construction stormwater quality facilities in the landscape strip/planter area. Reductions require approval of the City Engineer.

**TABLE 12-1. Street right-of-way and roadway width requirements.**

<b>Type of Street</b>	<b>Minimum Rights-of-Way Width</b>	<b>Minimum Roadway Width</b>
Arterial	70-120 feet	40-70 feet
Collector	60-80 feet	36-48 feet
Local*	<u>52</u> <del>42</del> -56 feet	<del>22</del> <u>28</u> -32 feet
Radius for turnaround at end of cul-de-sac	43 feet	36 feet
Alley	14-20 feet	12-20 feet

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

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

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

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

~~(2) Optional Design for Minor Local Streets. In lieu of the standard design in subsection (1), a minor local street may have a 28-foot wide paved surface within a 52-foot right of way, with parking on both sides, when the following performance standards are met:~~

~~(a) Provisions are made to ensure that emergency response vehicles have adequate access to all properties on the street. A 40-foot long clear area must be provided for every two properties along each side of the street. The clear area may be created with parking restrictions created by adjoining driveways or other method approved by the City Engineer.~~

~~(b) The street will have fewer than 1,000 average daily trips per day (ADT) when all future street connections are made.~~

Proposed code amendments are written in red with additions underlined and deletions in ~~strike-out~~.

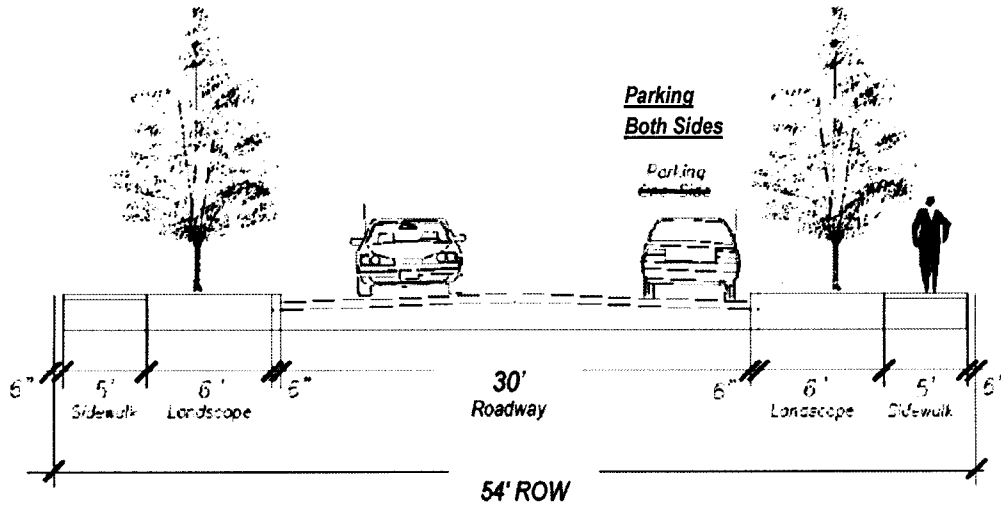


Figure 1: Minor Local Street

- (23) Network Local Streets. A network local street will have more than 1,000 ADT. The standard design is a ~~28~~ 32-foot-wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a ~~52~~ 56-foot right-of-way. A parallel 7-foot public utility easement is dedicated on each side of the street unless waived by the City Engineer. Parking is allowed on both sides ~~restricted to one side~~ of the street. See Figure 2.

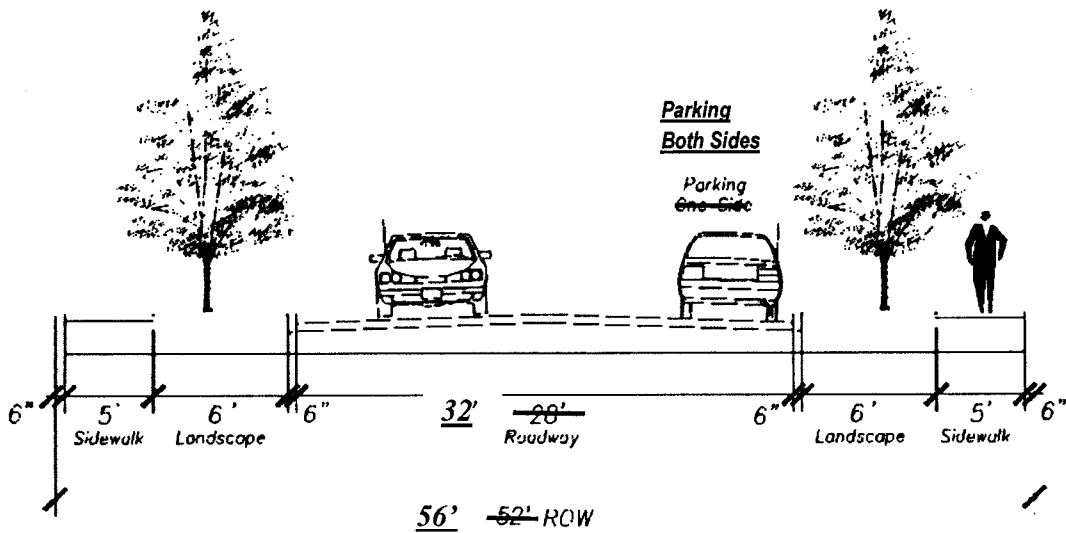
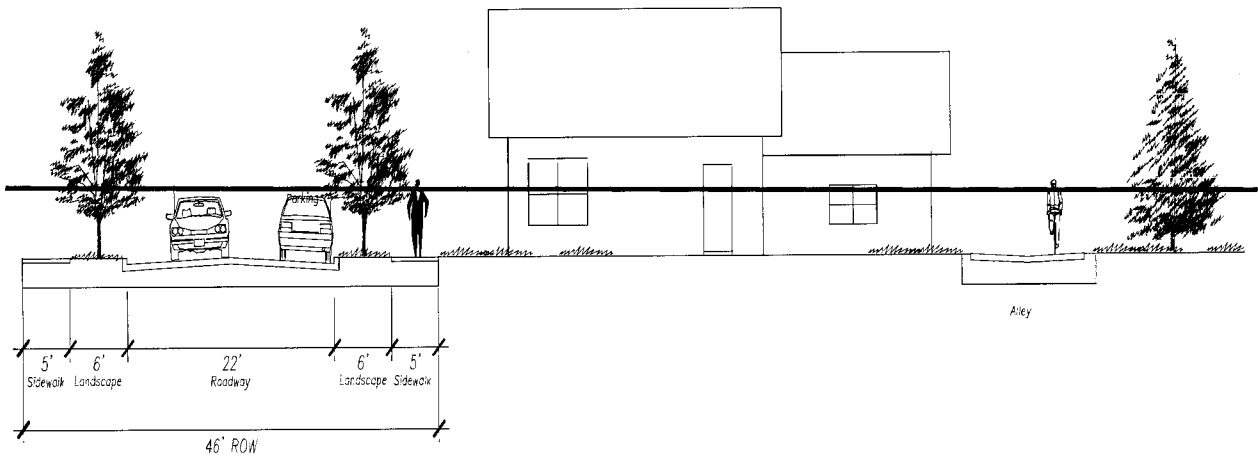


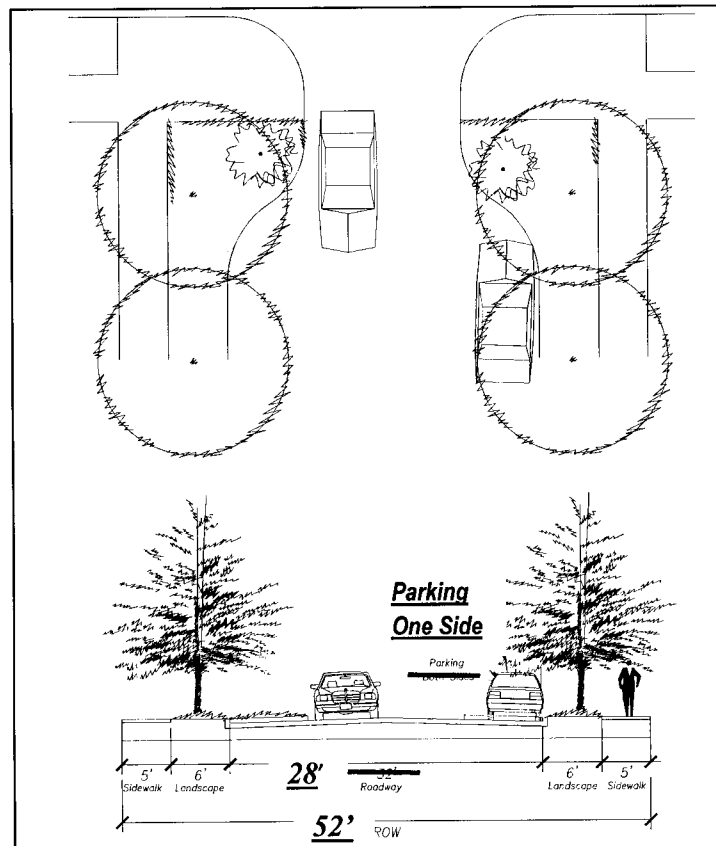
Figure 2: Network Local Street

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

Proposed code amendments are written in red with additions underlined and deletions in ~~strike-out~~.



**Figure 3: Alley Option**



**Figure 3:4: WideNarrow Local Street Option**

**(3)(5) Narrow Local Street Option. The City Engineer may approve a narrow network local street design with a 28-foot wide paved surface with curb and gutter, a 6-foot landscape strip, and a 5-foot sidewalk on each side within a 52-foot right-of-way. A parallel 7-foot public easement is dedicated on each side of the street unless waived by the City Engineer. Parking is restricted to one side of the street. See Figure 3. ~~Wide Local Street Option.~~ A wider local street (32-foot paved surface) may be proposed to accommodate parking on both sides of the street. Additional pedestrian amenities, such as bulb-outs at intersections and larger street trees, will be required as a condition of the subdivision or planned development approval to offset the wider street section. See Figure 4.**

12.180 Clear Vision Area. A clear vision area must be maintained at each access to a public street and on each corner of property at the intersection of two streets or a street and a railroad. No fence, wall, hedge, sign, or other planting or structure that would impede visibility between the heights of 2 and 8 feet shall be established in the clear vision area. Visibility is not considered impeded by a fence where materials are 35 percent or less of the surface area of that portion of the fence above 2 feet. Fence posts spaced at 8 feet or more apart are not counted as part of the fence surface area. Height measurements shall be made from the top of the curb or, when no curb exists, from the established street center line grade.

- (1) The clear vision area provisions do not apply to the following:
  - (a) a public utility pole,
  - (b) a tree trimmed (to the trunk) to a line at least eight feet above the level of the intersection,
  - (c) another plant species of open growth habit that is not planted in the form of a hedge and that is planted and trimmed to leave at all seasons a clear and unobstructed cross-view,
  - (d) a supporting member or appurtenance to a permanent building lawfully existing on the date this standard becomes effective,
  - (e) an official warning sign or signal,
  - (f) the post section of a pole sign when there are no more than two posts and any post is less than eight inches in diameter, and
  - (g) existing or new buildings that meet the minimum setbacks.

~~(2) A clear vision area consists of a triangular area, two sides of which are lot lines or a driveway and a lot line for a distance specified in this section, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides (See illustration below, Figure 6). The measurements in Table 12-4 below shall establish the clear vision areas:~~

- (2) A clear vision area consists of a triangular area.
  - (a) For residential local streets and driveways, two sides of the clear vision area are lot lines or a driveway for a distance specified in Table 12-4 below, with a third line running diagonally across the non-intersecting ends of the two sides (see illustration below, Figure 6). Where lots have rounded corners, the lot lines shall be extended in a straight line to a point of intersection.

TABLE 12-4. Measurements for establishing clear vision areas.

Type of Intersection	Measurement Along Each Lot Line or Drive Edge <sup>‡</sup>
Controlled Intersection (stop sign or signal)	20 feet
Uncontrolled Intersection	30 feet
<del>Commercial and Industrial District driveways</del>	<del>20 feet</del>
Residential <del>District</del> driveways	15 feet
Alley (less than 25 feet)	20 feet

~~*‡ When two or more streets of different right-of-way width intersect, the distance to be measured along the lot lines shall be the distance specified for each type street.*~~

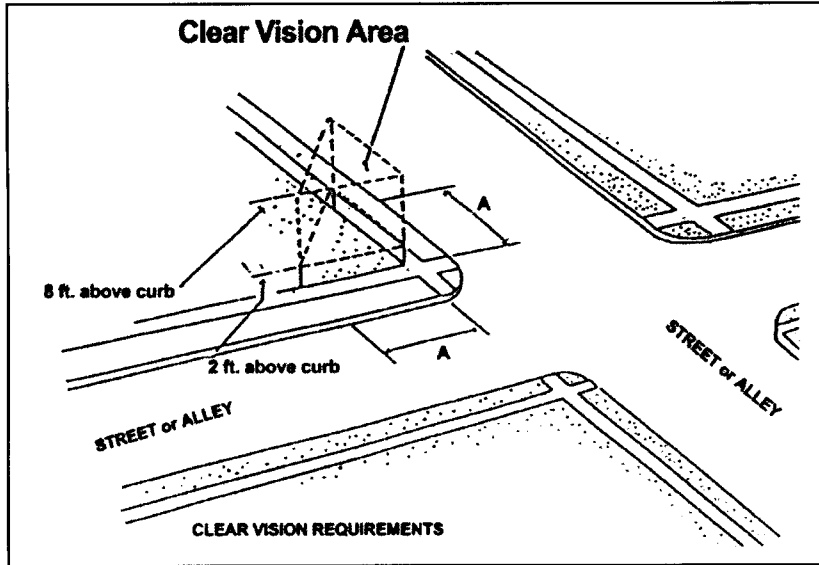


Figure 6. Example clear vision area.

- (b) For non-residential local streets and driveways and all intersections involving collector and arterial streets, the clear vision area shall be a triangular area providing the sight distance specific in the Table 12-5 below.

TABLE 12-5. City sight distance requirements.

Posted Speed (mph)	Sight Distance (ft) <sup>(1)</sup>		
	2-3 Lane Stop Control	4-5 Lane Stop Control	2-5 Lane Signal Control
20	200	225	225
25	250	275	300
30	300	350	375
35	350	400	475
40	400	450	575
45	450	500	700
50	500	550	850
55	550	625	1,000
60	600	675	1,150

- (1) Measured along the center of the approaching travel lanes, as observed from a point 15 feet back from the edge of the closest vehicle travel lane.

12.200 Street Abutting New Development. Section of existing streets that directly abut a new development and do not meet City Standards shall be constructed to City Standards. The City Engineer may approve construction of a partial-width street, provided that the design is determined to be adequate to accommodate needed public facilities, storm drainage runoff, traffic volumes, and traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street. For purposes of this section, “development” ~~means a land division, new commercial or industrial development, construction of multi-family residential units, or a manufactured home or recreational vehicle park.~~ does not include the construction of a single family home or a duplex on an existing lot.

**ARTICLE 22**  
**USE CATEGORIES AND DEFINITIONS**

**RESIDENTIAL USE CATEGORIES**

22.270 Assisted Living Facility

Assisted Living facilities are places that provide housing, personal care or assistance to unrelated residents that need help with activities of daily living, who are usually elderly or disabled persons. At least one person ~~resides on the site that is~~ responsible for providing daytime care, protection, supervision, monitoring and/or training or treatment of residents is present on the site at all times. Larger group-living facilities may offer shared facilities for eating, hygiene and/or recreation. Tenancy is for longer than one month.

- (1) *Use Examples.* Types of uses include, but are not limited to: nursing and convalescent homes; life care or continuing care services, hospice care facility, dementia care and assisted living facilities.
  - (a) Retirement housing units that are separate units and are owner-occupied or rented are classified as Single-Family and Two-Family or Three or More Units.
  - (b) Lodging where tenancy may be arranged for periods of less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged on a short-term basis may be classified as a Community Service use (such as short-term housing or homeless shelters).



## COMMUNITY DEVELOPMENT DEPARTMENT

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### NOTICE OF DECISION

#### GENERAL INFORMATION

DATE OF NOTICE: December 9, 2016

FILE: DC-03-16

TYPE OF APPLICATION: Albany Development Code Text Amendments (Legislative Amendments):  
The proposal includes a variety of text amendments intended to streamline, clarify, remove barriers to development, and meet legal consistency requirements.

REVIEW BODIES: Planning Commission and City Council (Type IV land use process)

APPLICANTS: City of Albany, Community Development Department

ADDRESS/LOCATION: Not Applicable

On December 7, 2016, the Albany City Council adopted Ordinance No. 5886 to amend the Albany Development Code as described above.

A copy of Ordinance No. 5886 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Project Planner Melissa Anderson at 541-704-2319.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830 a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.



Mayor

#### Attachments:

- Ordinance No. 5886 with Associated Exhibits