



ORDINANCE NO. 6018

AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN, AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND DEVELOPMENT CODE AND ADOPTING FINDINGS, AND DECLARING AN EMERGENCY

WHEREAS, from time to time it is appropriate to amend the Albany Comprehensive Plan and the Albany Development Code to plan for future needs or changing conditions; and

WHEREAS, in 2020, Oregon Governor Kate Brown issued Executive Order 20-04 directing state agencies to take actions to reduce and regulate Oregon's greenhouse gas emissions especially from the transportation sector by transitioning to cleaner vehicles, cleaner fuels, and promoting less driving; and

WHEREAS, the Oregon Land Conservation and Development Commission (LCDC) launched the Climate-Friendly and Equitable Communities (CFEC) rulemaking in response to Governor Brown's order and directed the Department of Land Conservation and Development Department to draft changes to Oregon's planning and transportation rules for communities in Oregon's eight metropolitan areas, including Albany; and

WHEREAS, the LCDC adopted rules to implement the CFEC program on July 21, 2022; and

WHEREAS, the proposed development code amendments will remove vehicle parking requirements for development within the City limits to conform with Oregon Administrative Rules (OAR) 660-012-0400, establish maximum parking standards as required in OAR 660-012-0405, and update bicycle parking requirements to comply with OAR -660-012-0630; and

WHEREAS, the City will ensure that new development supports electric vehicle charging as required in OAR 660-012-0410 and Oregon Revised Statutes 455.417; and

WHEREAS, new parking lot developments must provide carpool and vanpool parking, and parking lots larger than a quarter acre must comply with OAR 660-012-0405 to mitigate impacts from transportation pollution and ensure pedestrian and bicycle safety; and

WHEREAS, the City shall encourage redevelopment of existing parking lots to other uses per OAR 660-012-0405; and

WHEREAS, the proposed CFEC amendments will add policies and implementation methods to the Albany comprehensive plan, and will amend the Albany development code to comply with parking reform requirements in the OAR; and

WHEREAS, the Albany Planning Commission and Albany City Council served as the project advisory committee for the parking reform requirements in the CFEC rules and held joint work sessions on August 8, 2022; February 13, 2023; and March 6, 2023; and provided guidance and feedback on the proposed amendments; and

WHEREAS, a notice of the planning commission and city council public hearings was published in the Albany Democrat-Herald on April 17, 2023; and

WHEREAS, on May 1, 2023, the Albany Planning Commission held a public hearing regarding the CFEC parking reform amendments, considered public testimony, deliberated on the proposed amendments, and recommended approval based on findings of fact presented in the staff report and evidence presented during the public hearing; and

WHEREAS, on May 24, 2023, the Albany City Council held a public hearing on the proposed CFEC parking reform, reviewed the findings of fact and testimony presented at the public hearing, and deliberated; and

WHEREAS, in order to comply with parking reform amendments in Oregon Administrative Rules 660-012-0400, 660-012-0405, and OAR 660-012-0415 through 660-012-0450, by June 30, 2023, the city is declaring an emergency.

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

Section 1: The Albany Comprehensive Plan Chapter 1 Natural Resources, Chapter 4 Housing, Chapter 5 Transportation, Chapter 8 Urbanization, and Chapter 9 Land Use Planning are hereby amended as shown in attached Exhibit A to add CFEC policies and implementation methods. (planning file CP-02-23)

Section 2: The Albany Development Code text is hereby amended as shown in attached Exhibit B for the following articles: Article 1 Administration, Article 2 Review Criteria, Article 3 Residential Zoning Districts, Article 4 Commercial and Industrial Zoning Districts, Article 5 Mixed Use Zoning Districts, Article 8 Design Standards, Article 10 Manufactured Home Development Standards, Article 11 Land Divisions and Planned Developments, and Article 22 Use Categories and Definitions. (planning file DC-02-23)

Section 3: The findings of fact and conclusions included in the staff report and attached as Exhibit C are hereby adopted in support of the decision.

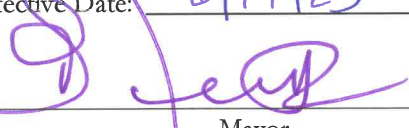
Section 4: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany and these changes shall be made to the Albany Comprehensive Plan and Albany Development Code.

Section 5. In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this ordinance shall take effect and be in full force and effect when signed by the mayor.

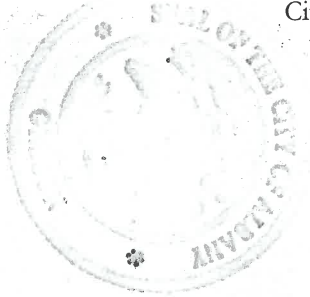
Passed by the Council: 6/14/23

Approved by the Mayor: 6/14/23

Effective Date: 6/14/23

  
\_\_\_\_\_  
Mayor

ATTEST: Allison Luesse  
\_\_\_\_\_  
City Clerk



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*The CFEC rules require the City to have policies that support reduced parking, maximum parking standards, shared parking, electric vehicle charging, and encouraging the conversion of underused parking areas to other uses. Many existing policies support the CFEC rules and creating climate friendly areas. A few new goals, policies and implementation methods are proposed to support state transportation and CFEC rules.*

## CHAPTER 1: NATURAL RESOURCES

### GOAL 6: AIR, WATER, AND LAND RESOURCES QUALITY

#### WATER QUALITY

#### GOALS, POLICIES, & IMPLEMENTATION METHODS

##### GOAL

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

##### POLICIES

1. Require all new or expanding developments to comply with applicable water quality standards, using assistance where available from the Department of Environmental Quality, county Environmental Health Departments, etc.
2. Cooperate with local, state, and federal agencies that have primary responsibility to assist in minimizing the quantity of pollutants (from point or non-point sources) entering the surface streams, lakes, and groundwater.
3. Encourage state and county health agencies to monitor water quality in local streams, lakes, and aquifers to publicize any findings of potential public hazard and to provide background level information.
4. Support and coordinate with state and federal agencies' plans to contain and subsequently clean up toxic waste spills and/or contamination of area surface or ground waters.
5. Wherever feasible, facilitate the extension of sanitary sewer systems to areas within the Urban Growth Boundary where failing septic systems are causing groundwater or aquifer pollution problems, provided commitments to annexation can be obtained.
6. Support development that limits unnecessary increases in the percentage of impervious surfaces.

##### IMPLEMENTATION METHODS

1. Review any treatment facility plans to ensure compliance with state and local water quality standards.
2. Develop policies in conjunction with Benton County and state agencies to protect the North Albany aquifer. Wherever possible, improve existing systems and do not allow new septic tank systems which would increase aquifer pollution levels.
3. In conjunction with Linn and Benton Counties, impose area-specific moratoriums on new septic tanks within areas of known high rates of septic system failure or aquifer contamination, such as within the 2a area of North Albany.

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4. Adopt the following standards to reduce peak runoff from impervious areas and maintain pre-develop flow regimes:
  - a. Minimize the proportion of each development site allocated to surface parking and circulation.
  - b. Allow the use of pervious materials and alternative designs where applicable, such as infiltration systems.
  - c. Modify setback requirements to reduce the length of driveways.
  - d. Promote the use of shared driveways to reduce impervious surface in residential development.

## **CHAPTER 4: HOUSING**

### **GOAL 10: HOUSING**

#### **GOALS, POLICIES & IMPLEMENTATION METHODS**

##### **GOALS**

Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

Create a city of diverse neighborhoods where residents can find and afford the values they seek.

##### **POLICIES**

###### GENERAL

1. Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.
2. Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.
3. Provide the opportunity for a wider range of rental and ownership housing choices in Albany and encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.

[Ord. 5968, 1/14/22]

Examples include:

- a. Middle housing types, including duplexes, triplexes, fourplexes, townhouses, and cottage clusters, in areas zoned for residential use. [Ord. 5968, 1/14/22]
- b. Attached single-dwelling unit housing and condominium ownership opportunities in the Waterfront zoning district
- c. The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes.
- d. Mixed housing types and price ranges at a minimum of ten units per acre in Village Center Comprehensive Plan districts.
- e. Neighborhoods with a variety of lot and housing sizes and types.
- f. Accessory dwelling units.
- g. Other actions directed at reducing housing costs which conform to the Comprehensive Plan, including innovative Development Code regulations.

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4. 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.
5. Encourage the use of Cluster and Planned Unit Developments to:
  - a. Promote architecturally appealing and functional land use design.
  - b. Allow flexibility in the placement and uses of buildings, recreation areas, open spaces, streets, utilities, and off-street parking areas.
  - c. Effectively utilize special site features including natural characteristics, location, view, topography, size, or shape of parcels.
  - d. Maintain a development pattern compatible with the surrounding area as determined by the Comprehensive Plan designation.
6. Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.
7. Require residential densities to be commensurate with the availability and adequacy of public facilities and services.
8. Encourage the development of great neighborhoods by:
  - a. Supporting neighborhood identity
  - b. Locating parks, trails, schools, daycare, and churches in close proximity to residences
  - c. Incorporating natural features and spaces into developments
  - d. Connecting and orienting new neighborhoods to Village Centers
9. Encourage new residential developments to provide housing choices that allow for persons to stay within their neighborhoods ("age in place") as their housing needs change.
10. Preserve and enhance Albany's historic housing as a unique and valuable resource.
11. Promote the conservation of existing housing by supporting programs that rehabilitate and upgrade substandard and deteriorating units.
12. Encourage the development of housing with quality craftsmanship and amenities to attract new business as well as keep local business executives within the community.
13. Allow the establishment of bed and breakfast accommodations in existing residential areas when it can be determined the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, and size of structure.
14. Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform to the population and density projections adopted by the City of Albany and where infrastructure is available or can be made available.
15. Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings and overgrown vegetation.
- 15.16. Provide opportunities for higher density residential and mixed-use developments with 1/4 mile of public transportation

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AFFORDABLE, ACCESSIBLE, ELDERLY, AND SPECIAL-OTHER NEEDEDS HOUSING

- ~~16.~~17. Encourage the development of affordable and lower-cost affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory dwelling units, manufactured housing, and middle housing. [Ord. 5968, 1/14/22]
- ~~17.~~18. Recognize groups needing specialized housing such as the elderly, homeless, and other disadvantaged groups when identifying housing programs and opportunities. [Ord. 5968, 1/14/22]
- ~~18.~~19. Encourage providers of transitional housing units, shelters, and single-room occupancy housing to locate near Village Centers, employment centers, and public transportation.
- ~~19.~~20. Comply with federal, state, and local fair housing laws and policies that affirm access to housing opportunities for all persons in Albany.
- ~~20.~~21. Encourage senior housing developments and care facilities to be located in or near Village Centers for improved access to goods, services, and public transportation.

## **CHAPTER 5: TRANSPORTATION**

### GOAL 12: TRANSPORTATION

#### GOALS, POLICIES & IMPLEMENTATION METHODS

##### VISION

A safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality, and natural and built environments.

##### GOALS

1. Provide an efficient transportation system that provides for the local and regional movement of people and goods.
2. Provide a safe transportation system.
3. Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.
4. Provide a transportation system that balances financial resources with community livability and economic vitality.

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## POLICIES

1. Develop a transportation system with improved connectivity where “barriers” such as I-5, railroad, waterways, or neighborhoods reduce transportation system efficiency in terms of travel time and travel distance.
2. Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.
3. Identify and remedy unsafe intersection and roadway locations with known safety issues and ensure the multi-modal transportation system is structurally and operationally safe.
4. Minimize conflicts along high volume and/or high speed corridors.
5. Encourage development design that emphasizes safety and does not create unnecessary conflicts.
6. Improve the quality of available transit service as measured by coverage, hours of service and frequency.
7. Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers
8. Provide direct off-roadway pedestrian and bicycle routes and connections.
9. Maintain and support the Albany airport as a regional facility
10. Maintain and support the Albany Station as a regional facility
11. Preserve and protect corridors of local and regional significance that are identified for vehicular and non-vehicular routes
12. Establish priorities and define the incremental steps needed for investment of ODOT and Federal revenues to address safety and major capacity problems on the State and Interstate transportation system.
13. Eliminate parking minimums to encourage alternative modes of travel.
14. Encourage shared parking to foster more efficient use of land within the city.
15. Require electric vehicle charging capacity and installation of conduit in new developments.

## CHAPTER 8: URBANIZATION

### GOAL 14: URBANIZATION

#### DIRECTING GROWTH GOAL, POLICIES, AND IMPLEMENTATION METHODS

#### GOALS

Achieve stable land use growth which results in a desirable and efficient land use pattern.

Provide climate friendly areas that provide compact, walkable neighborhoods with a mix of residential and commercial uses with access to transit to provide opportunities to meet daily needs within the neighborhood and reduce the reliance on vehicle travel.



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## POLICIES

1. Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).
2. Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.
3. Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.
4. Allow the development of existing lots designated for residential use on the Albany Comprehensive Plan within the unincorporated portion of the Urban Growth Boundary, subject to the following criteria:
  - a. Prior to development of a new residence on a lot that does not meet the designated minimum parcel size for that zone, an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
  - b. Prior to development of a new residence, which requires an urban level of services (such as sanitary sewer or city/service district water), an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
  - c. All applicable county development standards are met including on-site sewage disposal system approval and legal access to a public street.
  - d. An urban conversion plan is submitted for City and County review. The urban conversion plan shall demonstrate the potential division of the property to urban densities and the desired location of streets and points of access.
  - e. The property was not created illegally.
5. Allow expansion or modification of commercial and industrial uses within the unincorporated portion of the Urban Growth Boundary provided that:
  - a. The use is consistent with the City's Comprehensive Plan designation or the modification complies with the more restrictive of the County or City's non-conforming use provisions.
  - b. A site plan is approved by the City of Albany and County, whereby all development requirements of the City and County are met to the maximum extent possible which include:
    - 1) Access, parking, and loading requirements.
    - 2) Setback and yard requirements.
    - 3) Landscaping, buffering, and screening.
    - 4) Adequate public facilities and services.
    - 5) All other applicable planning and building requirements.
  - c. An Annexation Agreement and Petition for Improvement/Waiver of Remonstrance are filed for the property that require non-remonstrance to annexation and construction of city services and streets to urban standards.
6. Maintain and periodically update Urban Growth Boundary Management Agreements with Linn and Benton Counties to facilitate the orderly transition of the Urban Growth Boundary fringe area to urban densities.
7. Provide delayed annexation procedures for new and existing residential development within the



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unincorporated portion of the Urban Growth Boundary to facilitate provision of urban services and an orderly and efficient urbanization.

8. Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.
9. Encourage the use of already serviced vacant and underdeveloped or underutilized land through adaptive reuse and development of older areas of the community and the development and/or partitioning of lots which can meet minimum lot size requirements.
10. The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.
11. Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve. Neighborhood commercial uses shall:
  - a. Be located, designed, and operated so as to be compatible with surrounding residential uses.
  - b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.
  - c. Be limited in number, size, and location. Generally, new sites shall be less than five acres in total area and shall be located at least one-half mile in travel distance from any other commercial site which provides or is available to provide for similar commercial needs. Zone change applications for new neighborhood commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.
12. Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:
  - a. Efficient and safe utilization of transportation facilities.
  - b. A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.
  - c. Compatibility between land uses, particularly adjacent residential neighborhoods.
  - d. Efficient extension of public facilities and services.
13. Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.
14. Within planned unit developments, commercial recreation and retail uses may be allowed which are designed to be compatible with the development and which can be supported primarily by its residents.
15. 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, and permit building configurations which increase the efficiency of energy use.
16. Provide development opportunities for large-scale industrial and commercial development and for people to live in proximity to activity centers, particularly their place of employment.
17. Periodically review and update the Comprehensive Plan to ensure that there is adequate area designated in each land use classification to meet anticipated needs.

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18. Discourage regional shopping centers outside of the Albany Urban Growth Boundary area which are primarily targeted for the Albany market area.
19. Encourage compact, mixed use, and multi-story development that supports walkability, transit, reduced auto-dependency for access to goods and services, and promotes the efficient use of land and public infrastructure.
20. Support the conversion of surplus parking into other uses compatible with the area.

## IMPLEMENTATION METHODS

1. Maintain joint management agreements between the City of Albany and Linn and Benton Counties to ensure continued protection and orderly development of the urbanizing area in conformance with the Comprehensive Plan. Such agreements should include:
  - a. A mutual notification procedure for City or County actions which affect the other jurisdiction.
  - b. Concurrence between the City and County before any Plan or zoning changes affecting the UGB or urbanizable area can occur.
  - c. Establishment of county zoning districts and regulations which ensure that any development which occurs is compatible with or can be easily converted to urban development.
  - d. Methods to arrive at consensus between the City and County regarding planning and development actions of mutual concern.
2. Develop a mechanism to facilitate the coordinated exchange of information between the City and other governmental units and agencies regarding actions within the Urban Growth Boundary including:
  - a. Planning and zoning actions.
  - b. Long-range public facility and economic development planning.
  - c. Capital improvement programs and construction projects.
3. Ensure that Linn and Benton Counties' development regulations discourage premature urban level development within the unincorporated portion of the Urban Growth Boundary and encourage development which occurs to meet the following criteria:
  - a. When land partitioning or subdivision occurs that will result in parcels of less than five acres, an urban conversion plan shall be submitted for City and County review. The urban conversion plan shall demonstrate the potential division of the property to urban densities and the desired location of streets and points of access.
  - b. When applicable, development shall meet City site development standards pertaining to lot size, density, setbacks, lot coverage, and height limitations.
  - c. When parcel divisions or subdivisions occur that result in parcels of less than five acres, an annexation agreement is recorded for the property that provides for non-remonstrance to annexation.
4. Develop procedures for delayed annexations which satisfy both City and County needs and which allow for logical development opportunities in conformance with the Comprehensive Plan.
5. Develop a phasing program associated with the City of Albany Public Facility Plan that considers the following as part of the anticipated extension of services:
  - a. Identification of those areas that are the most logical and cost effective to provide with urban services in the short-range.
  - b. Overall cost to provide services and long-term energy and maintenance costs.

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- c. Provision of adequate facilities to accommodate projected population and economic growth and subsequent intensification in land uses.
  - d. Overall desired urban form, character, and density.
  - e. Conformance with the goals and policies of the Albany Comprehensive Plan.
6. Within the developed and redeveloping areas of Albany, identify neighborhood qualities that are determined by area residents to be desirable and distinctive.
  7. Wherever possible, except for infilling, do not allow for further expansion of existing strip commercial areas and discourage new strip development, including isolated offices and professional facilities. Undertake measures to improve the appearance and safe utilization and operation of existing strip commercial areas by:
    - a. Providing development opportunities for compact and multi-purpose commercial facilities which encourage shopping in a number of stores without auto use.
    - b. Providing for combined access and otherwise limiting the number of access points to major arterials to maintain safety and the smooth flow of traffic.
    - c. Improving pedestrian access and on-site environmental amenities.
    - d. Providing for shared parking opportunities.
    - e. Implementing measures to improve the appearance and overall quality of strip commercial areas.
  8. Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.
  9. Provide residential density bonuses for developments that propose to:
    - a. Provide ~~for~~ well-designed and attractive cluster development.
    - b. Promote energy conservation through site design and architectural measures.
    - c. Utilize alternative energy sources.
  10. Adopt parking maximum standards for commercial, office, and industrial districts, and require spaces above the maximum standard be in underground or in structured parking facilities in developments.
  11. Consider mechanisms for new development to contribute to shared parking in lieu of on-site parking and consider a provision for multi-level parking structures.

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## ARTICLE 9

### ON-SITE DEVELOPMENT AND ENVIRONMENTAL STANDARDS

9.010 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. These standards are intended to create an urban environment that is safe, provides connectivity, furthers energy conservation, and enhances the environment for walking, cycling, and mass transit use. ~~This article contains the following standards:~~

- Off-Street Parking and Loading
- Landscaping
- Tree Protection
- Buffering and Screening\*
- Fences
- Environmental

\*As identified in Section 9.210, in limited circumstances, an applicant can apply for an Adjustment to the Buffering and Screening standards.

[Ord. 5764, 12/1/11; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]

#### *Amendments to Article 9 include:*

- *Removing the minimum parking standards and making those the maximum standards in the downtown area mixed use zones;*
- *Updating the bicycle parking standards to comply with state transportation planning laws;*
- *Adding climate friendly standards to parking lots more than one quarter acre;*
- *Adding carpool/vanpool parking standards;*
- *Requiring EV charging capacity be provided for parking spaces in multi-dwelling developments with 5 or more units;*
- *Moving existing parking and loading standards from other ADC articles to this article and combining them with existing and new standards.*

### OFF-STREET PARKING AND LOADING

9.020 Space Requirements. Off-street parking and loading ~~must be provided for all development in the amounts indicated in Table 9.020-1 subject to any applicable reductions permitted in this Article. All required parking must be developed in accordance with the standards in this Article.~~

[Ord. 5832, 4/9/14; Ord. 5947, 1/01/21]

- (1) Calculating Floor Area for Maximum Parking. The area measured is the combined floor area of each level of a building exclusive of vent shafts, courtyards, stairwells, elevator shafts, restrooms, storage rooms and rooms designed and used for the purpose of storage and operation of maintenance equipment; and covered or enclosed parking areas.
- (2) Employees. The number of employees shall include those working on the premises, plus proprietors, during the largest shift at peak season.
- (3) Fractional Space Requirements shall be counted to the nearest whole space; half spaces will be rounded up.

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- (4) Unspecified Uses and Alternative Standards. When a use is not specifically listed in Table 9.020-1: Parking Requirements, the Director will determine if the use is similar to a listed use in terms of provided parking-needs. When a use is not similar to a use listed in Table 9.020-1 or the applicant has documentation that demonstrates a different parking demand, the Director may approve alternative parking standards. Acceptable documentation may include parking standards from other cities of similar size, company data on parking demand, parking demand studies, or the ITE Parking Generation Manual. [Ord. 5832, 4/9/14; Ord. 5947, 1/01/21]
- (5) Off-street parking for one use shall not be considered as providing parking facilities for any other use except through the provisions of Section 9.080, Joint Use of Parking Facilities.
- (6) Downtown Assessment District. Parking spaces are not required for uses located within the Downtown Off-Street Assessment District as established by separate ordinance. (A map of the district is located at the end of this Article as Figure 9.020-1.) However, improvement of parking areas within this District must comply with the standards of this Article. [Ord. 5947, 1/01/21]
- (7) Site Plan Review may be required for new parking areas or expansions to existing parking areas unless specified in Section 2.430.
- (8) Temporary uses of less than 120 days, as defined in AMC Chapter 5.10 Transient and Itinerant Merchants and Vendors, are not required to meet the standards in this section. [Ord. 5832, 4/9/14]

*The OARs require the city to have a maximum parking standard. The current minimum parking standards will be the maximum standard in most of the downtown area mixed use zones and the maximum parking standard for all other locations is proposed to be 30% more than the maximum for the downtown area zones.*

- (9) ~~Maximum Parking in the ES, Elm Street Medical District.~~ Parking provided with new development in the HD – Historic Downtown, DMU – Downtown Mixed Use, CB – Central Business, LE – Lyon Ellsworth, WF – Waterfront, and the ES – Elm Street zones must not exceed the maximum parking standards provided in Table 9.020-1. Parking provided in all other zoning districts must not exceed 30 percent above the maximum parking limits in Table 9.020-1. ~~shall be only the minimum required. No additional off-street parking will be allowed for development in this district.~~
  - (a) Shared Parking Mixed-Use or Multi-Tenant Developments. In the case of mixed-uses and multi-tenant developments, the total maximum parking requirements for off-street parking are the sum of the requirements for the various uses for which parking is provided, ~~except that the total may be reduced by up to 10 percent of the minimum total requirement.~~
  - (b) Exemptions to Maximum Parking Allowance. The following types of parking do not count toward the maximum amount of parking allowed on a site. This exemption applies only to the quantity requirements in Table 9.020-1 and not to other requirements of this Article. The City may impose conditions to ensure that parking spaces associated with these parking types are appropriately identified and used for their intended purpose.
    - i. Non-surface parking, such as tuck-under parking, underground and subsurface parking, and parking structures may be exempted from the calculations in this section.
    - ii. Parking for a transit facility or park and ride facility.
    - iii. Storage or display areas for vehicle sales.
    - iv. Employee carpool parking when spaces are dedicated or reserved for that use.
    - v. Fleet and company vehicle parking.
    - vi. Single-dwelling and middle housing dwelling units.

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**TABLE 9.020-1  
MAXIMUM PARKING STANDARDS REQUIREMENTS**

USE	<del>MINIMUM</del> <b>MAXIMUM PERMITTED</b> <del>REQUIRED</del>
<b>COMMERCIAL AND RECREATION</b>	
Animal hospitals and clinics and animal grooming salons	1 per 400 <del>sq ft</del> <u>square feet</u>
Banks and financial institutions, real estate services, insurance	1 per 300 <del>sq ft</del> <u>square feet</u> on the first floor plus 1 per 600 <del>sq ft</del> <u>square feet</u> above the first floor
Beauty and barber shops and other personal services	1 per 200 <del>sq ft</del> <u>square feet</u> plus 1 per 3 employees
Entertainment and Recreation: (a) Athletic/fitness gym, billiard or pool hall skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas) (b) Bowling alleys (c) Golf courses (including clubhouses and accessory uses) (d) Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating (e) Swimming pools, aquatic centers	(a) 1 per 300 <del>sq ft</del> <u>square feet</u> (b) 4 per lane (c) Subject to land use review (d) 1 per 4 seating capacity (e) 1 per 200 <del>sq ft</del> <u>square feet</u>
Funeral houses and mortuaries	1 per 4 seats or 8 feet of bench length
Kennels, animal boarding	1 per employee plus 1 per 500 <del>sq ft</del> <u>square feet</u> excluding exercise areas
Laundries and cleaners	1 per 300 <del>sq ft</del> <u>square feet</u>
Motels and hotels	1 per rental unit plus additional as required for accessory uses
Office - Professional: (a) Medical and dental clinics (b) All other business and professional	(a) 1 per 250 <del>sq ft</del> <u>square feet</u> (b) 1 per 400 <del>sq ft</del> <u>square feet</u>
Vehicle repair and fuel or other service stations	1 per 2 employees plus 2 per each service stall
Private clubs, lodges and meeting rooms	1 per 200 <del>sq ft</del> <u>square feet</u>
Radio and television stations and studios	1 per 2 employees plus 1 per 300 <del>sq ft</del> <u>square feet</u> over 2,000 <del>sq ft</del> <u>square feet</u>
Restaurants: a. Carry out, drive-thru or drive-in (b) Sit-down restaurants, taverns, bars, brewpubs, and nightclubs	(a) 1 per 100 <del>sq ft</del> <u>square feet</u> (b) 1 per 200 <del>sq ft</del> <u>square feet</u> including outdoor seating not exempt per 9.030(3).
Retail Sales: (a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment; (b) motor vehicles, trailers, mobile homes, boats, modular houses (c) Greenhouses and nurseries, garden supplies (d) All other retail sales	(a) 1 per 800 <del>sq ft</del> <u>square feet</u> plus 1 per 3 employees (b) 2 per employee (c) 2 per employee (d) 1 per 300 <del>sq ft</del> <u>square feet</u> sales floor area
Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.	1 per 500 <del>sq ft</del> <u>square feet</u>
Self-Serve Storage Units	1 per 100 units, with a minimum of 3, plus 1 per employee/caretaker
<b>INDUSTRIAL</b>	
Air, rail and motor freight terminals	Subject to land use review

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USE	<del>MINIMUM</del> <u>MAXIMUM PERMITTED</u> <del>REQUIRED</del>
Contractors and Industrial Services	1 per 1.25 employees plus 1 per company vehicle
Customer Service/Call Centers	1 per 250 <del>sq ft</del> <u>square feet</u>
Industrial Offices, research or laboratory facilities	1 per 500 <del>sq ft</del> <u>square feet</u>
Manufacturing, production or processing	1 per 2 employees plus 1 per company vehicle
Testing, repairing, cleaning, servicing of materials, goods or products	1 per 2 employees plus 1 per 300 <del>sq ft</del> <u>square feet</u> of patron serving area, plus 1 per company vehicle
Warehousing and wholesale	1 per 2 employees plus 1 per 300 <del>sq ft</del> <u>square feet</u> of patron serving area plus 1 per company vehicle
Wrecking yards and junkyards	1 per employee plus 1 per 10,000 <del>sq ft</del> <u>square feet</u> lot area
<b>INSTITUTIONAL, PUBLIC and SEMI-PUBLIC</b>	
Daycare, Nursery Schools, Kindergarten and Daycare Homes or Facilities	1 per employee plus 1 per 10 persons being cared for
Education: Elementary, junior high and other children's day school	1 per classroom plus 1 per 2 employees
Education: high schools, colleges, universities, and trade or business schools	Subject to land use review
Hospitals	1 per 2 beds plus 1 per staff doctor plus 1 per 2 full-time employees
Jails and Detention Facilities	1 per 5 beds
Libraries, reading rooms, museums, and art galleries	1 per 2 employees plus 1 per 500 <del>sq ft</del> <u>square feet</u>
Parks, open areas, and cemeteries	Subject to land use review
Religious assembly	1 per 6 seats or 12 feet of bench length
<b>RESIDENTIAL</b>	
Assisted Living, Residential Care facilities, Nursing or Convalescent homes	1 per 3 beds at capacity
<del>Single Dwelling Unit Detached</del>	<del>2 spaces</del>
<del>Duplex</del>	<del>1 space per unit</del>
<del>Two Primary Detached Units on One Lot</del>	<del>4 total spaces</del>
<del>Townhouse</del>	<del>1 space per unit</del>
<del>Triplex or Fourplex</del>	<del>1 space per unit</del>
<del>Cottage Cluster</del>	<del>1 space per unit</del>
Multi-Dwelling Unit: Studio and 1-bedroom units	1 space per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: 2-bedroom units	1.5 spaces per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: 3 or more bedroom units	2 spaces per unit, plus 1 visitor space every 4 units
Multi-Dwelling Unit: Quad and quint units (SRO)	0.75 space per unit
Senior housing	1 space per 2 units
Student housing	1 per 2 students at capacity
Boarding and rooming houses	1 space per 2 occupants at capacity
Group or residential care homes	1 space per employee plus 1 space per 5 beds

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]



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The bicycle parking requirements are currently a percentage of the vehicle parking provided (10 percent for most uses). When vehicle spaces are not provided, bicycle parking must still be provided. The OARs require bicycle and small-scale mobility parking for retail, office, transit, park-and-ride lots, in climate-friendly areas, and 1 space per residential unit in developments with 4 or more units. The OARs require all bicycle stalls to be covered except for stalls provided for retail and industrial uses. The city is proposing 50 percent of bicycle parking stalls for retail and industrial uses be covered. The proposed standards equate to about 10 percent of the current required parking.

- 9.030 Bicycle Parking. Bicycle parking must be provided in the amounts specified in Table 9.030-1 for all new development and changes of use.
- (1) Exemptions. The Community Development Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking, and parking for uses in existing buildings within the HD, CB, LE, DMU, and WF zoning districts.
  - (2) Mixed Uses and Multi-Tenant Developments. When two or more uses occupy a single structure or lot, the total required bicycle parking is the sum of the requirements of individual uses.
  - (3) Climate Friendly Area Requirements. Bicycle parking and ancillary facilities for shared bicycle parking and other small-scale mobility devices shall be provided in designated climate friendly areas and key destinations identified in OAR 660-012-0360.

**TABLE 9.030-1  
BICYCLE PARKING STANDARDS**

<u>Use</u>	<u>Required Bicycle Parking</u>
<b><u>COMMERCIAL</u></b>	
<u>Athletic/fitness gym, aquatic centers, billiard, skating rinks with no grandstands, all other unspecified indoor recreation and entertainment (excluding restaurant, café or bar areas)</u>	<u>The greater of 2 spaces, or 1 per 1,000 square feet of exercise area</u>
<u>Bowling alleys</u>	<u>The greater of 4 spaces, or 0.50 spaces per lane</u>
<u>Golf courses (including clubhouses and accessory uses)</u>	<u>The greater of 2 spaces or 1,000 square feet of clubhouse area.</u>
<u>Stadiums, grandstands, coliseums, auditoriums, and theaters, and other sports facilities with seating</u>	<u>The greater of 2 spaces or 1 space per 30 seats</u>
<u>Funeral houses and mortuaries</u>	<u>1 space per 40 seats or 80 feet of bench length</u>
<u>Motels and hotels</u>	<u>The greater of 2 spaces or 0.20 space per room</u>
<u>Office Professional: Medical and dental clinics</u>	<u>The greater of 2 spaces or 0.33 spaces per 1,000 gross square feet</u>
<u>All other commercial and professional offices</u>	<u>The greater of 2 spaces or 0.50 spaces per 1,000 gross square feet</u>
<u>Vehicle repair and fuel or other service stations</u>	<u>The greater of 2 spaces or 0.20 space per 1,000 square feet of sales floor area</u>

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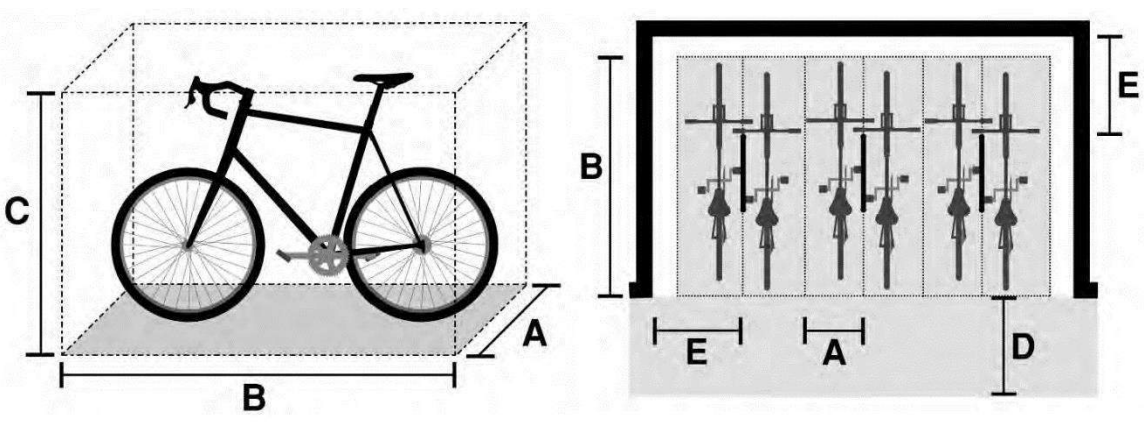
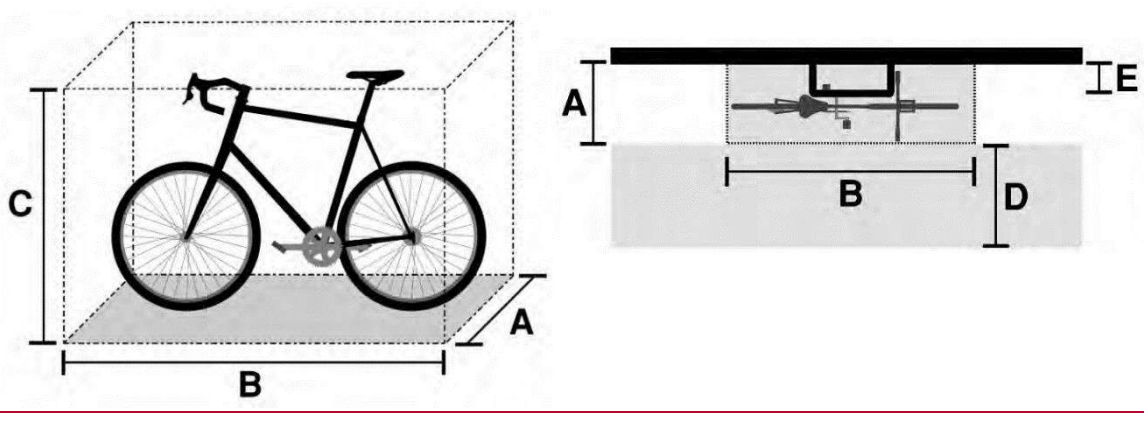
<u>Retail sales of the following:</u>	
<u>(a) Bulky items such as home or business furnishings, appliances, building materials, farm and agricultural equipment, machine and office equipment</u>	<u>The greater of 2 spaces or 1 per 6,000 square feet of sales floor area</u>
<u>(b) Motor vehicles, trailers, mobile homes, boats, modular houses</u>	
<u>(c) Greenhouses and nurseries, garden supplies</u>	
<u>(d) All other retail sales</u>	<u>The greater of 2 spaces or 0.50 space per 1,000 square feet of gross floor area.</u>
<u>Services and Repair: tailor, shoemaker, locksmith, printing, binding, publishing, framing, upholsterer, photography studio, dry cleaner, mailing, etc.</u>	<u>The greater of 2 spaces or 1 space per 3,500 square feet.</u>
<u>Self-Serve Storage Unit Complex</u>	<u>The greater of 2 spaces, or 1 space per 20 units</u>
<b><u>INDUSTRIAL USES</u></b>	
<u>Air, rail and motor freight terminals, major transit stations, and park-and ride lots</u>	<u>4 spaces</u>
<u>Contractors and Industrial Services</u>	<u>The greater of 2 spaces, or 0.20 space per 1,000 square feet of sales floor area</u>
<u>Customer Service/Call Centers</u>	<u>The greater of 2 spaces or 0.50 spaces per 1,000 gross square feet</u>
<u>Industrial offices, research, or laboratory facilities</u>	<u>The greater of 2 spaces or 0.10 spaces per 1,000 gross square feet</u>
<u>Manufacturing, production, or processing</u>	<u>The greater of 2 spaces or 1 space per 10,000 square feet</u>
<u>Testing repairing, cleaning, servicing of materials, goods, or products</u>	<u>The greater of 2 spaces or 1 space per 3,500 square feet</u>
<u>Warehousing and wholesale</u>	<u>The greater of 2 spaces or 1 space per 15,000 square feet</u>
<b><u>INSTITUTIONAL, PUBLIC &amp; SEMI-PUBLIC USES</u></b>	
<u>Daycare, Nursery Schools, Kindergarten, and Education</u>	<u>The greater of 2 spaces, or 1 space per five students based on the design capacity of the facility</u>
<u>Hospitals</u>	<u>1 per 10 beds</u>
<u>Jails and Detention Facilities</u>	<u>1 per 50 beds</u>
<u>Libraries, reading rooms, museums, and art galleries</u>	<u>The greater of 2 spaces, or 1.5 spaces per 1,000 gross square feet</u>
<u>Parks, open areas, and cemeteries</u>	<u>Based upon land use decision</u>
<u>Religious Assemblies, clubs, lodge of state or national organization</u>	<u>1 space per 40 seats or 80 feet of bench length</u>
<b><u>RESIDENTIAL USES</u></b>	
<u>Assisted Living, Residential Care facilities, Nursing or Convalescent homes</u>	<u>Assisted Living: The greater of 2 spaces, or 0.20 spaces per dwelling unit</u> <u>Nursing Home/convalescent: The greater of 2 spaces or 1 space for every 6 beds</u>
<u>Single dwelling units and middle housing</u>	<u>None</u>
<u>Multi-dwelling unit</u>	<u>1 per dwelling</u>
<u>Senior housing</u>	<u>1 per 3 beds</u>
<u>Student housing</u>	<u>1 per dwelling</u>

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- (3) Bicycle parking spaces shall meet the following standards:
- (a) Access and lighting. All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes to access the bicycle parking area. Bicycle parking areas shall be well lit.
  - (b) If bicycle parking is located within vehicle parking areas, it must be separated from vehicular maneuvering areas by curbing or other barriers to prevent damage to parked bicycles.
  - (c) Public Right-of-Way. Bicycle parking may be located in a public right-of-way, including on a public sidewalk with approval from the City Engineer. [Ord. 5894, 10/14/17]
  - (d) Sheltered. All required bicycle parking spaces for new multi-dwelling unit development, mixed-use development, offices, and institutional development shall be sheltered. For all other uses, at least 50 percent of required bicycle parking spaces must be sheltered, including 50 percent of spaces sized for larger/cargo bicycles. Spaces must be protected from precipitation by a roof overhang or a separate roof at least seven feet tall. Bicycle parking spaces within roofed buildings and bike lockers are considered sheltered spaces.
  - (e) Space and Access Dimensions. Bicycle parking spaces and access dimensions must comply with the standards in Table 9.030-2, except that at least 25 percent of bicycle parking spaces must be 3 feet wide by 8 feet long, with a 5-foot-wide access aisle on the ground to accommodate cargo and family bicycles.
  - (f) Bicycle parking spaces must be served by access aisles conforming to the minimum dimensions set forth in Table 9.030-2. These areas must be constructed of concrete, asphalt, or a pervious hard surface such as pavers, or an equivalent. Access aisles serving bicycle parking spaces may be located in public right-of-way with approval from the City Engineer.
  - (g) Bicycle Racks. Each bicycle parking space must have a parking rack securely fastened to the ground except for vertical tipped spaces. Bicycle parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, be of a durable and difficult to cut material such as steel or stainless steel, serve common bicycle styles including cargo and accessible bicycles, do not restrict the length, height or width of bikes; and must allow the frame and at least one wheel to be locked with a U-type lock.

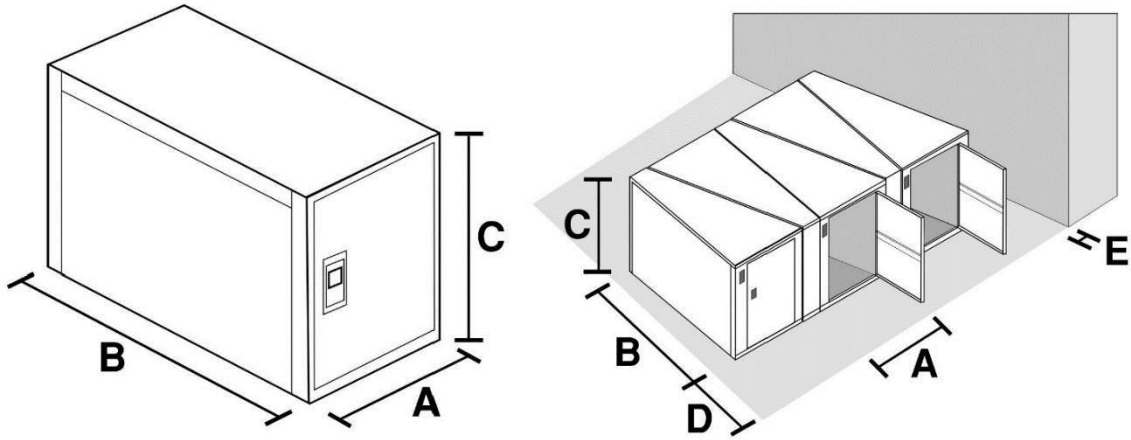
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**TABLE 9.030-2. Minimum Bicycle Parking Space and Access Dimensions**

<u>Space Type</u>	<u>Space Width</u> <u>A</u>	<u>Space Length</u> <u>B</u>	<u>Space Height</u> <u>C</u>	<u>Access Aisle Width</u> <u>D</u>	<u>Clearance Between Rack &amp; Wall</u> <u>E</u>
<u>Horizontal Spaces</u> <sup>(1)</sup>					
<u>Standard</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>2 ft.</u>
<u>Side-by-side</u> <sup>(2)</sup>	<u>1.5 ft.</u>				
					
<u>Wall mounted</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>1 ft.</u>
					
<u>Bicycle locker (standard)</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>4 ft.</u>	<u>N/A</u>
<u>Bicycle locker (pie shaped)</u>	<u>30 in. (at widest end)</u>				

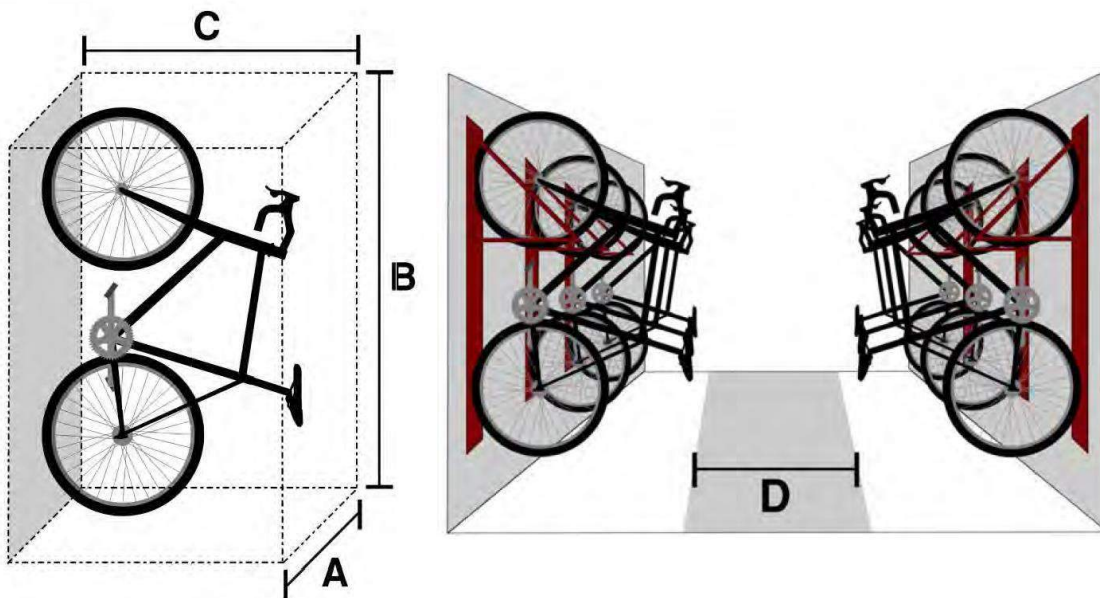
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<u>Space Type</u>	<u>Space Width</u> <u>A</u>	<u>Space Length</u> <u>B</u>	<u>Space Height</u> <u>C</u>	<u>Access Aisle Width</u> <u>D</u>	<u>Clearance Between Rack &amp; Wall</u> <u>E</u>
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Vertical Spaces

<u>Standard</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>5 ft.</u>	<u>N/A</u>
<u>Side-by-side (2)</u>	<u>1.5 ft.</u>				



Limitations and Qualifications

(1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.



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<u>Space Type</u>	<u>Space Width</u> <u>A</u>	<u>Space Length</u> <u>B</u>	<u>Space Height</u> <u>C</u>	<u>Access Aisle Width</u> <u>D</u>	<u>Clearance Between Rack &amp; Wall</u> <u>E</u>
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(2) Applies where bike racks are located side-by-side. For vertical spaces, the alternative 1.5 ft. space width requires a minimum vertical stagger of 8 inches between each space.

*Carpool and vanpool parking is required by OAR 660-012-0405 and preferential location is required to be provided for these dedicated parking spaces.*

9.035 Carpool/Vanpool Spaces.

- (1) When parking is provided, at least one standard-sized parking space shall be reserved for carpool/vanpool parking, or ten percent of employee-use parking spaces provided, whichever is greater.
- (2) Preferential carpool/vanpool parking spaces must be closer to the employee entrance of the building than other parking spaces, except for ADA accessible parking spaces.
- (3) Required carpool/vanpool spaces must be clearly marked “Reserved – Carpool/Vanpool Only.”

*Parking accessible to the disabled is required in conformance with the Oregon Structural Specialty Code; the number of spaces is based on a percentage of the overall parking spaces provided. When parking mandates are repealed and parking is not provided, the state agencies have determined cities can require one accessible space.*

9.040 Accessible Spaces. Spaces compliant with the Americans with Disabilities Act (ADA) must be provided in accordance with ORS 477.233 when off-street parking is provided. Developments located outside of the HD, DMU, CB, and LE zones that do not provide on-site parking must provide a minimum of one ADA compliant parking space unless the Community Development Director determines that the space is not necessary or feasible. The required ADA parking space may be located on-street (within the public right of way) with the approval of the City Engineer.

*ORS 455.417 requires 20 percent of parking spaces for all development be provided with electric vehicle charging capacity (conduit system from electrical service to vehicle spaces that can support wiring for installation of a level 2 EV charging station). The CFEC rules require new multifamily residential buildings with five or more residential dwelling units, and new mixed-use buildings consisting of privately owned commercial space and five or more residential dwelling units, provide electrical service capacity, as defined in ORS 455.417, to accommodate 40 percent of all vehicle parking spaces.*

9.050 Electric Vehicle Charging Capacity. Pursuant to ORS 455.417, electrical service capacity sufficient for a Level 2 electric vehicle charging station must be provided for no less than 20 percent of all new vehicle parking spaces for non-residential developments and no less than 40 percent of all vehicle parking spaces serving newly constructed residential buildings with five or more multi-dwelling units, and newly constructed privately owned mixed-use buildings with five or more residential dwelling units.

- (1) This standard does not apply to middle housing townhouses.
- (2) Electric vehicle charging capacity must be provided for 40 percent of ADA spaces in residential and mixed-use developments with five or more units, and 25 percent of ADA and Carpool/Vanpool spaces in non-residential developments.
- (3) When charging facilities are provided for accessible spaces, charging facilities must be located so there is a clear and accessible path from the vehicle to the sidewalk and shall be accessible in height.

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The loading standards are not new; they are being removed from Articles 4 and 5 and relocated to this Article.

~~9.060 Loading Standards. Loading spaces for all uses except office and residential uses shall be off the street and shall meet the following requirements: [Ord. 5742, 7/14/10]~~

- ~~(1) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.~~
- ~~(2) A school having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.~~
- ~~(3) The minimum required loading area is as follows:
 
  - ~~(a) 250 square feet for buildings of 10,000 to 20,000 square feet of gross floor area.~~
  - ~~(b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.~~
  - ~~(c) 750 square feet for buildings greater than 50,000 square feet of gross floor area.~~

~~[Ord. 5742, 7/14/10]~~~~
- ~~(4) The required loading area shall not be less than 10 feet wide by 25 feet long and shall have an unobstructed height of 14 feet.~~
- ~~(5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.~~
- ~~(6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.~~

~~9.025 Parking in the Public Right-of-Way. Parking spaces in a public right-of-way may not be counted as fulfilling any part of the parking requirements except when permitted below. Any parallel parking spaces in the right-of-way that are counted toward fulfilling the parking requirements must be at least 25 feet long. [Ord. 5832, 4/9/14]~~

- ~~(1) Religious Assembly. On-street parking within 500 feet of the building, except in residential zones, may be used toward fulfilling the minimum parking requirements.~~
- ~~(2) Private Clubs, Lodges or Meeting Rooms. On-street parking in non-residential zones within 800 feet of the main assembly room or building may be used toward fulfilling the minimum parking requirements.~~
- ~~(3) Stadiums, grandstands, coliseums, auditoriums, and theaters. On-street parking in non-residential zones within 1,000 feet of the main assembly room or building may be used toward fulfilling the minimum parking requirements.~~
- ~~(4) Mixed Use Zones. On-street parking spaces abutting the development may be counted towards meeting parking requirements in the MUR, Mixed Use Residential District; HD, Historic Downtown District; DMU, Downtown Mixed Use District; CB, Central Business District; WF, Waterfront District; and LE, Lyon Ellsworth District. [Ord. 5894, 10/14/17]~~
- ~~(5) Non-Residential Development. The amount of off-street parking required may be reduced by one space for every on-street space abutting the development for up to 25 percent of the minimum parking requirement, except when the development is proposed in a residential zoning district in Article 3 or in the ES (Elm Street) zone. [Ord. 5832, 4/9/14]
 
  - ~~(a) The on-street parking spaces must be at least 100 feet from a residential zoning district or the ES zoning district.~~
  - ~~(b) On-street parking credits can only be granted for developments with frontage on streets that allow parking on both sides and with approval from the Director of Public Works.~~~~



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{Ord. 5832, 4/9/14}

- (6) ~~Village Centers.~~ Pursuant to ADC Section 8.460, a commercial or office development within the Village Center Comprehensive Plan designation may count on-street parking spaces within 100 feet of the development towards meeting the parking requirement. ~~\_\_\_\_\_~~ [Ord. 5894, 10/14/17]

9.030 ~~Reductions or Exemptions to Minimum Parking Space Requirements.~~ The following actions and situations can further reduce the minimum parking required on-site. ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14; Ord. 5894, 10/14/17}

- (1) ~~Change of Use or Redevelopment.~~ No additional parking shall be required when an existing structure is changed from one Use Category to another as listed in Article 22 when the new use requires no more than two additional vehicle and/or bicycle parking spaces. No additional parking shall be required when a duplex, triplex, or fourplex is created through internal conversion of, or addition to, an existing single dwelling unit detached dwellings. ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22}

- (2) ~~Tree Preservation.~~ Minimum parking may be reduced by one parking space for each tree 8 inches in diameter and larger that is preserved within the developable area, for up to a maximum of 10 percent of the total parking space requirement. ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14}

- (3) ~~Outdoor Seating Areas.~~ Seasonal outdoor seating up to 500 square feet shall be exempt from the parking calculations. Permanent outdoor seating is not exempt. ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14}

- (4) ~~Mixed Use or Multi-Tenant Developments.~~ In the case of mixed-uses and multi-tenant developments, the total requirements for off-street parking are the sum of the requirements for the various uses, except that the total may be reduced by up to 10 percent of the minimum total requirement. ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14; Ord. 5894, 10/14/17}

- (5) ~~Alternative Modes, Carpooling.~~ For businesses that will employ 10 or more people, the total number of required vehicle spaces may be reduced up to a maximum of 10 percent based on the following incentives: ~~\_\_\_\_\_~~

{Ord. 5832, 4/9/14}

(a) ~~Up to two vehicle spaces may be waived if sheltered bicycle parking is provided beyond the minimum requirements in Section 9.120 (13) at a rate of three bicycle spaces to one motor vehicle space.~~

(b) ~~One vehicle space may be waived for each shower and two lockers provided for employees who commute by bicycle.~~

(c) ~~Each vehicle space designated for carpool/vanpool parking only that is also located closer to the building than other employee spaces will count as two required parking spaces. One carpool/vanpool parking space is permitted per 20 employees, with a minimum of 1 space. Spaces must be clearly marked "Reserved-Carpool/Vanpool Only".~~

- (6) ~~Reduction for Transit.~~ Existing development will be allowed to redevelop up to 25 percent of existing parking areas for transit-oriented uses, including bus stops and pullouts, bus shelters, park and ride stations, transit-oriented developments, and similar facilities, where appropriate.

- (7) ~~Reduced parking minimums in the HD, CB, DMU, and WF zoning districts.~~ To promote more pedestrian-friendly development, minimum parking requirements in HD, CB, DMU, and WF are reduced as follows. ~~\_\_\_\_\_~~

{Ord. 5894, 10/14/17}

(a) ~~All commercial and recreation uses listed in Table 9.020-1 shall provide parking at a minimum of one space per 600 square feet or the minimum stated in Table 9.020-1, whichever is less.~~

\_\_\_\_\_ [Ord. 5894, 10/14/17; Ord. 5497, 1/01/21; Ord. 6004, 12/28/22]

(b) ~~Middle housing and developments of up to 70 multiple dwelling units shall provide parking at the~~

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ratios in paragraphs i and ii below. Developments of more than 70 multiple dwelling units shall provide parking at the ratios listed in Table 9.020-1, except that visitor parking shall not be required. ~~[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]~~

i. ~~Studio, one bedroom, and two bedroom units: one space per unit~~ [Ord. 5894, 10/14/17]

ii. ~~three or more bedroom units: 1.75 spaces per unit~~ [Ord. 5894, 10/14/17]

9.06535 Responsibility/Prerequisite. Provision for and maintenance of off-street parking and loading spaces ~~are~~ is ~~the~~ responsibility of the property owner. Plans showing property that is and will be available for exclusive use as off-street parking and loading must be presented before the city will issue building permits or approve land use applications.

~~9.040~~ Elimination of Existing Space. If a parking space has been provided in connection with an existing use or added to an existing use, the parking space may not be eliminated if elimination would result in less space than required by this Code.

~~9.050~~ Company Vehicles. Required parking spaces must be made available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and may not be used for storage of company vehicles or materials. Spaces for company vehicles must be provided in addition to the number of spaces required by this Code.

9.0760 Maintenance. Parking lots must be maintained by the property owner or tenant in a condition free of litter and dust, and deteriorated conditions must be improved to comply with the standards of this Article ~~Section 9.120~~.

~~[9.070~~ Mixed Uses ~~repealed by Ord. 5984, 10/14/17]~~

~~9.080~~ Joint Use of Parking Facilities. ~~The Planning Commission or Hearings Board, upon application by all involved property owners, may authorize the joint use of parking facilities, provided that:~~

~~(1) The applicant shows that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed.~~

~~(2) The parking facility for which joint use is proposed is no further than 500 feet from the building or use required to provide parking.~~

~~(3) The parties concerned in the joint use of off-street parking facilities shall provide evidence of an agreement for the joint use by a legal instrument approved by the City Attorney. An agreement for joint use of parking facilities shall be for a period of at least 10 years and shall provide for maintenance of jointly used parking facilities.~~

9.09080 Parking Plan. A parking plan, drawn to scale, must accompany land use applications. Depending on the nature and magnitude of the development, it may be possible to show the needed parking information on the site plan (see Section 9.120 and 9.130). The plan must show the following elements, which are necessary to indicate that the requirements of this Code are being met. [Ord. 5947, 1/01/21]

(1) Delineation of individual parking spaces, including handicapped parking spaces.

(2) Loading areas and docks.

(3) Circulation area necessary to serve spaces.

(4) Location and dimensions of bicycle and motorcycle parking areas.

(5) Access to streets, alleys, and properties to be served.

(6) Curb cuts.

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- (7) Type of landscaping, fencing or other screening materials.
- (8) Abutting land uses.
- (9) Grading, drainage, post-construction stormwater quality facilities, surfacing, and subgrading details.  
[Ord. 5842, 1/01/15]
- (10) Location of lighting fixtures.
- (11) Delineation of all structures and obstacles to circulation on the site.
- (12) Specifications of signs and bumper guards.
- (13) Location and dimensions of planter bays when required.
- ~~(14) Proposed number of employees and the number of employee and carpool spaces. amount of floor area applicable to the parking requirements for the proposed use.~~
- ~~(14)~~(15) When parking areas exceed 10,890 square feet, a Parking Lot Canopy Plan showing the crown diameter at 15 years after planting and a canopy calculation table. Trees shall be drawn to scale to represent the canopy size at 15 years as listed in the city's Parking Lot Tree List.
- (16) When solar panels are proposed to comply with the large parking area standards in Section 9.130, provide solar panel locations and specifications, including kilowatt production.

9.1200

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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. When the total surface parking area for the development site exceeds 10,890 square feet, parking area improvements must comply with the standards in Section 9.135.

- (1) General. All parking spaces must be improved in accordance with these standards and available for use at the time of project completion.
- (2) Other Requirements. All parking areas shall conform to the setback, clear vision, landscaping, and buffering/screening provisions of this Code.
- (3) Surfacing. All required parking, including travel aisles and access, shall have a durable, dust-free surface of asphalt, cement concrete, or other materials approved by the Director. Parking lot surfacing shall not encroach upon the public right-of-way except when it abuts a concrete public sidewalk or has been otherwise approved by the Director of Public Works. Pervious pavements, such as pervious asphalt or pervious concrete, may be allowed by the Director of Public Works.  
[Ord. 5832, 4/9/14; Ord. 5842, 1/01/15]
- (4) Drainage. All parking lots must provide a drainage system to dispose of the runoff generated by the impervious surface. Post-construction stormwater quality facilities are required per Title 12 of the Albany Municipal Code when applicable. Provisions shall be made for the on-site collection of drainage water to eliminate sheet flow of such water onto sidewalks, public rights-of-way, and abutting private property. All drainage systems must be approved by the Director of Public Works.  
[Ord. 5842, 1/01/15]
- (5) Perimeter Curb. Perimeter curbing is required for protection of landscaped areas and pedestrian walkways, and to prevent runoff onto adjacent properties. All parking areas over 1,000 square feet (contiguous) for residential dwellings, parking areas of any size for all other uses, or approved overflow parking areas shall provide a curb at least 6 inches high along the perimeter of all parking areas. Exceptions may be allowed for connections to approved vegetated post-construction stormwater quality facilities.  
[Ord. 5832, 4/9/14; Ord. 5842, 1/01/15; Ord. 5968, 1/14/22]
- (6) Wheel Bumper. In parking areas over 1,000 square feet (contiguous) for residential dwellings, or parking areas of any size for all other uses, all parking stalls fronting a sidewalk, alleyway, street or property line shall provide a secured wheel bumper at least six inches high and at least six feet long, set back from the front of the stall at least 2-1/2 feet, but no more than three feet. If the sidewalk is widened to seven feet six inches to allow for vehicle encroachment, no wheel bumpers are required.

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[Ord. 5968, 1/14/22]

- (7) Turnaround. For parking areas that meet one of the thresholds in subsections (a) or (b), parking spaces must be located and served by an aisle or turnaround so that their use will require no backing movements or other maneuvering in a street right-of-way other than an alley.
- (a) Residential dwellings: Parking areas over 1,000 square feet (contiguous). Driveways that could provide additional tandem parking spaces are not included in this calculation.
- (b) All other development: Two or more parking spaces.
- [Ord. 5968, 1/14/22]
- (8) Striping. Lots containing more than two parking spaces must have all required spaces permanently and clearly striped. Stripes must be at least four inches wide. When motorcycle parking, compact, or handicapped parking spaces are provided, they shall be designated within the stall.
- (9) Connecting to Adjacent Parking Areas. Where an existing or proposed parking area is adjacent to a developed or undeveloped site within the same zoning district, any modifications to the parking areas must be designed to connect to the existing or future adjacent parking area. This requirement may be waived by the Director when it is deemed impractical or inappropriate due to the nature of the adjoining uses.
- [Ord. 5832, 4/9/14]
- (10) Parking Lot Landscaping. Parking lots over 1,000 square feet (contiguous) shall be landscaped according to the standards in Section 9.150.
- [Ord. 5968, 1/14/22]
- (11) Compact Car Parking. No more than 40 percent of parking spaces provided may be designated for compact cars. Compact spaces must be signed and/or the space painted with the words "Compact Car Only."
- (12) ~~Parking Accessible to the Disabled~~ Parking. All parking areas must provide accessible parking spaces in conformance with the Oregon Structural Specialty Code.

Bicycle Parking Standards were moved to Section 9.030 and updated to comply with state law.

- (13) ~~Bicycle Parking~~. Bicycle parking space requirements are as follows:
- (a) ~~For multiple dwelling units and units above or attached to a business — one space per four units.~~  
~~\_\_\_\_\_ [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]~~
- (b) ~~For industrial development — one space for every 10 automobile spaces required.~~
- (c) ~~For commercial or office development — one space for every 10 automobile spaces required with a minimum of two spaces.~~  
~~\_\_\_\_\_ [Ord. 5832, 4/9/14; Ord. 5886, 1/6/17]~~
- (d) ~~Exemptions — the Director may allow exemptions to or reductions in required bicycle spaces in connection with temporary uses or uses that are not likely to need bicycle parking.~~
- Bicycle parking spaces shall meet the following standards:
- (e) ~~Required spaces should be visible and not hidden, and must be located as near as possible to building entrances used by automobile occupants. Within the HD, CB, CMU, and WF zoning districts, bicycle parking may be located on a public sidewalk with approval from the City Engineer.~~  
~~\_\_\_\_\_ [Ord. 5894, 10/14/17]~~
- (f) ~~Each required bicycle parking space must have a parking rack securely fastened to the ground. Parking racks must support each bicycle at a minimum of two points, including at least one point on the frame, and must allow the frame and at least one wheel to be locked with a U-type lock.~~
- (g) ~~Bicycle parking areas must provide at least three feet of clearance around all three sides of a fully-loaded bicycle rack and have an overhead clearance of at least seven feet.~~
- (h) ~~At least one-half of required bicycle parking spaces must be sheltered. Spaces must be protected from precipitation by a roof overhang or a separate roof at least seven feet tall. Bicycle parking~~

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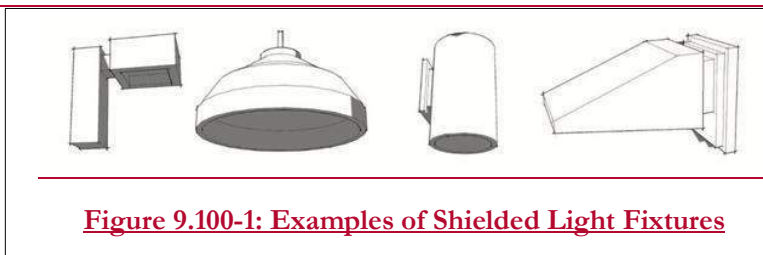
~~spaces within roofed buildings and bike lockers are considered sheltered spaces.~~

[Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]

*The additional lighting standards are not new; they are being relocated to this Article from Article 8, Section 8.390 and removed from that Article.*

(1413) Lighting. Any lights provided to illuminate any public or private parking area or vehicle sales area must be arranged to reflect the light away from any abutting or adjacent properties. Any light source or lamp that emits more than 900 lumens (15-watt fluorescent / LED or 60 watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Examples of shielded light fixtures are shown in figure 9.100-1.

[Ord. 5947, 1/01/21]



**Figure 9.100-1: Examples of Shielded Light Fixtures**

(1414) Pedestrian Access. Walkways and accessways shall be provided in all new off-street parking lots and additions to connect sidewalks adjacent to new development to the entrances of new buildings. All new public walkways and handicapped accessible parking spaces must meet the minimum requirements of the Oregon Structural Specialty Code. [Ord. 5720, 08/12/09]

~~(16) When employee parking is designated in new developments, parking for carpools and vanpools shall be provided and located near the employee entrances to buildings.~~

9.425 110 Occasional Overflow Parking Needs. The Director may approve ~~for~~ the use of gravel surfacing for parking above the ~~minimum~~ maximum parking requirements intended for occasional needs. As used in this section, "occasional" means limited to a unique or an annually occurring event or condition or infrequent use. The application must demonstrate how the site and owners will meet the following minimum standards:

[Ord. 5832, 4/9/14]

- (1) The construction plans for the unpaved parking area must be approved by the Public Works Director or their designees.
- (2) The overflow parking area must conform to the dimensional standards in Table 9.130-1 - Parking Lot Design, applicable Americans with Disabilities Act (ADA) requirements, and storm drainage requirements. [Ord. 5947, 1/01/21]
- (3) Overflow parking areas may not exceed 15,000 square feet per property, site or use.
- (4) Wheel stops shall be provided to designate and protect each parking space.
- (5) Gravel parking and loading areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or hedge.
- (6) A buffer area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area and be landscaped in accordance with Section 9.240.
- (7) The overflow parking area must be at least 20 feet from a public right-of-way and have at least 20 feet of pavement travel distance to the right-of-way. Gravel is not permitted in or within 500 ft of the HD, DMU, LE, ES, CB, or any residential zone or use unless allowed through Conditional Use approval.

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[Ord. 5832, 4/9/14, Ord. 5894, 10/14/17]

*Existing parking areas can now be developed. Portions of parking lots converted to bicycle and transit-oriented facilities do not require improvements to bring the parking lot into conformance with the standards. When parking lots are converted to other uses, incremental improvements will be required.*

9.115 Conversion of Off-Street Parking to Other Uses.

- (1) When new development, including expansions to existing structures, results in the conversion or elimination of existing off-street surface parking areas for a use other than bicycle-oriented and transit-oriented facilities (bicycle parking, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities), all existing parking areas that are physically impacted by the development must be improved to the standards in Article 9. For this section, physically impacted shall include the removal of surfacing, surface striping, or landscaping in association with the new development. Re-striping of existing parking with no change to layout and internal remodels or changes of use to an existing approved development that do not extend a structure or associated facility into the existing parking area are exempt from this standard.
- (2) Conversion or elimination of off-street parking to uses other than bicycle and transit-oriented facilities is subject to Site Plan review in accordance with ADC 2.430(4).
- (3) Developments on nonconforming sites are subject to incremental improvements in accordance with ADC 2.330.
- (4) Access for emergency vehicles must be retained, and adequate parking for truck loading should be considered.

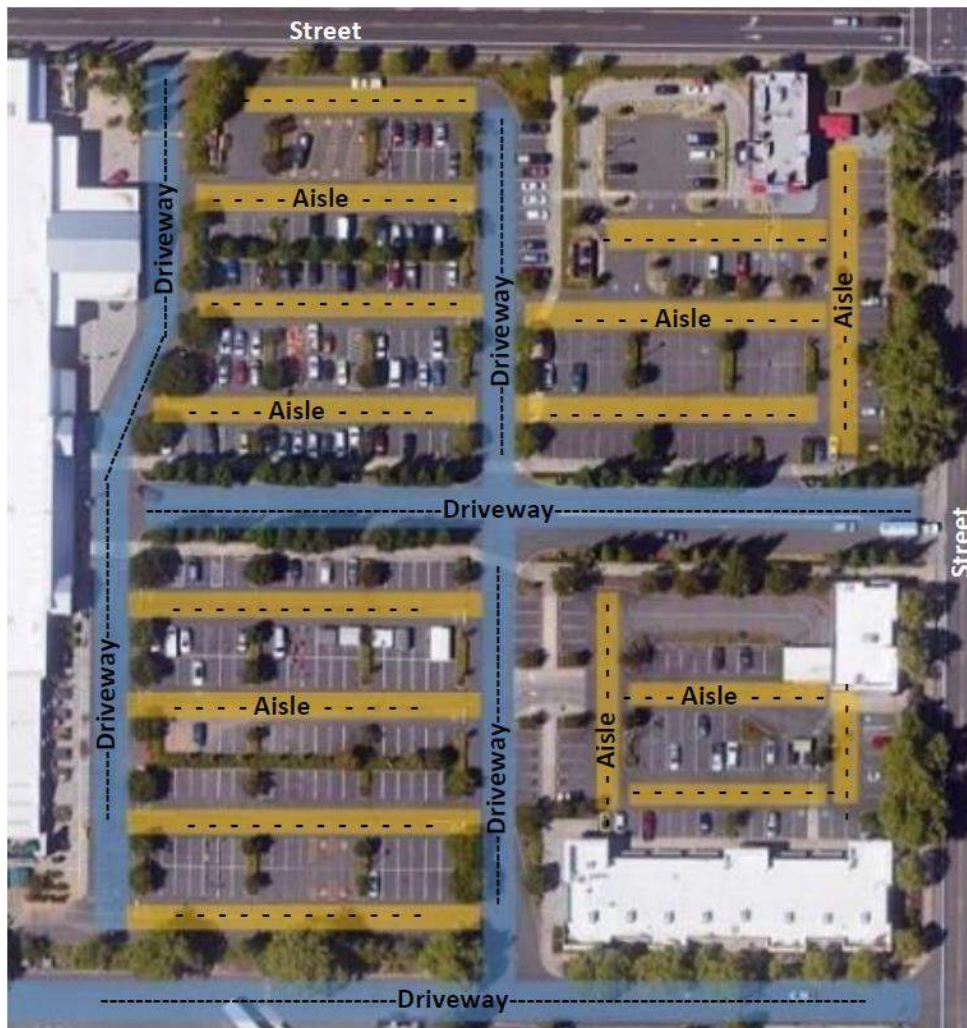
*The parking lot design and circulation standards from Article 8 are being relocated to this article and combined with existing Off-Street Parking Lot Design and Circulation Standards.*

9.130120 Off-Street Parking Lot Design and Circulation. The standards of this section are intended to ensure that on-site vehicle circulation is clearly identifiable, safe, and pedestrian-friendly.

- (1) Applicability. All off-street parking lots over 1,000 square feet (contiguous) must be designed in accordance with the standards in this Article and the City standards for parking stalls and drive aisles as set forth in Table 9.120-1: Parking Lot Design and supplemental drawings in Figures 1 and 2. [Ord. 5720, 08/12/09; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]
- (2) Driveways and Drive Aisles. As used in this Article, driveways are major travel routes through a site that provide access to and from surrounding streets and connections through the site to buildings and parking lot drive aisles. Drive aisles primarily provide vehicular access to bordering parking spaces. See Figure 9.120-1.



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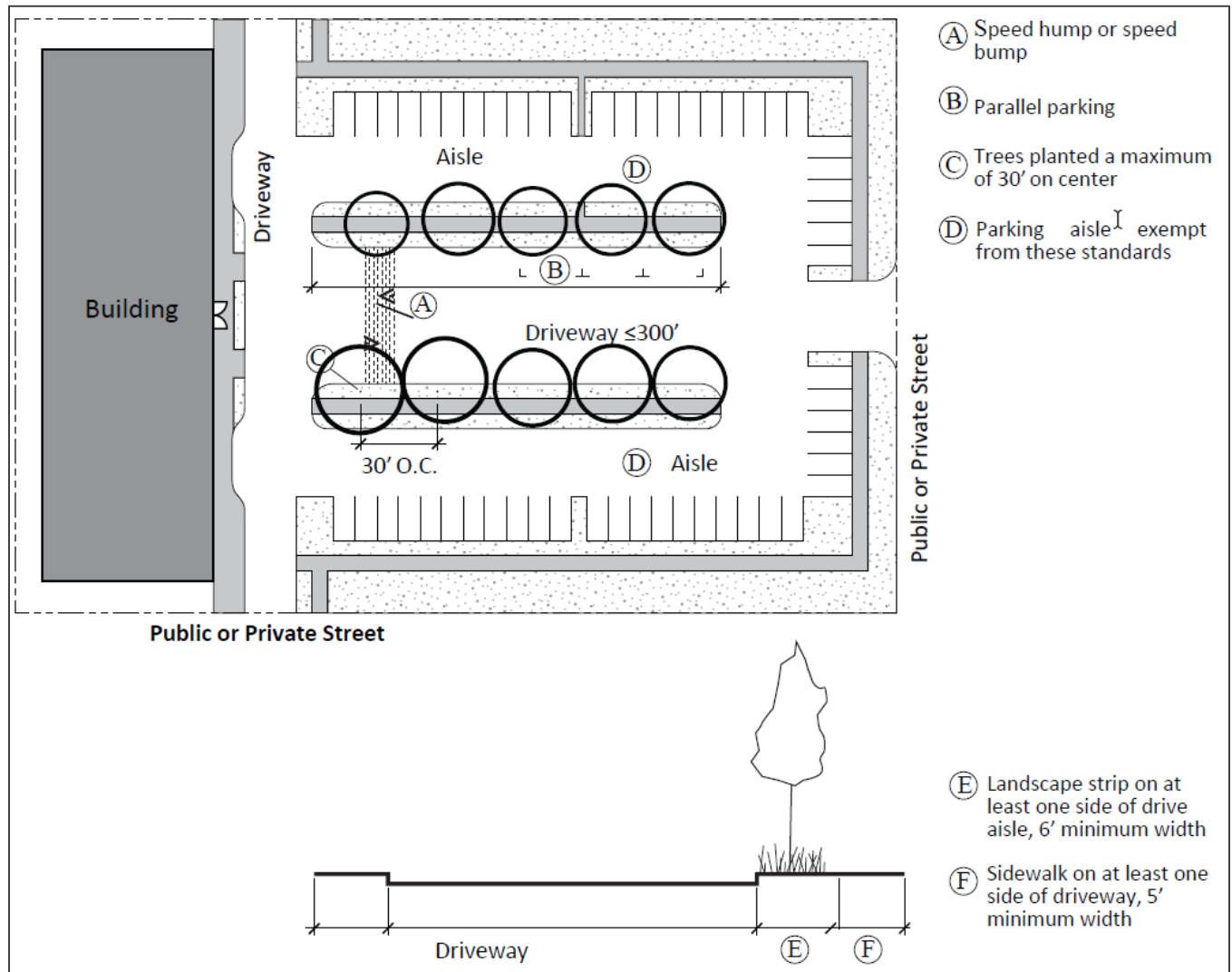
**Figure 9.120-1: Parking Lot Driveways (blue) and Drive Aisles (orange)**

- (3) Internal Circulation System. Interior driveways shall meet the standards below unless the driveway is lined with angled or perpendicular parking stalls. Developments must provide street-like design and features along driveways including curbs, pedestrian facilities, and buildings built up to pedestrian facilities, including the following:
- (a) Driveways shall continue the adjacent public street pattern wherever possible. [Ord. 5947, 1/01/21]
  - ~~(a)~~(b) Driveways must have raised curbs and a pedestrian facility with a minimum 5-foot-wide sidewalk on at least one side the entire length of the driveway, which is unobstructed by obstacles that would impede pedestrians, including overhanging cars.



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**FIGURE 9.120-2. Interior Driveways**



[Ord. 5947, 1/01/21]

(c) Street trees must be provided along driveways in accordance with Section 9.130 (3) and (4). Driveways must have a minimum 6-foot-wide landscape strip on at least one side of the driveway. For the purposes of this standard, the portions of the linear length driveways that provide direct access to parking stalls are exempt from this standard but shall meet other landscape island and tree planting requirements of the Development Code. [Ord. 6004, 12/28/22]

(d) Traffic calming shall be provided through at least one of the following techniques:

- i. Meandering the driveway to achieve a maximum design speed of 15 mph.
- ii. Installing speed bumps or speed humps at a minimum interval of one every 300 feet of driveway. A minimum of one speed hump or speed bump must be provided if the driveway is less than 300 feet long.
- iii. Providing parallel parking on at least one side for at least 50 percent of the length of the driveways.
- iv. Planting trees on both sides along the full length of the driveway in accordance with the standards in ADC 9.240(1) to visually narrow the driveway.

(e) Pedestrian facility crossings at intersections with drive aisles and other driveways shall be demarcated by a raised surface that slows vehicular travel, or by different surface materials.

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Crossings demarcated only by striping is discouraged.

- (f) Driveways shall not be located between the building(s) and the sidewalk(s), except as provided in (i) or (ii) below:
  - i. Where drive-through windows are permitted, sites are constrained by natural resources, or are infill sites less than one acre. [Ord. 5832, 4/9/14]
  - ii. Where drop-off facilities are provided that have been designed to meet the requirements of the Americans with Disabilities Act but that still provide for direct pedestrian circulation.
- (g) Buildings shall be located along a pedestrian facility in the public right-of-way. Where a building cannot be located along a public right-of-way, it shall be built up to a pedestrian facility along an on-site driveway.
- (4) Minimum Driveway and Drive Aisle Widths. ~~Driveways~~ Aisles for two-way traffic and emergency vehicle operations must be at least 24 feet wide. One-way ~~driveways~~ aisles and one-way emergency vehicle access must be at least 20 feet wide. Drive aisle dimensions must comply with the standards in Table 9.120-1.
- (5) Parking Lot Design. Parking stall and aisle dimensions must comply with Table 9.120-1. Stall dimensions are measured from inside the stripes. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include 20 feet of storage length for entering and exiting vehicles, ~~in order~~ to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation. See also Figures 9.120-1 and 9.120-2.
- (6) Compact spaces shall be at least 8 feet wide by 16 feet long.
- (7) Accessible spaces shall be a minimum of 9 feet wide and 17 feet long and designed in accordance with the Oregon Structural Specialty Code (OSSC). An adjacent access aisle must be provided that is at least eight feet wide and 17 feet long for a van-accessible space, and six feet wide for a standard accessible space.
- (8) Stall Width. Long-term parking spaces must be at least 8.5 feet wide. Parking stalls for grocery stores or adjacent to planter islands must be at least 9.5 feet wide. Stall dimensions are measured from inside the stripes.

**TABLE 9.120-1.  
PARKING LOT DESIGN (in feet)**

A Parking Angle	B Stall Width	C Curb Width	D Aisle Width	E Stall Depth	F Bumper Overhang	G Dead-end Backup
(Parallel)	8.0 feet	8.0 feet	N/A	25.0 feet	N/A	N/A
45°	8.5	12.0	13.0	17.5	2.0	5.0
	9.0	12.7	12.0	17.5	2.0	5.0
	9.5	13.4	11.0	17.5	2.0	5.0
	10.0	14.1	11.0	17.5	2.0	5.0
60°	8.5	9.8	18.0	19.0	2.5	5.0
	9.0	10.4	16.0	19.0	2.5	5.0
	9.5	11.0	15.0	19.0	2.5	5.0
	10.0	11.6	14.0	19.0	2.5	5.0
Compact	8.0 C	8.0 C	26.0 C	16.0 C	3.0	5.0
90°	8.5	8.5	26.0	18.5	3.0	5.0
	9.0	9.0	26.0	18.5	3.0	5.0
	9.5	9.5	26.0	18.5	3.0	5.0
	10.0	10.0	24.0	18.5	3.0	5.0

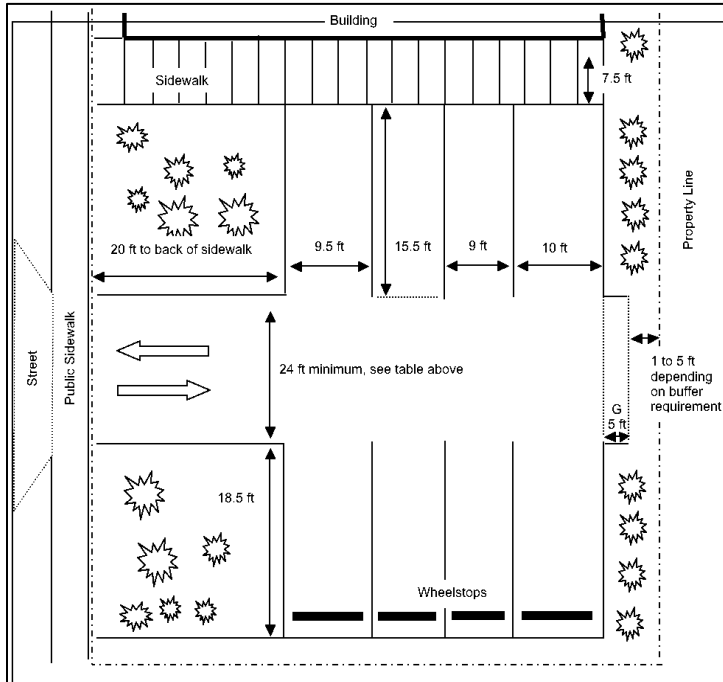
NOTES:

- (1) For one row of stalls, use “D” plus “E” as the minimum width.
- (2) When appropriate bumper overhang area is provided (extruded curbs), “F” can be subtracted from “E” to

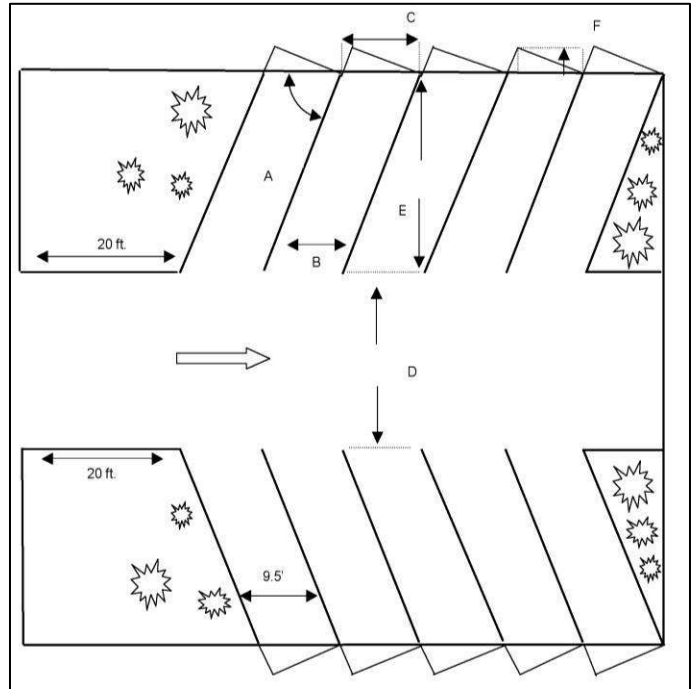
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- determine stall depth.
- (3) Backup areas identified as “G” must be at least five feet from the property line and are excluded from required setback areas or buffer yards. [Ord. 5720, 8/12/09; Ord. 5947, 1/01/21]

**FIGURE 9.120-1: Parking Lot Dimensions**



**FIGURE 9.120-2: Parking Lot Dimensions**



*The Large Parking Area standards from Article 8 are being relocated and combined with existing standards and new CFEC standards.*

9.130 Surface Parking Areas. The purpose of these standards is to ensure that walkways and landscaping are incorporated into parking lot design in a manner that is both attractive and easy to maintain, that minimizes the visual impact of surface parking, and that improves environmental and climate impacts (Figure 9.130-1). These standards are also intended to help ensure pedestrian safety and comfort within large parking lots. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

- (1) Applicability. In addition to other provisions of Article 9, the following standards apply to new or improved surface parking areas of more than 0.25 acres (10,890 square feet), when existing parking areas are enlarged to more than 10,890 square feet, and when re-construction of a surface parking areas of more than 0.25 acres is proposed (i.e., when pavement, curbs, and planter bays are completely replaced). Total surface parking areas are calculated by measuring around the perimeter of all parking spaces, maneuvering areas, and interior landscaping.

[Ord. 5947, 1/01/21]

- (2) Comply with at least one of the following standards in (a) through (c) below.
- (a) Solar Panels. Installation of solar panels with a generation capacity of at least 0.5 kilowatt per new parking space. Panels may be located anywhere on the property.
- (b) Public Buildings. Construction, reconstruction, or major renovation of a public building that involves actions to comply with Oregon Administrative Rule 330-135-0010.
- (c) Tree Canopy. Trees shall be planted and maintained throughout new or improved parking areas to ensure that at least 40 percent of all parking surface areas will be covered within fifteen years after planting. Tree canopy shall be calculated from a plan view of the tree planting plan and

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~~expected crown diameter at fifteen years from planting. Existing mature trees that are preserved may be included in the canopy calculation using the current canopy size. The area under the canopy that is either paved surface or parking lot landscaping (interior or perimeter) shall be subject to canopy calculations unless specifically exempt per below. Canopy that covers structures may not be included in the calculation, however canopy that covers unenclosed carports over parking spaces may be included. The full canopy area based on the 15-year crown diameter may be counted for tree coverage where there is an overlap of 5 feet or less (measurement to be the length of a line segment within the overlap area of a line between tree trunk/canopy centers).~~

~~The following surfaced areas are exempt from canopy requirements or are permitted reductions to the canopy requirements:~~

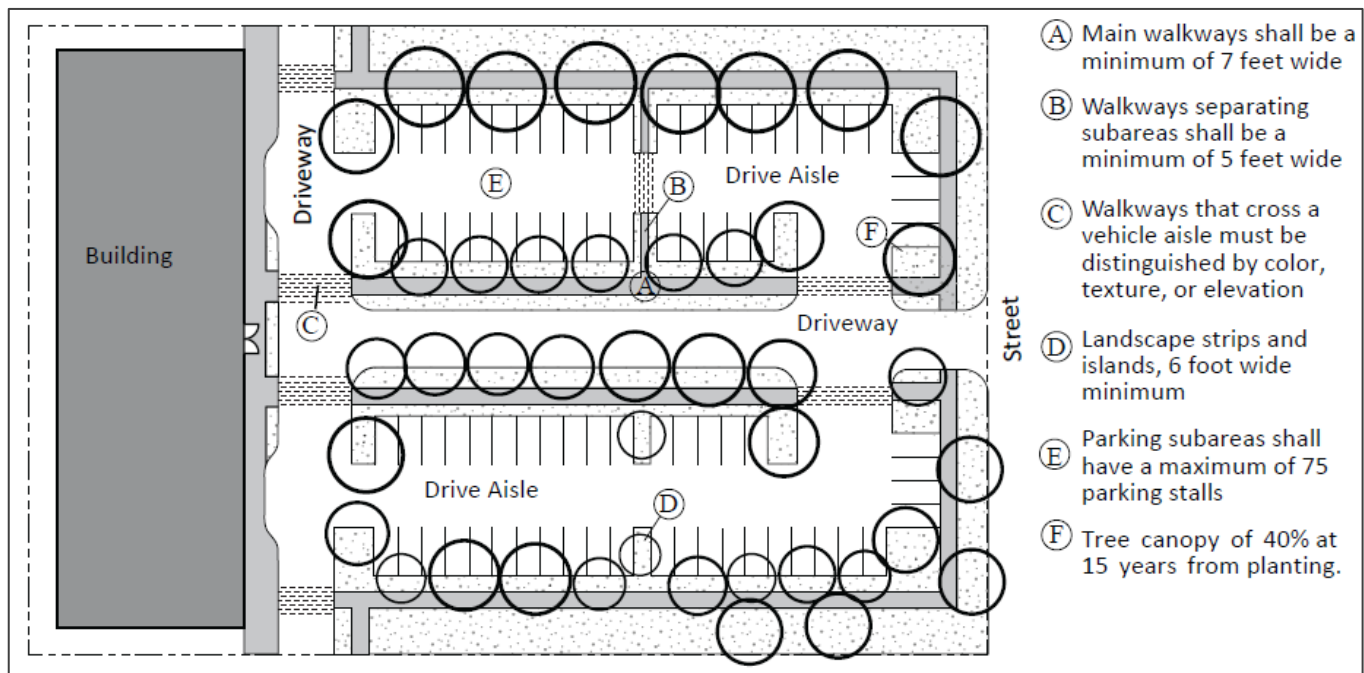
- ~~i. Truck loading area in front of overhead doors.~~
- ~~ii. Truck maneuvering and parking areas unconnected to and exclusive of any vehicle parking.~~
- ~~iii. Areas that are made inaccessible to public vehicles by a barrier such as bollards or fencing.~~
- ~~iv. Tree canopy or solar panel requirements may be reduced by 50 percent for surface lots provided at automobile dealerships for display/sales/service/vehicle storage areas and provided employee and visitor parking.~~

- ~~(3) Trees must be provided along all driveways but are not required along drive aisles. Trees shall be at least 10 feet tall at the time of planting. The tree spacing and species planted must be designed to maintain a continuous canopy, except when interrupted by driveways, drive aisles and other site design considerations. A continuous canopy has no less than three trees and breaks of no more than 3 feet, excluding permitted interruptions.~~
- ~~(4) Development of a tree canopy plan under this section shall be done in coordination with the local electric utility and other utility providers, including pre-design, design, building and maintenance phases, and meet the following standards.~~
  - ~~(a) The tree spacing and species planted must be designed to achieve the minimum tree canopy of 40 percent using the expected diameter of the tree crown at 15 years.~~
  - ~~(b) Trees must be planted and maintained to maximize their root health and chances for survival, including having ample high-quality soil, space for root growth, and reliable irrigation according to the needs of the species.~~
  - ~~(c) Trees should be planted in continuous trenches with a minimum soil depth of 3 feet and width of 5 feet where possible.~~
  - ~~(d) The minimum standards for planting and tree care shall be no lower than 2021 American National Standards Institute (ANSI) A300 standards.~~
  - ~~(e) The property owner is responsible for maintaining all required vegetation. Compliance with these standards will be enforced through the City's code enforcement process.~~
- ~~(5) Walkways. 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 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. [Ord. 5886, 1/6/17]~~
- ~~(6) Parking Lots with More Than 75 Spaces. Parking lots with 75 or more spaces must comply with the following additional standards to ensure pedestrian safety and to improve vehicle circulation and reduce visual impacts of large expanses of pavement.~~
  - ~~(a) When pedestrian walkways connecting a main building entrance to the street are required pursuant to ADC 8.370(2)(b) and must cross a large surface parking area with more than 75 spaces, standards (a) and (b) below shall apply.~~
    - ~~i. The walkway shall be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).~~

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- ii. The walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway. [Ord. 5947, 1/01/21]
- (b) Parking Subareas. 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, parking areas shall be divided into subareas of no more than 75 parking spaces each. Parking subareas shall be separated from each other with physical breaks by providing one or more of the following: building pads, landscape strips, landscaped pedestrian walkways, or interior streets or driveways as defined in 9.120(2). Landscape strips or landscaped pedestrian walkways used for subarea separation shall meet the following standards.
- i. Landscape strips shall have a minimum width of six feet that is unobstructed by obstacles that would impede landscape viability, including overhanging cars.
  - ii. Landscaped pedestrian walkways shall have a minimum unobstructed walkway width of five feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of six feet when provided. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]

**FIGURE 9.130-1. Sample Layout for Large Parking Area**



The street connectivity standards are not new; they are being relocated here from Article 8 Section 8.370 and removed from that Article.

- 9.133 Street, Bicycle and Pedestrian Connectivity. The purpose of these standards is to emphasize the importance of connections and circulation between uses and properties by multiple modes. They are intended to promote efficient circulation between properties, convenient pedestrian and bicycle access to nearby streets, adjacent uses, and transit stops, and improve safety for both drivers and pedestrians. These standards are also intended to comply with the Transportation Planning Rule (OAR 660-012). [Ord. 5947, 1/01/21]
- (1) Applicability. The standards apply to development in all zoning districts except HD, DMU, CB, and WF.
  - (2) Definitions. The following definitions shall apply for the purposes of this section:
    - (a) “Direct and convenient” means the route is not more than 120 percent of the straight-line distance



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except as necessary to accommodate topographic constraints, natural resources, or hazards.

(b) “Major transit stop” means transit transfer stations and any additional stops designated as “major transit stops” in the Transportation System Plan.

(c) “Impractical” means where one or more of the following conditions exist:

i. Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;

ii. Buildings or other existing development physically preclude a connection; or

iii. Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection. [Ord. 5947, 1/01/21]

(3) Connectivity Between Sites. To promote connectivity and dispersal of traffic and efficient circulation between properties, new development may be required to provide street or driveway stubs and reciprocal access easements to, and for, adjacent properties.

[Ord. 5947, 1/01/21]

(4) Pedestrian and Bicycle Connections Required. Except where impractical, pedestrian, and bicycle connections shall be provided in the following locations:

(a) Between an existing or planned transit stop and new development that is at, or within, 200 feet of the existing or planned transit stop. Development sites at major transit stops are also subject to subsection (5).

(b) A direct and convenient pedestrian route shall be provided between the building’s main entrance(s) and the nearest sidewalk abutting the site or roadway where there is no sidewalk. A direct and convenient bicycle route shall be provided between the bicycle parking and the nearest bicycle path abutting the site or roadway where there is no bicycle path.

(c) Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow for an extension to the abutting property. [Ord. 5947, 1/01/21]

(5) Major Transit Stops. Except where impractical, sites at major transit stops shall provide the following:

(a) Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow for an extension to the abutting property. [Ord. 5947, 1/01/21]

(b) Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street or provide a pedestrian plaza at the transit stop or a street intersection;

(c) A direct and convenient pedestrian connection between the transit stop and building entrances on the site

(d) A transit passenger landing pad accessible to disabled persons;

(e) An easement or dedication for a passenger shelter, if requested by the transit provider; and

(f) Lighting at the transit stop.

[Ord. 5281, 3/26/97; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]

(6) Pedestrian and bicycle connections standard. Pedestrian and bicycle accessways shall be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.

[Ord. 5947, 1/01/21]

9.134 Additional On-Site Standards. Additional design standards related to site layout and design are in Article 8.

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## LANDSCAPING

- 9.135 Purpose. These regulations are intended to enhance aesthetic value in new developments and the community as a whole; minimize erosion; slow the rate of surface water runoff and improve water quality; cool buildings and parking lots in summer months with shade; enhance ecological functions; and provide access to nature. [Ord. 5947, 1/01/21]
- 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) 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 the case of middle housing land divisions, the minimum landscaping standard below applies to the parent lot, not the child lots. 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: [Ord. 5886, 1/6/17; Ord. 5968, 1/14/22]
    - (a) One tree at least six feet tall.
    - (b) Four one-gallon shrubs or accent plants.
    - (c) The remaining area treated with ground cover (e.g., lawn, bark, rock, ivy, and evergreen shrubs). [Ord. 5968, 1/14/22]
  - (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 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: [Ord. 5886, 1/6/17]
    - (a) One tree at least six feet tall for every 30 feet of street frontage.
    - (b) Five 5-gallon or eight 1-gallon shrubs, trees or accent plants.
    - (c) The remaining area treated with suitable living ground cover, lawn, or decorative treatment of bark, rock, or other attractive ground cover.
    - (d) When the yard adjacent to a street of an industrially zoned property is across a right-of-way from other industrially or commercially zoned property, only 30 percent of such setback area must be landscaped.
  - (3) Alternate Plan – Non-Residential. The Director may approve placement of the required setback landscaping in public right-of-way when the following conditions are met:
    - (a) The site contains existing development that includes substantial building(s), and is subject to ADC improvement requirements due to a change of use or vacancy; and
    - (b) The appropriate government agency grants written permission for use of the right-of-way; and
    - (c) The applicant provides written assurance that on-site setback landscaping will be installed within 90 days in the event permission to use the right-of-way is revoked; and
    - (d) The Director finds that the required setback landscaping can feasibly be installed on the property without creating other violations of this Code; and
    - (e) The Director finds that providing the landscaping in the public right-of-way in the interim fulfills the intent this Code for high-quality development (9.010) and the minimum landscaping requirements in Section 9.140(2)(a) through (c). [Ord. 5752, 3/9/11]
- 9.150 Parking Lot Landscaping. The purpose of landscaping in parking lots is to provide shade, reduce stormwater runoff, and direct traffic. Incorporation of approved vegetated post-construction stormwater quality facilities in landscaped areas is encouraged. Parking lots over 1,000 square feet (contiguous) must be landscaped in accordance with the following minimum standards. Parking lots over 10,890 square feet must also comply



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with the standards in 9.130.

[Ord. 5720, 8/12/09; Ord. 5842, 1/01/15; Ord. 5968, 1/14/22]

- (1) Planter Bays. Parking areas shall be divided into bays of not more than 12 parking spaces. At both ends of each parking bay, there shall be curbed planters at least ~~five~~six feet wide, excluding the curb. Gaps in the curb may be allowed for connections to approved post-construction stormwater quality facilities. Each planter shall contain one canopy tree at least 10 feet high and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Neither planter bays nor their contents may impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 8/12/09; Ord. 5842, 1/01/15]
- (2) Entryway Landscaping. Both sides of a parking lot entrance shall be bordered by a minimum five-foot-wide landscape planter strip meeting the same landscaping provisions as planter bays, except that no sight-obscuring trees or shrubs are permitted.
- (3) Parking Space Buffers. Parking areas shall be separated from the exterior wall of a structure by pedestrian walkways or loading areas or by a five-foot strip of landscaping materials.

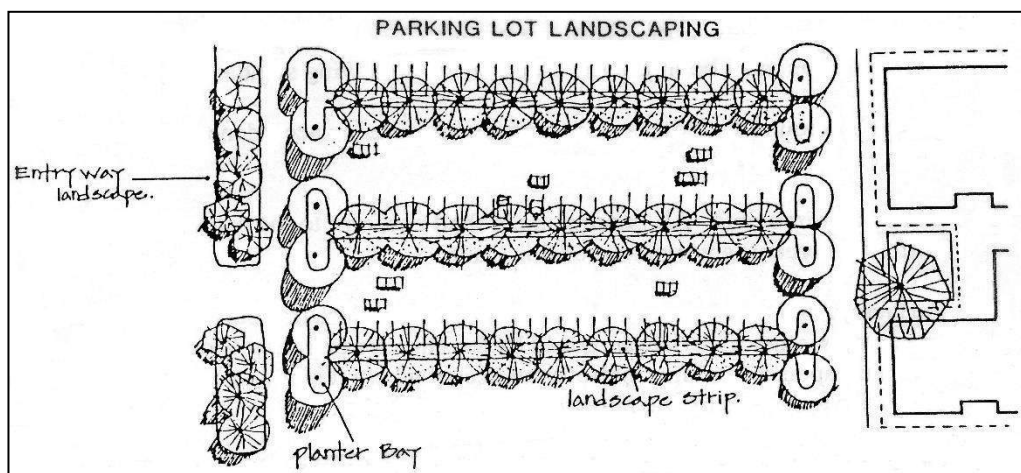


FIGURE 9.150-1. Parking lot landscaping example.

- ~~(4) Alternate Plan. An alternate plan may be submitted that provides landscaping of at least five percent of the total parking area exclusive of required landscaped yard areas and that separates parking areas of more than 100 spaces into clusters divided by landscape strips. Each planter area shall contain one tree at least 10 feet tall and decorative ground cover containing at least two shrubs for every 100 square feet of landscape area. Landscaping may not impede access on required public sidewalks or paths, or handicapped-accessible parking spaces. [Ord. 5720, 08/12/09]~~
- (4) Stormwater Collection System. Vegetated post-construction stormwater quality facilities shall be considered as the initial stormwater collection system.
- (5) Landscape Protection. Required landscaped areas adjacent to graveled areas must be protected, either by railroad ties secured by rebar driven 18 inches into the ground, by large boulders, or by another acceptable means of protection.

[Ord. 5947, 1/01/21]

The parking area perimeter landscaping standards in Village Centers are not new; they are being relocated here from Article 8 Section 8.470 and removed from that Article.

#### 9.160 Parking Area Perimeter Landscaping in Village Centers.

Purpose. These provisions are intended to give provided parking a low profile to improve the pedestrian experience and the overall aesthetic quality of the street. They will minimize the expansive appearance of parking lots, increase the sense of neighborhood scale, and improve the character of a village center. They will also create an attractive, shaded environment along streets that gives visual relief from continuous hard

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street edges; buffer automobile traffic and focus views for both pedestrians and motorists.

Applicability. These standards apply to properties with an Albany Comprehensive Plan designation of Village Center.

Standards.

(1) All parking areas (excluding entranceways) adjacent to a public street shall be screened according to one of the following options in (a) through (d) below:

(a) A low continuous hedge of evergreen shrubs, trees, and plantings that are at least three feet tall within two years and grow to provide an evergreen screen of at least 70 percent;

(b) A berm three-foot-tall with a maximum slope of 3:1, in combination with coniferous and deciduous trees and shrubs;

(c) A low decorative masonry wall at least three feet tall in combination with landscaping; or

(d) A combination of any of these methods.

(2) The landscape plan shall be prepared by a licensed landscape architect. [Ord. 5556, 2/21/03]

9.1650 Irrigation of Required Landscaping. All required landscaped areas must be provided with an irrigation system unless a licensed landscape architect, landscape construction professional, or certified nurseryman submits written verification that the proposed plants do not require irrigation. Irrigation systems installed in the public right-of-way require an encroachment permit. [Ord. 5768, 12/7/11]

9.170 Identification of Existing Trees. In all proposed developments, existing trees over 25 inches in circumference (8 inches in diameter) as measured 4.5 feet above mean ground level from the base of the trunk shall be noted on all development plans, with notations indicating whether they are to be removed or utilized in the development. To obtain the circumference of a tree with multiple trunks, add the individual trunk circumferences, which are greater than six inches in circumference. Clusters of trees in open space and floodplain areas may be noted in approximate locations. [Ord. 5842, 1/01/15]

9.180 Landscape Plans. With the exceptions noted below, all development applications involving buildings and parking areas over 1,000 square feet (contiguous) must include landscape plans. The following uses are required to meet the landscaping requirements of this code but are not required to submit landscape plans: [Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

- (1) Single-dwelling units and middle housing.
- (2) Accessory buildings.
- (3) Changes internal to an existing structure.
- (4) Building additions involving less than 500 square feet.

9.182 Street Trees Prohibited on Right-of-Ways. Because of their potential negative impact on the public infrastructure, it is unlawful to plant any of the following trees in or on any street right-of-way or parking strip in the City: box elder, tree of heaven, golden chain, holly, silver maple, bamboo, poplar, willow, conifer, cottonwood, fruit trees (other than ornamental fruit trees), nut trees (other than ornamental nut trees), and ailanthus.

9.184 Trees Requiring Approval. It is unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the Director of Public Works approves the site as one where the tree roots will not be likely to interfere with public sewers.

9.186 Height Requirements in Rights-of-Way. Trees or shrubs growing in the right-of-way or on private property adjacent to a street right-of-way must be trimmed to maintain a minimum canopy height of eight feet above sidewalks or 14 feet above streets or alleys. No trees, shrubs, or plants more than 18 inches tall shall be planted in the public right-of-way abutting roads having no established curb and gutter.

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- 9.188 Trimming, Removal. The city manager or duly authorized representative may cause any vegetation in or upon any parking strip, street right-of-way or other public place in the City to be trimmed, pruned, or removed.
- 9.189 Planting in Roadways Having No Gutter, Curb. No trees, shrubs, or plantings more than 18 inches tall shall be planted in the public right-of-way abutting roadways having no established curb and gutter.
- 9.190 Completion Guarantees. 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: [Ord. 5886, 1/6/17]
- (1) 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) below, no additional security under this subsection is required for that part of the landscaping. [Ord. 5842, 1/01/15]
  - (2) 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. [Ord. 5886, 1/6/17]
  - (3) To verify that the landscaping, and irrigation, if required, has been installed per the approved plan, an inspection shall be made prior to any security being returned. [Ord. 5446, 5/10/2000]
  - (4) 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. [Ord. 5842, 1/01/15]
- 9.200 Maintenance of Landscaped Areas. It shall be the continuing obligation of the property owner to maintain ~~required~~ provided landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained. Private post-construction stormwater quality facilities located in landscaped areas and required under Title 12 of the Albany Municipal Code shall be maintained consistent with the terms of any operation and maintenance agreements between the property owner and the City consistent with the requirements of Albany Municipal Code Title 12. [Ord. 5842, 1/01/15]

## TREE PROTECTION

- 9.202 Purpose. 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. [Ord. 5445, 4/12/00; Ord. 5764, 12/1/11, Ord. 5947, 1/01/21]
- 9.203 Definitions. For the purposes of the following sections, 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 estimated 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

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(1ft + (25 in \* 1ft/in)) from the center of the tree's trunk and have a total diameter of 52 feet. [Ord. 5947, 1/01/21]

- (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. [Ord. 5947, 1/01/21]
- (3) Tree: A living, standing, woody plant. [Ord. 5764, 12/1/11; Ord. 5947, 1/01/21]
- (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. [Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]

9.204 Applicability. Except as provided below, Site Plan Review approval is required for the felling of 5 or more trees larger than 25 inches in circumference (approximately 8 inches in diameter) on a lot or property in contiguous single ownership in excess of 20,000 square feet in any zone. [Ord. 5767, 12/7/11; Ord. 5947, 1/01/21]

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: [Ord. 5764, 12/1/11; Ord. 5947, 1/01/21]

- (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. [Ord. 5445, 4/12/2000]
- (4) Felling of trees planted as Christmas trees. [Ord. 5635, 1/11/06]
- (5) Felling of trees on property under a Forest Stewardship Plan approved by the Oregon Department of Forestry. [Ord. 5635, 1/11/06]

9.205 Tree Felling Criteria. Except as provided for in Section 9.206, the following review criteria replace the Site Plan Review criteria found elsewhere in this Code for the purpose of reviewing tree felling. A Site Plan Review for tree felling subject to these criteria will be processed as a Type I-L land use decision. [Ord. 5947, 1/01/21]

- (1) The Community Development Director or his/her designee 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. [Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]
- (2) 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 or his/her designee shall approve Site Plan Review for tree felling when the applicant demonstrates that all of the following review criteria are met:
  - (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.

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- (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.
  - (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.
  - (d) Tree felling in Significant Natural Resource Overlay Districts meets the applicable requirements in Article 6. [Ord. 5764, 12/1/11, Ord. 5767, 12/7/11; Ord. 5947, 1/01/21]
- (3) 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 or his/her designee shall approve a Site Plan Review application for tree felling when the applicant demonstrates that all the review criteria in subsection (2) above are met, and the following additional criteria are met: [Ord. 5947, 1/01/21]
- (a) Trees shall be retained in significantly large areas and dense stands so as to ensure against wind throw.
  - (b) Wooded areas that will likely provide an attractive on-site amenity to occupants of future developments shall be retained.
  - (c) 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.
  - (d) Wooded areas along ridges and hilltops will be retained for their scenic and wildlife value.
  - (e) 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.
  - (f) Wooded areas along property lines shall be retained at a minimum width of 10 feet to provide buffers from adjacent properties.
  - (g) The plan for tree felling shall be consistent with the preservation of the site's future development potential and zoning. [Ord. 5767, 12/7/11]
- (4) The Director may attach conditions of approval to the tree felling review to ensure the replacement of trees and landscape or otherwise reduce the effects of the felling, and may require an improvement assurance to ensure all conditions are met. [Ord. 5767, 12/7/11; Ord. 5947, 1/01/21]

9.206 Clear and Objective Criteria for Tree Felling associated with the Development of Housing. 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, or 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). [Ord. 5947, 1/01/21]



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## BUFFERING AND SCREENING

- 9.208 Purpose. These regulations provide screening and buffering between uses in order to reduce the potential objectionable impacts of higher intensity uses on adjacent lower intensity uses. These impacts include, but are not limited to, light pollution and glare, noise, visual impacts, and loss of privacy. [Ord. 5947, 1/01/21]
- 9.210 General Requirements/Matrix. Buffering and screening are required in accordance with the matrix provided in Table 9.210-1. The property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may approve an Adjustment to waive the buffering/screening requirements of this section where such has been provided on the abutting property in conformance with this Code. Where a use would be abutting another use except for separation by right-of-way, buffering (but not screening) shall be required as specified in the matrix. Where a proposed use abuts undeveloped property, only one-half of the buffer width shall be required. [Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]
- 9.220 Delineation of Area. A buffer consists of an area within a required setback adjacent to a property line. It has a depth equal to the amount specified in the buffer matrix and contains a length equal to the length of the property line of the abutting use or uses.
- 9.230 Occupancy. A buffer area may only be occupied by utilities, screening, sidewalks, bikeways, landscaping, and approved vegetated post-construction stormwater quality facilities. No buildings, vehicular access ways or parking areas are allowed in a buffer area except where vehicular access way has been approved by the City. [Ord. 5842, 1/01/15; Ord. 5947, 1/01/21]
- 9.240 Buffering. The minimum improvements within a buffer area consist of the following:
- (1) At least one row of trees. These trees will be not less than 10 feet high at the time of planting for deciduous trees and spaced not more than 30 feet apart and five feet high at the time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director when it can be demonstrated that such trees would conflict with other purposes of this Code (e.g. solar access).
  - (2) At least 5 five-gallon shrubs or 10 one-gallon shrubs for each 1,000 square feet of required buffer area.
  - (3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).
- 9.250 Screening. Where screening is required or provided, the following standards apply in addition to conditions (1) and (3) above:
- (1) One row of evergreen shrubs that will grow to form a continuous hedge at least four feet tall within two years of planting, or
  - (2) A fence or masonry wall at least five feet tall constructed to provide a uniform sight-obscuring screen, or
  - (3) An earth berm combined with evergreen plantings or a fence that forms a sight and noise buffer at least six feet tall within two years of installation.

*The screening of refuse containers standards are being relocated to this Article from Articles 3, 4 and 5 and removed from those Articles.*

- ~~9.255 Screening of Refuse Containers. The following standards apply to all developments except for refuse containers or disposal areas serving four or fewer dwellings. Any refuse container or disposal area that would otherwise be visible from a public street, customer or resident parking area, any public facility, or any~~

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residential area, must be screened from view by placement of a sight-obscuring fence, wall, or hedge at least 6 feet tall. Refuse disposal areas may not be located in required setback areas or buffer yards and must be contained within the screened area. No refuse container shall be placed within 15 feet of a dwelling window.

9.260 Clear Vision. Buffering and screening provisions are superseded by the clear vision requirements of Section 12.180 and by the fence and wall height restrictions of the zone when applicable.

[Ord. 5445, 4/12/2000]

9.270 Landscape Plan. In lieu of these standards a detailed landscape plan, which provides the same degree of desired buffering utilizing alternative designs, may be submitted for approval.

9.330 *Repealed by Ord. 5445, 4/12/00.*



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BUFFER MATRIX	PROPOSED USE								
	Detached single-dwelling unit	Middle housing	Multiple dwelling unit	Manufactured home park or subdivision	Commercial, professional, mixed-use, and institutional	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, HM, RM, MUR and RMA districts	0'	0'	10' (3)	0'	10' S (3)	30' S	30' S	40' S	10' S
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'	10' (4)	10' (4)	10' S (1)	10' (4)	10'	10'	10'	10'
Commercial, professional, mixed-use, and institutional	10'	10' (4)	10' (4)	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(3)(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. (3) Within the HD, CB, DMU, and WF zoning districts, the required screening and/or buffer does not apply abutting the MUR district. (4) Does not apply in the HD, CB, DMU, and WF zoning districts.

**Table 9.210-1. Buffer and Screening Matrix**

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**No other changes are proposed to the remaining sections of Article 9, so they are not included.**

\*\*\*

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*The Climate Friendly and Equitable Communities Oregon Administrative Rules (OAR) require the city to adopt parking reform measures. Since the City will be repealing vehicle parking standards and must adopt maximum parking standards, changes are needed in many Development Code (ADC) articles to change “required” parking to “provided” parking, to add maximum parking where applicable, to remove or amend parking standards that would no longer apply, and to relocate parking and loading area standards to Article 9.*

*Only sections where amendments proposed are provided. The full ADC articles are located online if needed for reference: <https://www.cityofalbany.net/cd/development-code>.*

## ARTICLE 1 ADMINISTRATION AND PROCEDURES

1.105 When a Type I - IV Application is Not Required. Activities and developments listed below do not require a Type I - IV 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 standards, and public improvement and environmental standards.

- (6) New parking areas or expansions to existing parking areas that are less than 1,000 square feet in area and that do not increase the cumulative parking areas to more than 10,890 square feet, excluding restriping an existing lot, and do not modify site circulation or access, do not require Site Plan Review as stated in Section 2.430.
- (7) Additions to an existing building ~~or use expansions~~ that are less than 2,000 square feet or less than 50 percent of existing building area, whichever is less, and that do not:
  - (a) ~~— Add dwelling units; or~~
  - (a)(b) Provide ~~Require~~ three or more parking spaces or additional loading areas; or
  - (b)(e) ~~(e)~~ Modify site circulation or access.
- (8) A change to internal to a building or other structure or use that is allowed through a Site Plan Review, and the new use does not:
  - (a) ~~— Add dwelling units; or~~
  - (b)(a) Provide ~~Require~~ three or more new parking spaces or additional loading areas; or
  - (e)(b) ~~(e)~~ Modify site circulation or access.

## ARTICLE 2 REVIEW CRITERIA

### NONCONFORMING SITUATIONS

2.330 Nonconforming Development.

- (3) Required Improvements. When a proposed project includes alterations that are over the threshold in Subsection (a), the project shall provide the required improvements listed in Subsection (b) for the area specified in Subsection (c).
  - (a) Threshold. The project requires a Type I-L, Type II, or Type III land use approval as specified in

*New text is shown in red underline font and removed text is shown in ~~strikethrough~~ font.*

Article 1 of this Code and cumulative value of one or more building improvements or expansions exceeds \$150,000, excluding the costs associated with the following alterations and improvements intended to bring the site or building into compliance with applicable regulations:

- i. Alterations required by fire/life safety standards;
- ii. Alterations required to remove existing architectural barriers, as required by the Americans with Disabilities Act;
- iii. Seismic improvements;
- iv. Improvements to on-site stormwater management facilities in conformance with code standards;
- v. Energy efficiency or renewable energy improvements;
- vi. Required landscaping; and
- vii. Removal or remediation of hazardous substances conducted under ORS 465.200-545 and 900.

The value of a proposed building or site improvement or expansion will be the value stated on the application for building permits or calculated by the Building Official, whichever is higher. The cumulative value of the alterations is based on the value of improvements on the entire project site over the preceding three-year period (from date of application submittal), not individual building permits.

*The city is proposing to move parking improvement standards up to Category 1 from Category 2 so that nonconforming parking lots are improved over time.*

- (b) Required Improvements. Ten percent of the cost of all improvements proposed in excess of the threshold in Subsection (a) must be allocated toward improvements that bring the site into compliance with standards listed below unless all of the standards listed below can be met at lesser cost. Category 1 improvements must be brought into compliance first.

Improvements within a category can be made in any order. If improvements required to comply with this subsection are proposed after approval of the Type I-L, Type II, or Type III land use review (e.g., in conjunction with the building permit), those improvements shall not be subject to an additional Type I-L, Type II, or Type III land use review or additional required improvements under Subsection (a). Category 1

- Pedestrian facilities connecting the development to a public sidewalk (if a public sidewalk is abutting the property).
- Access to public streets in accordance with Section 12.100.
- Parking lot design and circulation standards in accordance with Sections 9.120 and 9.130 ,
- Bicycle Parking in 9.030 and Electric Vehicle Charging Capacity in 9.050.

Category 2

- If the site is within the Willamette River Greenway, funds will be used to enhance the natural areas closest to the waterfront in accordance with the criteria in Section 6.540.
- Front yard landscaping standards in accordance with Article 9, unless there is not enough physical room, and a Minor Variance is approved;
- Buffering and screening standards in accordance with Article 9, unless there is not enough physical room, and a Minor Variance is approved;
- ~~Parking space and lot improvement standards in accordance with Sections 9.120 and 9.130;~~
- Parking lot landscaping improvement standards in accordance with Section 9.150;
- Screening of refuse containers

- (c) Area of required improvements.

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- i. Except as provided in subsection ii, below, required improvements must be made for the entire site.
- ii. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. The area of the ground lease will be considered as a separate site for purposes of required improvements provided the applicant submits a signed ground lease or excerpts from the lease document showing that there is at least one year remaining on the ground lease, and submits a legal description of the boundaries of the lease.

## 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 2.34~~50~~.

[Ord. 5445, 4/12/00; Ord. 5767, 12/7/11; Ord. 5832, 4/9/14]

- (1) Any development that requires Site Plan Review, unless specifically exempt in Section 1.105.  
[Ord. 5947, 1/01/21]
- (2) A change of use or reuse of a building or site when the use is allowed through Site Plan Review, and that requires construction of three or more new parking spaces, additional loading areas, or that modifies site circulation or access.  
[Ord. 5832, 4/9/14]
- (3) Building additions ~~or use expansions~~ greater than 2,000 square feet or greater than 50 percent of existing building area, whichever is less, or any expansion that ~~requires~~provides three or more new parking spaces, additional loading areas, or modifies site circulation or access.  
[Ord. 5767, 12/7/14; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17]
- ~~(4)~~ (5) New parking areas or expansions to existing parking areas greater than 1,000 square feet (contiguous) or modifications that change site circulation or access.  
[Ord. 5767, 12/7/11; Ord. 5832, 4/9/14; Ord. 5968, 1/14/22]
- ~~(4)(5)~~ Conversion of existing off-street parking areas to uses other than bicycle parking or transit-oriented facilities.
- ~~(5)(6)~~ Temporary placement of a manufactured home for: (a) night watchman; (b) business office space during construction or remodeling; (c) building space for education, non-profit, and government agencies. (See Sections 10.470-10.490.)  
[Ord. 5445, 4/12/00; Ord. 5767, 12/7/11]

2.490 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.  
[Ord. 5886, 1/6/17]
- (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.  
[Ord. 5767, 12/7/11; Ord. 5886 1/7/17]
- (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 location.
- (4) A conceptual landscape plan showing the type and location of proposed landscaping and screening, including parking lot landscaping, when applicable, the tree canopy calculations, and any vegetated

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post-construction stormwater quality facilities.

[Ord. 5842, 1/01/15]

## ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

### 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:

(7) Bed and Breakfast facilities shall:

(a) Be owner occupied.

(b) Be limited to a maximum of four guest bedrooms.

(c) Except for driveway spaces, not contain guest parking facilities in the front setback area or within 10 feet of any interior residential lot line. [Ord. 5742, 7/14/10]

~~(d) Provide at least one off-street parking space for each rental room, except in the HM zone, where on-street parking along the frontage of the property line(s) may count toward the parking requirements. To count towards this standard, each on-street space must be at least 25 feet long.~~ [Ord. 5673, 6/27/07, Ord. 5768, 12/7/11]

### 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 Residential Single Dwelling Unit (RS-5) zoning districts, as applicable. If any building on these properties is damaged or destroyed by fire or other causes beyond the control of the owner, 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.

[Ord. 5886, 1/6/17; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

The Special Status List is maintained by the Community Development Department Director.

[Ord. 5789, 10/10/12]

If any of the listed buildings are converted to a single dwelling unit use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of this article. The special status granted here will be lost if it is determined that the use that existed at the time the zone was created was not then lawfully in existence. [Ord. 5673, 6/27/07; Ord. 6004, 12/28/22]

The intent is that each and every legally established duplex, triplex, fourplex, townhouse, and multiple-dwelling unit development that existed at the time the HM zone was applied or properties that were zoned RS-5 or HM from RM-3 or RM-5 by Ordinance 5673 on June 27, 2007, be put on the Special Status List. Should an existing use not be on the list, the property owner may request that the property and use be listed upon showing that the use was legally established prior to being rezoned HM or RS-5.

[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

The property will be added to the list administratively if the owner or the City provide documents that clearly and objectively establish that the use existed prior to adoption of City zoning in 1946; or if the City can clearly and objectively verify the use was allowed in the zoning district at the time it was established and met the minimum lot size, maximum lot coverage and ~~parking~~ other standards, as applicable. All other requests will be reviewed through the Type I-L land use process and notice will be given to property owners within 100 feet. In order to approve the request, the applicant must document when the use was established and whether the use received the relevant approvals at that time. Satisfactory evidence must be provided

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by the property owner or applicant to document that the use was legally established. Such evidence may consist of Sanborn Fire Insurance Maps, land use approvals or letters, building permits, utility hookups, tax records, or telephone directory listings, for example. When a request is approved, the property will be added to the list. [Ord. 5789, 10/10/12]

3.250 Parking Standards in Setback or Yard Areas.

- (1) Vehicles in daily use shall not park in the front yard, except on a paved driveway ~~that leads to a garage, carport, or on a driveway that provides required parking spaces.~~
- (2) Provided parking spaces shall not be located in a required front or interior setback, except:
  - (a) Circular driveways providing drop-off service to the front door.
  - (b) Driveways used to ~~fulfill~~ provide parking or that lead to a garage or carport. ~~requirements for single dwelling unit detached dwellings, two detached units, duplexes, triplexes, fourplexes, cottage clusters, and townhouses. Each space must be a paved area at least 10 feet wide and 20 feet long.~~

[Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]
- ~~(3) Required parking shall not be located in interior setback areas, except:~~
  - ~~(a) Paved driveways used to fulfill parking requirements for residences subject to subsection (2)(b).~~

~~[Ord. 5968, 1/14/22]~~
- ~~(3)~~ RVs, trailers, boats, campers, and vehicles not in daily use are not allowed in the required front setback for more than 48 consecutive hours. [Ord. 5947, 1/02/21]

## OFF-STREET PARKING AND LOADING REQUIREMENTS

- 3.350 Minimum Space Requirements. ~~When~~ Off-street parking is shall be provided, for all residential development in the it must not exceed the maximum parking amounts as indicated in Article 9, Section 9.020 and Table 9.020-1. All parking lots in residential districts must comply with applicable requirements in Article 9.

[Ord. 5445, 4/12/00; Ord. 5673, 6/27/17; Ord. 5832, 4/9/14; Ord. 5947, 1/01/21]

## ARTICLE 4 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

### 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:

- (11) Retail Sales and Services in the OP, NC, IP and LI zones.
  - (a) Limited uses in OP, NC and IP. The only retail uses allowed are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses are limited to a 5,000-square-foot maximum business footprint, except for businesses located within buildings in the OP and NC zones constructed prior to February 7, 2003, there is no business footprint limit. See Article 22 for examples of convenience-oriented and personal service-oriented businesses. Vehicle repair-oriented services, motor vehicle sales, large equipment sales, and bulk sales are prohibited. [Ord. 5923, 2/8/19]



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- (b) Retail Sales and Service Uses in Existing Buildings in the LI zone. To encourage the reuse of buildings constructed prior to April 9, 2014 in the LI zone, Repair-Oriented Retail Sales and Service uses as described in Section 22.140 will be permitted through Site Plan Review. Personal Service-Oriented uses and Sales and Service-Oriented Retail Sales uses as described in Section 22.140 may be permitted through a Conditional Use review. Retail Sales and Service uses permitted in accordance with this subsection are subject to the following additional review criteria:
- i. The street system has adequate capacity to accommodate the use through the horizon year of the current Transportation Systems Plan; and
  - ~~ii. The site has adequate on-site parking to accommodate the development, or adequate parking will be provided; and~~
  - ~~iii.~~ iii. The development will not alter the existing building or site in a way that would discourage or preclude its later conversion back to an industrial use; and.
  - ~~iiiv.~~ iiiv. The new commercial user shall acknowledge that industrial uses have a right to operate free from the new use complaining about externalities typical of industrial uses.

[Ord. 5832, 4/9/14]

## DEVELOPMENT STANDARDS

4.090 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, ~~safe and efficient parking areas for new development,~~ and improve the general living environment and economic life of a development. Table 4.090-1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-dwelling unit, middle housing, and multiple-dwelling unit developments.

[Ord. 5445, 4/12/00, Ord. 5555, 2/7/03; Ord. 5742, 7/14/10, Ord. 5768, 12/7/11; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

4.220 Parking Restrictions in Setback Areas. Parking and loading spaces must not be located in a required front or interior setback, except:

- (12) Paved driveways ~~used to fulfill parking requirements~~ provided for single-dwelling unit detached, duplex, triplex, fourplex, cottage cluster, and townhouse residences. ~~Each space must be at least 10 feet wide and 20 feet long.~~

[Ord. 5555, 2/7/03; Ord. 5742, 7/14/10; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22; Ord. 6004, 12/28/22]

*The loading standards are being relocated to Article 9 where on-site standards for parking areas are located.*

## OFF-STREET PARKING AND LOADING REQUIREMENTS

~~4.250 Parking Standards moved to Article 9 per Ord. 5832, 4/9/14.~~

~~4.260 Loading Standards. Loading spaces for all uses except office and residential uses shall be off the street. Loading spaces shall be provided in addition to the required vehicle parking spaces, and shall meet the following requirements: [Ord. 5555, 2/7/03; Ord. 5742, 7/14/10]~~

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- ~~(1) Vehicles in the berths shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.~~
- ~~(2) A school having a capacity greater than 25 students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.~~
- ~~(3) The minimum required loading area is as follows:
 
  - ~~(c) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.~~
  - ~~500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.~~
  - ~~750 square feet for buildings in excess of 50,000 square feet of gross floor area.~~~~
- ~~(4) The required loading area shall not be less than 10 feet wide by 25 feet long and shall have an unobstructed height of 14 feet.~~
- ~~(5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.~~
- ~~(6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.~~

## ARTICLE 5 MIXED USE ZONING DISTRICTS

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

### ZONING DISTRICTS

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

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- (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.  
[Ord. 5635, 1/11/06; Ord. 5832, 4/9/14]
- (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.  
[Ord. 5832, 4/9/14]
- (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~~ 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. [Ord. 5832, 4/9/14]
- (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]

### 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:

- (7) Parking Facility in the ES zone. [Ord. 5894, 10/14/17]
- (a) Limited Uses. Parking that is ~~required~~ 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.  
[Ord. 5635, 1/11/06]

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The loading standards are being relocated to Article 9 with other on-site development standards.

## ~~OFF-STREET PARKING AND LOADING STANDARDS~~

~~5.260~~ ~~Parking Standards moved to Article 9 per Ord. 5832, 4/9/14.~~

~~5.270~~ ~~Loading Standards. Loading spaces for all uses except office and residential uses shall be off the street and shall be provided in addition to the required parking spaces and shall meet the following requirements:~~  
~~\_\_\_\_\_ [Ord. 5742, 7/14/10]~~

- ~~(1) Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street.~~
- ~~(2) A school having a capacity greater than 25 students shall have a driveway designed for the continuous forward flow of passenger vehicles for the purpose of loading and unloading children.~~
- ~~(3) The minimum required loading area is as follows:~~
  - ~~(a) 250 square feet for buildings of 5,000 to 20,000 square feet of gross floor area.~~
  - ~~(b) 500 square feet for buildings of 20,000 to 50,000 square feet of gross floor area.~~
  - ~~(c) 750 square feet for buildings in excess of 50,000 square feet of gross floor area.~~~~\_\_\_\_\_ [Ord. 5742, 7/14/10]~~
- ~~(4) The required loading area shall not be less than 10 feet wide by 25 feet long and shall have an unobstructed height of 14 feet.~~
- ~~(5) Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.~~
- ~~(6) Loading areas shall be subject to the same provisions as parking areas relative to plan information, setbacks, buffering/screening requirements, and lighting.~~

## BUFFERING AND SCREENING

5.290 General. Buffering and screening may be required pursuant to Article 9 in addition to the minimum landscaping, to offset the impact of development. See Sections 9.160, and 9.210 through 9.270 for requirements.

[Ord. 5445, 4/12/00; Ord. 5742, 7/14/10; Ord. 5947, 1/01/21]

## ARTICLE 8 DESIGN STANDARDS

8.150 Parking and Access in the DMU, CB, HD, and WF Zoning Districts. These standards are intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, provided parking, and garages; and to preserve on-street parking. See Article 12 for additional access standards.

8.175 Cottage Cluster Design Standards. Cottage clusters are clusters of small, detached dwelling units (cottages) that are oriented around a common courtyard. Cottage clusters typically share amenities such as open space ~~and parking~~. The purpose of this section is to provide standards that promote quality development; create a sense of openness and community; and enhance the livability, walkability, and safety of the community.

*New text is shown in red underline font and removed text is shown in red ~~strikethrough font~~.*

- (6) Pedestrian Access. The purpose of these standards is to ensure that pedestrian circulation systems are designed to provide safe and convenient connections within a cottage cluster development and to adjacent public streets/sidewalks.
- (a) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
- i. The common courtyard;
  - ii. Shared parking areas, if provided;
  - iii. Community buildings; and
  - iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

#### 8.205 Applicability.

- ~~(3)~~(2) Unless otherwise specified, these standards apply in all zoning districts.

*The Vehicle Circulation System standards are being relocated to Article 9 and combined with existing parking lot improvement standards and slightly modified to comply with the CFEC rules.*

#### ~~8.290~~ Vehicle Circulation System.

- (1) ~~Purpose~~. The standards of this section are intended to ensure that on-site vehicle circulation is clearly identifiable, safe, and pedestrian friendly. ~~[Ord. 5947, 1/01/21]~~
- (2) ~~Applicability~~. These standards apply to multiple dwelling unit developments in all zoning districts except HD, DMU, CB and WF. ~~[Ord. 5894, 10/14/17, Ord. 5947, 1/01/21; Ord. 6004, 12/28/22]~~
- (3) Interior drive aisles meeting the standards in subsections (3)(a) through (3)(c) are required when a connecting drive aisle is more than 100 feet in length. "Connecting drive aisles" provide a link between public or private streets and parking stalls and do not include those drive aisles that are lined with angled or perpendicular parking stalls.
- (a) Drive aisles shall have raised curbs and a minimum 5-foot wide sidewalk on at least one side, which is unobstructed by obstacles that would impede pedestrians, including overhanging cars.
- (b) Drive aisles shall have a minimum 5-foot wide landscaped strip on a least one side of the drive aisle with trees planted in accordance with the standards in ADC 9.240(1).
- (c) Traffic calming shall be provided through at least one of the following techniques:
- i. Meandering the drive aisle to achieve a maximum design speed of 15 mph.
  - ii. Installing speed bumps or speed humps at a minimum interval of one every 300 feet of drive aisle. A minimum of one speed hump or speed bump must be provided if the drive aisle is less than 300 feet long.
  - iii. Providing parallel parking on at least one side for at least 50 percent of the length of the drive aisle.
  - iv. Planting trees on both sides along the full length of the drive aisle in accordance with the standards in ADC 9.240(1) to visually narrow the drive aisle.

~~[Ord. 5947, 1/01/21]~~

#### 8.300 Parking Location.

- (1) Purpose. The standards of this section are intended to ensure that residents of multiple-dwelling unit developments have convenient access to parking areas on-site if provided. [Ord. 5947, 1/01/21; Ord. 6004, 12/28/22]
- (2) Applicability. These standards apply in all zoning districts except HD, DMU, CB, and WF, which are subject to ADC Section 8.305. See Article 9 for additional parking lot standards.

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[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]

- (3) ~~Required~~ Parking must be located within 100 feet of the building entrance for a minimum of 50 percent of units in a development. [Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]

*The Street Connectivity and Internal Circulation standards are being relocated to Article 9 and combined with existing parking lot improvement standards and slightly modified to comply with the CFEC rules.*

~~8.350 Street Connectivity and Internal Circulation. The following standards emphasize the importance of connections and circulation between uses and properties. They are intended to promote efficient circulation between properties and a pedestrian-friendly street edge and to improve safety for both drivers and pedestrians.~~ [Ord. 5947, 1/01/21]

~~(1) Applicability. The standards apply to both public and private streets. Development in the IID, DMU, CB and WF zoning districts on sites under three acres is exempt from these standards.~~ [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]

~~(2) Connectivity between sites. To promote connectivity and dispersal of traffic and efficient circulation between properties, new development may be required to provide street or driveway stubs and reciprocal access easements to, and for, adjacent properties.~~ [Ord. 5947, 1/01/21]

~~(3) Internal circulation system:~~

~~(a) Interior drive aisles meeting the standards in subsection (b) are required when a connecting drive aisle is more than 100 feet in length. "Connecting drive aisles" provide a link between public or private streets and parking stalls and do not include those drive aisles that are lined with angled or perpendicular parking stalls.~~

~~(b) Interior drive aisles required by subsection (a) shall meet standards (i) through (iii), below. See Figure 8.350-1.~~

~~i. Drive aisles shall have raised curbs and a minimum 5-foot-wide sidewalk on at least one side, which in unobstructed by obstacles that would impede pedestrians, including overhanging cars.~~

~~ii. Drive aisles shall have a minimum 5-foot-wide landscaped strip on at least one side of the drive aisle with trees planted in accordance with the standards in ADC 9.240(1).~~

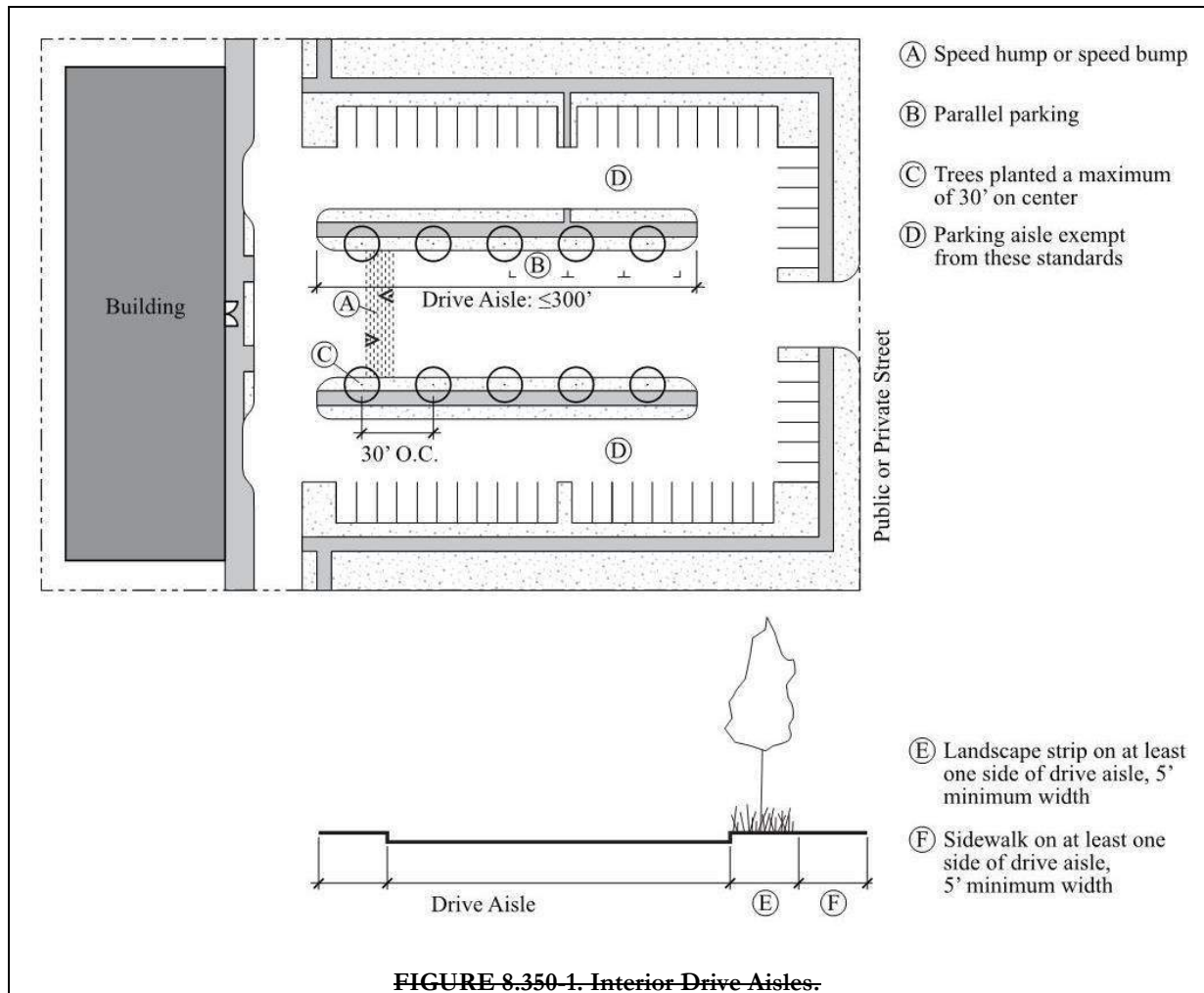
[Ord. 60045, 12/28/22]

~~iii. Traffic calming shall be provided through at least one of the following techniques:~~

- ~~• Meandering the drive aisle to achieve a maximum design speed of 15 mph.~~
- ~~• Installing speed bumps or speed humps at a minimum interval of one every 300 feet of drive aisle. A minimum of one speed hump or speed bump must be provided if the drive aisle is less than 300 feet long.~~
- ~~• Providing parallel parking on at least one side for at least 50 percent of the length of the drive aisle.~~
- ~~• Planting trees on both sides along the full length of the drive aisle in accordance with the standards in ADC 9.240(1) to visually narrow the drive aisle.~~



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**FIGURE 8.350-1. Interior Drive Aisles.**

{Ord. 5947, 1/01/21}

- (4) ~~Drive aisles shall continue the adjacent public street pattern wherever possible.~~{Ord. ~~5947,~~ 1/01/21}
- (5) ~~Drive aisles shall not be located between the building(s) and the sidewalk(s), except as provided in (a) or (b) below:~~
  - (a) ~~Where drive-through windows are permitted, sites are constrained by natural resources, or are infill sites less than one acre.~~ [Ord. 5832, 4/9/14]
  - (b) ~~Where drop-off facilities are provided that have been designed to meet the requirements of the Americans with Disabilities Act but that still provide for direct pedestrian circulation.~~ [Ord. 5947, 1/01/21]

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**TABLE 8.360-2: Point Value of Pedestrian Amenities**

Amenity	Point Value
<u>Covered</u> <del>b</del> Bicycle parking — <del>standard spaces</del> (maximum of 4 points)	1 point for every 5 <u>covered</u> spaces provided beyond the minimum Code requirement

*The Pedestrian and Bicycle Connections standards are being relocated to Article 9.*

~~8.370 Pedestrian and Bicycle Connections. The intent of these standards is to help ensure convenient pedestrian and bicycle access to nearby streets, adjacent uses, and transit stops in compliance with the Transportation Planning Rule (OAR 660-012). The following standards apply in all zoning districts except HD, CB, DMU, and WF, where pedestrian connections are provided by existing sidewalks and small block sizes.~~  
~~[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]~~

- (1) ~~Definitions. The following definitions shall apply for the purposes of this section:~~
  - (a) ~~“Direct and convenient” means the route is not more than 120 percent of the straight-line distance except as necessary to accommodate topographic constraints, natural resources, or hazards.~~
  - (b) ~~“Major transit stop” means transit transfer stations and any additional stops designated as “major transit stops” in the Transportation System Plan.~~
  - (c) ~~“Impractical” means where one or more of the following conditions exist:~~
    - i. ~~Physical or topographic conditions make a connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes, wetlands or other bodies of water where a connection could not reasonably be provided;~~
    - ii. ~~Buildings or other existing development physically preclude a connection; or~~
    - iii. ~~Where streets or accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, which preclude a required street or accessway connection.~~ ~~[Ord. 5947, 1/01/21]~~
  
- (2) ~~Pedestrian and bicycle connections required. Except where impractical, pedestrian, and bicycle connections shall be provided in the following locations:~~
  - (a) ~~Between an existing or planned transit stops and new development that is at, or within, 200 feet of the existing or planned transit stop. Development sites at major transit stops are also subject to subsection (3).~~
  - (b) ~~A direct and convenient pedestrian route shall be provided between the building main entrance(s) and the nearest sidewalk abutting the site or roadway where there is no sidewalk. A direct and convenient bicycle route shall be provided between the bicycle parking and the nearest bicycle path abutting the site or roadway where there is no bicycle path.~~
  - (c) ~~Between the development site and abutting properties. Pedestrian and bicycle connections shall connect the onsite circulation system to existing or proposed walkways and bicycle routes, respectively, that abut the property. When abutting properties are undeveloped or have the potential to be redeveloped, accessways and walkways on site shall be laid out or stubbed to allow for an extension to the abutting property.~~ ~~[Ord. 5947, 1/01/21]~~
  
- (3) ~~Major Transit Stops. Except where impractical, sites at major transit stops shall provide the following:~~
  - (a) ~~Either locate buildings within 20 feet of the transit stop, a transit street or an intersecting street~~

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- ~~or provide a pedestrian plaza at the transit stop or a street intersection;~~
- (b) ~~A direct and convenient pedestrian connection between the transit stop and building entrances on the site;~~
- (c) ~~A transit passenger landing pad accessible to disabled persons;~~
- (d) ~~An easement or dedication for a passenger shelter, if requested by the transit provider; and~~
- (e) ~~Lighting at the transit stop.~~
- ~~— [Ord. 5281, 3/26/97; Ord. 5445, 4/12/00; Ord. 5947, 1/01/21]~~
- (4) Pedestrian and bicycle connections standard. Pedestrian and bicycle accessways shall be constructed of concrete, asphalt, brick or masonry pavers, or other hard surface, and not less than five feet wide.
- ~~— [Ord. 5947, 1/01/21]~~

*The Large Parking Area standards are being relocated to Article 9 and combined with existing parking lot improvement standards and slightly modified to comply with the CFEC rules.*

8.380 ~~Large Parking Areas.~~ The amount of parking needed provided by some developments can result in a large expanse of pavement. The purpose of these standards is to help ensure that landscaping is incorporated into parking lot design in a manner that is both attractive and easy to maintain, that minimizes the visual impact of surface parking, and that improves environmental and climatic impacts (Figure 8.380-1). These standards are also intended to help ensure pedestrian safety and comfort within large parking lots.

~~— [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]~~

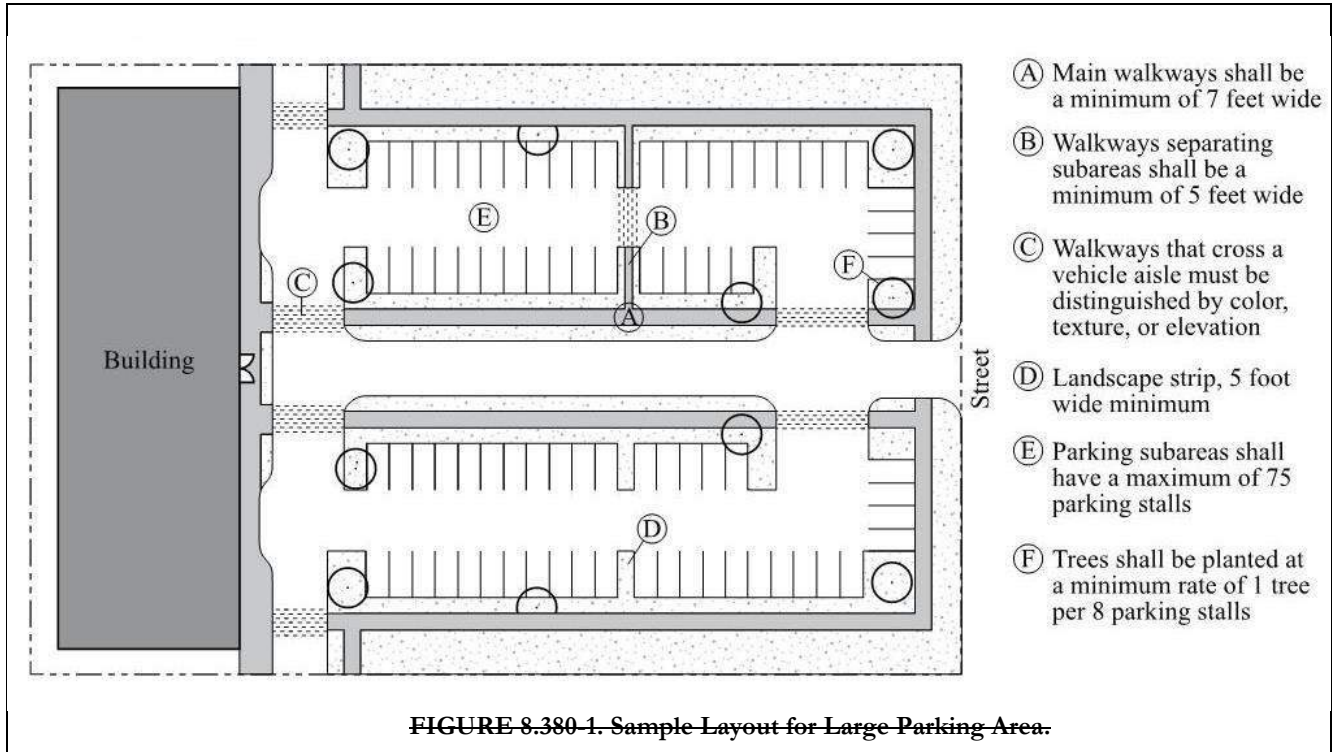
- (1) ~~Applicability.~~ In addition to the provisions of Article 9, the following standards apply when more than 75 new parking spaces are proposed or when the re-construction of a parking area with more than 75 spaces is proposed (i.e., when pavement, curbs, and planter bays are completely replaced).
- ~~— [Ord. 5947, 1/01/21]~~
- (2) ~~Walkways.~~ When a required pedestrian walkway connecting a main building entrance to the street, pursuant to ADC 8.370(2)(b), must cross a large parking area with more than 75 spaces, standards (a) and (b) below shall apply.
- (a) ~~The walkway shall be at least seven feet wide and must meet standards for an accessible path of travel in accordance with the Americans with Disabilities Act (ADA).~~
- (b) ~~The walkway shall incorporate a mix of landscaping, benches, and drop-off bays for at least 50 percent of the length of the walkway.~~ [Ord. 5947, 1/01/21]
- (3) ~~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 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.~~ [Ord. 5886, 1/6/17]
- (4) ~~Parking Subareas.~~ 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, parking areas shall be divided into subareas of no more than 75 parking spaces each. Parking subareas shall be separated from each other with physical breaks by providing one or more of the following: building pads, landscaped strips, landscaped pedestrian walkways, interior streets, or accessways. Landscape strips or landscaped pedestrian walkways used for subarea separation shall meet the following standards:
- (a) ~~Landscape strips shall have a minimum width of five feet that is unobstructed by obstacles that would impede landscape viability, including overhanging cars.~~

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(b) ~~Landscaped pedestrian walkways shall have a minimum unobstructed walkway width of five feet. Landscaping may be on one or both sides of a pedestrian walkway, with a minimum landscape strip width of five feet when provided.~~

~~[Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]~~

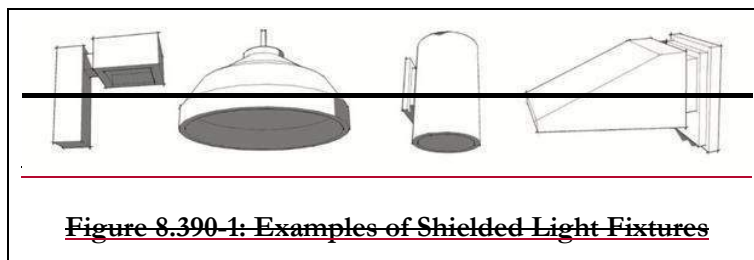
(5) ~~Landscaping for large parking areas shall consist of at least seven (7) percent of the total parking area plus one tree per eight parking spaces to create a canopy effect. The total parking area includes parking spaces, travel aisles, sidewalks and abutting landscaped areas.~~ [Ord. 5445, 4/12/00]



~~[Ord. 5947, 1/01/21]~~

*The lighting standards are being relocated to Article 9 and combined with existing lighting standards.*

~~Light shielding. Any light source or lamp that emits more than 900 lumens (15 watt fluorescent/LED or 60 watt incandescent) shall be concealed or shielded with an Illumination Engineering Society of North America (IESNA) full cut-off style fixture with an angle not exceeding 90 degrees to minimize the potential for glare and unnecessary diffusion on adjacent property. Examples of shielded light fixtures are shown in Figure 8.390-1.~~ [Ord. 5947, 1/01/21]



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## ARTICLE 10 MANUFACTURED HOME DEVELOPMENT STANDARDS

### PLACEMENT ON INDIVIDUAL LOTS

*Housekeeping amendments will remove former (2) that is not needed because the installation standards include foundation enclosures, and will update new (3) to apply to both manufactured and prefabricated dwellings.*

10.170 Manufactured Home and Prefabricated Dwelling Placements. Manufactured homes and prefabricated dwellings are permitted on individual parcels or lots outside of manufactured home parks in accordance with the placement standards set forth below and all other provisions of the Development Code for site-built dwellings. They are not allowed within the National Register Historic Districts or on residential land immediately adjacent to a historic landmark. [Ord. 5446, 5/10/00; Ord. 6008, 1/27/23]

- (1) The dwelling will be placed on a support system in accordance with approved installation standards as specified in Section 10.050.
- ~~(2) The dwelling will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.050.~~
- ~~(3)~~(2) Utilities will be connected in accordance with a manufacturer's specifications and state requirements.
- ~~(4)~~(3) The dwelling bears an insignia of compliance with the applicable standards of the State of Oregon Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

[Ord. 6008, 1/27/23]

### MANUFACTURED HOME PARKS

#### GENERAL

10.280 Site Development Standards.

- (1) Connectivity, Streets, and Parking.
  - (a) Connectivity. Streets that are needed to connect to and extend the transportation network shall be public streets. Other streets may be public or private. Walkways are required to make pedestrian connections to park amenities and neighboring developments. Gated residential streets are prohibited. Access locations needed for emergency vehicle access shall be open to the public and not barricaded.
  - (b) Streets. Either public or private streets may be constructed in manufactured home communities, subject to the connectivity requirements above.
    - i. Private Streets. Private streets shall be paved a minimum width of 20 feet if there is no parking allowed (~~community/visitor parking is required~~) or 30 feet if on-street parking is allowed. The layout of private streets shall foster circulation and access throughout the park. Private streets shall meet the standards outlined in Section 12.250.
    - ii. Public Streets. Public streets shall meet local residential street standards as described in Article 12.
    - iii. Alleys. The use of alleys and garages located at the back of the property are allowed. Alleys facilitate the efficient layout of home spaces and parking areas and narrower streets.

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- (c) Block Length. Block dimensions shall be determined by existing street and development patterns, connectivity needs, topography, and adequate space size. The average block length shall not exceed 600 feet unless adjacent layout or physical conditions justify a greater length. Block length is defined as the distance along a street between the centerline of two intersecting through streets. Physical conditions may include existing development, steep slopes, wetlands, creeks, and mature tree groves. Blocks along the perimeter of the park may be longer if clustered spaces, small bulb-outs or similar design features break up the block.
- (d) Street Trees. Street trees shall be provided along all streets, public and private within the park and around the perimeter of the park, in a manner consistent with Article 12. Trees shall be located within the landscape strip of public roads and within 8 feet of the curb on private streets. Street trees may be used towards the landscaping requirements of the individual home spaces and common areas. The developer may incorporate planting medians into street designs.
- (e) Walkways. A street sidewalk (or an equivalent pedestrian walking system) at least 4 feet wide shall connect each manufactured home space with common areas, public streets, and play areas. All walkways must be separated, raised or protected from vehicular traffic and provide access for handicapped persons. The walkway system must connect with neighboring public sidewalk systems. A walkway at least 3 feet wide shall be provided from each manufactured home main entrance to the nearest public or private street.
- i. Public Sidewalks. Setback sidewalks are required along all public streets within parks and on perimeters abutting a public right-of-way. The sidewalks shall be set back 6 feet and be a minimum of 5 feet wide. [Ord. 5968, 1/14/22]
  - ii. Private Sidewalks or Paths. The developer may construct walking/biking paths in combination with open space and buffer areas to create a park-like setting and “gathering places” in lieu of sidewalks on private streets. The “path” shall circulate throughout the community, providing pedestrian access throughout the development and access to parks and other amenities.
- ~~(f) Parking~~
- ~~i. Home Parking. Each manufactured home space must provide two (2) on-site parking spaces.~~
  - ~~ii. Visitor Parking. If the park streets do not allow on-street parking, visitor parking of one space per eight units shall be provided in clustered community parking areas so that no home is more than 200 feet from a parking area.~~
  - ~~iii. Office and Common Building Parking. Office and common buildings shall be provided with one space for each 300 square feet of floor area. This requirement may be partially filled by required visitor parking located within 300 feet of the building.~~
- ~~(g)~~ (f) Lighting. All streets shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
- ~~(h)~~ (g) Street Identification. All streets shall be named and identification signs shall be provided according to applicable City requirements. All spaces shall be addressed.
- ~~(i)~~ (h) Entry Signage. One freestanding non-illuminated sign identifying the manufactured home park is allowed at each entrance to the park. Such signs may not exceed 32 square feet and are subject to the clear vision area requirements of Section 12.180.
- ~~(j)~~ (i) Park Information Sign. A permanent map layout of a park is required for parks with more than 30 spaces.



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## 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. [Ord. 5947, 1/01/21]
- 10.530 Procedure. An application for Conditional Use approval of a proposed RV park will be processed through the Type III procedure. Applications for Site Plan Review approval will be processed through the Type I-L procedure. [Ord. 5886, 1/6/17; Ord. 5947, 1/01/21]
- 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) The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, must be equal to one space per RV space. Parking spaces must be covered with crushed gravel or paved with asphalt, concrete, or similar material.~~
  - (7) The park must provide toilets, lavatories, and showers for each sex in the following ratios: for each 15 recreational vehicle spaces or any fraction thereof; one toilet, one urinal, one lavatory, and one shower for men; and one toilet, one lavatory, and one shower for women. The toilets and showers must afford privacy and the showers must be provided with private dressing rooms. Facilities for each sex must be located in separate buildings, or, if in the same building, must be separated by a soundproof wall.
  - (8) The park must provide at least one utility building or room containing one clothes washing machine, one clothes drying machine, and 15 square feet of space for clothes drying lines for each 10 recreational vehicle spaces or any fraction thereof.
  - (9) Building spaces required by subsections ~~(98)~~ and ~~(402)~~ of this section must be lighted at all times; ventilated; provided with heating facilities which maintain a room temperature no lower than 65 degrees Fahrenheit and provided with adequate floor drains to permit easy cleaning. The facilities must have a floor of waterproof material, and sanitary ceiling, floor, and wall surfaces.

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- (10) Except for the access road into the park, the park must be screened on all sides by a sight-obscuring hedge or fence at least 6 feet tall.
- (11) The park must be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.

## ARTICLE 11 LAND DIVISIONS AND PLANNED DEVELOPMENTS

### PLANNED DEVELOPMENTS

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:

[Ord. 5968, 1/14/22]

- (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 a higher quality development. [Ord. 5968, 1/14/22]
- (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. [Ord. 5968, 1/14/22]
- ~~(3) Minimum Parking. Where the development provides common parking areas for adjacent uses, no minimum number of parking spaces will be required. It is the developer's responsibility to provide adequate off street parking and loading areas. In proposing the parking areas, the developer shall provide the City with information on expected demand for parking, including trip generation for the uses that share the parking area.~~
- ~~(4)~~(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.
- ~~(5)~~(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 continue to be classified as Middle Housing. [Ord. 5968, 1/14/22]

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## ARTICLE 22 USE CATEGORIES AND DEFINITIONS

*The following definitions are proposed to be added to the Albany Development Code.*

**Access Management** means measures regulating access to streets, roads and highways from public roads and private driveways. Measures may include but are not limited to restrictions on the siting of interchanges, restrictions on the type and amount of access to roadways, and use of physical controls, such as signals and channelization including raised medians, to reduce impacts of approach road traffic on the main facility.

**Accessible** means complying with the American with Disabilities Act.

**Area, Net** means the total area of a development site exclusive of proposed or existing public rights-of-way, public parks, public open space, protected natural features, and any other areas permanently precluded from development due to constraints, easements, or similar legal instruments.

**Climate-Friendly Area** means an urban mixed-use area containing, or planned to contain, a mixture of higher-density housing, jobs, businesses, and services. These areas are served by, or planned for service by, high-quality pedestrian, bicycle, and transit infrastructure and services to provide frequent and convenient connections to key destinations within the city and region. These areas feature a well-designed and connected pedestrian environment. To maximize community benefits these areas typically do not contain or require large parking lots and are provided with abundant tree canopy and vegetation to provide shade, cooling, and other amenities to visitors, residents, and employees. Climate-friendly areas will reduce the reliance on light duty motor vehicle trips for residents, workers, and visitors by providing more proximate destinations within climate-friendly areas, improved connectivity to key destinations elsewhere in the community, and enhanced alternative transportation options.

**Cargo Bicycle** means a bicycle or tricycle designed for transporting loads with a platform for a container, or a container attached to it that sometimes has its own set of wheels. Cargo bicycles generally have longer wheelbases than a traditional bike and are wider than a typical bike when the cargo carrier is provided.



**Accessible Electric Vehicle Charging Space**: A parking stall with electric vehicle charging capability where the battery charging station equipment is located within accessible reach of a barrier-free access aisle, and the electric vehicle.

**Electric Vehicle Charging Facility**: off-street electric vehicle chargers open to public use, with capacity to serve six or more electric vehicles at a time.

**Electric Vehicle Charging Space**: a parking space that is served by battery charging station equipment.

**Electric Vehicle**: any vehicle that operates, either partially or exclusively on electrical energy. “Electric vehicle” (EV) includes: (1) a battery electric vehicle; (2) a plug-in hybrid electric vehicle; (3) any micro-mobility vehicle such as a bicycle, scooter, or skateboard.

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**Parking Spaces** means on- and off-street spaces designated for automobile parking, other than parking spaces reserved for carpools, vanpools, or parking under the Americans with Disabilities Act.

**Pedestrian Facility** means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use. Pedestrian facilities include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian facilities are generally hard surfaced. In parks and natural areas, pedestrian facilities may be soft-surfaced pathways. On undeveloped parcels and parcels intended for redevelopment, pedestrian facilities may also include rights of way or easements for future pedestrian improvements.

**Pedestrian Scale** means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers, or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

**Transit Facility** means any physical facility that moves or assists in the movement of people or goods including but not limited to train stations, bus stops and pullouts, bus shelters, park and ride stations, and similar facilities.



## COMMUNITY DEVELOPMENT

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

# Staff Report

## Climate Friendly and Equitable Communities Parking Reform Albany Comprehensive Plan and Development Code Amendments

Planning Files: CP-02-23, DC-02-23

May 12, 2023

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, May 1, 2023	Wednesday, May 24, 2023
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 text to add policies that support climate friendly and equitable communities and make associated Comprehensive Plan and Albany Development Code amendments.
Applicant:	Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
Location:	Legislative amendments; not site specific

### Overview

Climate Friendly Equitable Communities (CFEC) rules adopted by the Oregon legislature in July 2022 to help meet the State's greenhouse gas reduction goals. As part of these new rules, local governments are required to study, identify, and designate climate friendly areas to help provide residents with more housing and transportation choices while also meeting Oregon's Climate Pollution Reduction Targets for 2050. These rules require some cities to update their transportation and land use plans and development codes to accommodate walkable, mixed-use development.

The first phase of the CFEC rules call for cities to reform parking requirements including:

- Reducing parking – the City proposes to repeal parking citywide, and must adopt parking maximums and amend bicycle parking standards;
- Adding climate friendly standards for parking lots larger than one quarter acre;
- Supporting redevelopment of parking for bike and transit facilities and other uses; and
- Requiring electric vehicle charging infrastructure be provided in new multi-dwelling developments.

The second part of the CFEC rules mandate that 30 percent of a city’s current and future housing needs be able to occur in Climate-Friendly Areas (CFAs). These areas will allow for higher densities of mixed-use residential and employment development and are intended to be a place where residents, workers, and visitors can meet most of their daily needs without having to drive. These places may be urban mixed-use areas such as downtowns and main streets. Candidate CFAs are currently being identified and evaluated this year and implementation will continue through 2024.

## Summary of Proposed Changes

The City of Albany is proposing to amend its vehicle and bicycle parking requirements to comply with the Climate Friendly and Equitable Communities (CFEC) rules in Oregon Administrative Rules Chapter 660, Division 12 to include repealing parking citywide, establishing parking maximums, complying with electric vehicle charging capacity requirements in new parking lots, and climate friendly parking lot improvement standards. The City is also proposing to add comprehensive plan goals and policies to support the CFEC rules and creation of climate friendly areas.

The specific proposed amendments are attached as Exhibits and areas of amendments are listed 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 Text Amendments. Several policies and implementation methods that related to vehicle parking, impervious surfaces, air quality, creating walkable and accessible mixed-use areas are recommended in the following chapters.

- Chapter 1: Natural Resources, Goal 6: Air, Water, and Land Resources Quality
- Chapter 4, Goal 10: Housing
- Chapter 5, Goal 12: Transportation
- Chapter 8, Goal 14 Urbanization
- Chapter 9, Land Use Planning

Exhibit B: Albany Development Code

- Article 1, Administration – replace “required parking” with provided parking.
- Article 2, Review Criteria – include parking lot standards in the first category of required improvements to nonconforming development.
- Article 3, Residential Zoning Districts – remove parking requirements.
- Article 4, Commercial and Industrial Zoning Districts – remove parking requirements.
- Article 5, Mixed Use Zoning Districts – remove parking requirements.
- Article 8, Design Standards – move vehicle circulation system standards and other on-site development standards to Article 9.
- Article 9, On-Site Development and Environmental Standards – remove minimum parking standards, set maximum parking standards, update bicycle parking standards, add climate friendly standards to parking lots larger than one quarter acre, add electric vehicle charging capacity standards, move existing parking and loading standards from other ADC articles and combine with existing and new standards.
- Article 10, Manufactured Home Development Standards - housekeeping amendment.
- Article 11, Land Divisions and Planned Developments – remove parking requirements.
- Article 22, Use Categories and Definitions – add new definitions associated with the amendments.



## Notice Information

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

- Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 24, 2023, at least 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 April 20, 2023, to Linn County, Benton County, and Cascades West Council of Governments.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on April 17, 2023, two weeks before the first public hearing on May 1, 2023.

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 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 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 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 the instance 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 the 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 below in **bold** print and are followed by findings of fact and conclusions.
- 1.5 The proposed legislative amendments would amend the Albany Comprehensive Plan text and Albany Development Code to comply with the Climate Friendly and Equitable Communities rules added to the OAR and existing Division 12: Transportation rules.
- 1.6 The amendments in Exhibit A propose new goals and policies for the Comprehensive Plan to reflect new state rules.

**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; seek input from citizens, agencies, and interested parties; and ensuring information is made available to the public.**

- 1.7 Community engagement is integrated into the planning process for the climate friendly and equitable communities project and is still underway.
- 1.8 To date, two public open houses have been held regarding CFECs and staff has presented to the Hispanic Advisory Commission, students at Linn Benton Community College, the local chapter of the NAACP, and the Friends of Historic Albany.
- 1.9 City staff met with several local developers and engineers, and the business community regarding parking reform proposals.
- 1.10 Due to the short timeline for complying with the parking reform requirements, the Albany Planning Commission and Albany City Council served as the project advisory committee. Three work sessions were held between August of 2022 and March 2023 to introduce the CFEC rules and get feedback on approaches to complying with the OAR.
- 1.11 A project website has been maintained throughout the project with public meeting information and project documents.
- 1.12 Public hearings are part of the public involvement process. Two public hearings are scheduled – May 1, 2023 (planning commission), and May 24, 2023 (city council).
- 1.13 Public notice regarding the Planning Commission and City Council hearings was provided in accordance with ADC Section 1.260. Specifically, notice was sent to the Department of Land Conservation and Development on March 24, 2023; notice was published in the Albany Democrat Herald on April 17, 2023; and the hearings notice was emailed April 20 to Linn County, Benton County, and Oregon Cascades West Council of Governments.

#### Goal 6: Air, Water, and Land Resources

- 1.14 The Albany Comprehensive plan contains a couple of relevant goals that support the need to amend the Plan and ADC to reduce transportation related pollution.
  - **Water Quality: Reduce water pollution in the Albany area and ensure that future land use activities enhance or at least maintain water quality.**
  - **Air Quality: Reduce air pollution in the Albany area and ensure that existing and future land use activities maintain air quality standards.**
- 1.15 The following additional policy and implementation measures are proposed to be added to the Comprehensive Plan to support reduction in impervious surfaces to help with water quality:
 

*Proposed Policy:* Support developments that limit unnecessary increases in the percentage of impervious surfaces.

*Proposed Implementation Measure:* Adopt the following standards to reduce peak runoff from impervious areas and maintain pre-development flow regimes:

  - a. Minimize the proportion of each development site allocated to surface parking and circulation.
  - b. Allow the use of pervious materials and alternative designs where applicable, such as infiltration systems.
  - c. Modify setback requirements to reduce the length of driveways.
  - d. Promote the use of shared driveways to reduce impervious surface in residential development.

#### Goal 9: Economy.

- 1.16 The proposed CFEC parking reform amendments support the following economic development Plan 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 land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.**

- **As part of the development review process, encourage commercial developments to provide the opportunity for shared public access and shared parking where feasible.**
- **Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans, and carpools as alternatives to single-occupancy vehicle commuting.**
- **Create village centers that offer housing and employment choices.**
- **Designate new mixed use Village Centers that provide a mix of commercial, office, entertainment and medium- to high-density residential uses that are integrated into the desired character of the neighborhood.**

1.17 Some of the goals of the parking reform amendments are to allow for more compact missed-use development patterns and village centers that provide housing and employment choices.

1.18 Another goal of the CFEC rules is to reduce reliance on the automobile and encourage developments that support transit, biking and walking.

### Goal 10: Housing

1.19 The proposed CFEC Comprehensive Plan and ADC amendments support the following existing Plan goal and policy:

**Goal: Create a city of diverse neighborhoods where residents can find and afford the values they seek.**

**Policy: 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.**

1.20 On November 2, 2020, the Albany City Council passed Ordinance 5951, which adopted the 2020 Buildable Land Inventory (BLI) and the 2020 Housing and Residential Land Needs Analysis (HNA). The HNA analysis 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.

1.21 The HNA found Albany is projected to add between 6,700 and 9,300 new households between 2020 and 2040. The analysis concluded 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.

1.22 The 2020 BLI estimated 1,397 buildable acres for residential development within the city limits and another 1,278 acres in the urban growth boundary available for residential development.

1.23 The proposed CFEC rules require the city to designate climate friendly areas that will provide the opportunity for 30 percent of Albany's housing needs in 2040 to be located in these urban mixed use areas amounting to 8,861 units.

1.24 The proposed CFEC parking reform mandates may reduce the cost of housing by reducing the parking provided for residential development and creating more housing choices near services and employment. Another outcome is reducing the need for a vehicle, which can be expensive.

1.25 To create more opportunities for housing choices in proximity to commercial services and transit, the following policy is proposed.

*Policy:* Provide opportunities for higher density residential and mixed-use developments within a quarter mile of public transportation.

### Goal 12: Transportation

1.26 One of the primary purposes of the CFEC rules is to reduce Oregon's pollution caused by transportation by providing more opportunities for residents to meet their daily needs without needing to drive.

- 1.27 Cities around the nation are starting to eliminate parking requirements. Many of those that have repealed parking in downtowns or citywide have seen increases in housing and businesses and redevelopment of underutilized sites.
- 1.28 The following transportation Comprehensive Plan goal and policy are relevant to the proposed amendments.  
**Goal: Provide an efficient and safe transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.**  
**Policy: Develop bicycle and pedestrian facilities that encourage non-vehicular travel to and from home, school, work, and other activity centers.**
- 1.29 To support alternative travel options and reduce pollution from transportation, the following policies are proposed.
- Proposed Policies*
- Eliminate parking minimums to encourage alternative modes of travel and reduce the amount of land dedicated to excess parking.
  - Encourage shared parking to foster more efficient use of land within the City.
  - Require electric vehicle charging infrastructure and installation of conduit in new developments.

### Goal 13: Energy Conservation

- 1.30 The proposed parking reform amendments support the following Comprehensive Plan energy conservation policy.
- **Promote development and use of comprehensive energy conservation and management programs that provide opportunities for efficient energy use and subsequent cost savings associated with:**
    - a. Existing and future residential, commercial, and industrial uses.
    - b. Transportation management and planning programs that are directed at transportation efficiency such as reducing dependence on the private automobile.

### Goal 14: Urbanization

- 1.31 The following urbanization policies support parking reform and creating climate friendly areas:
- **Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse and redevelopment.**
  - **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, and permit building configurations which increase the efficiency of energy use.**
- 1.32 The following additional urbanization goals and policies are recommended for the Plan to support creation of climate friendly areas:
- Proposed Goal:* Provide climate friendly areas that provide compact, walkable neighborhoods with a mix of residential and commercial uses with access to transit to provide opportunities to meet daily needs within the neighborhood and reduce the reliance on vehicle travel.
- Proposed Policies*
- Support the conversion of surplus parking into other compatible uses.
  - 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.
- Proposed Implementation Methods:*
- Adopt parking maximum standards for commercial, office, and industrial districts, and require spaces above the maximum standard be in underground or in structured parking facilities in developments.

- Consider mechanisms for new development to contribute to shared parking in lieu of on-site parking and consider a provision for multi-level parking structures.

## CONCLUSIONS

- 1.1 Goal 1, Citizen Involvement. The City reached out to parties interested in parking reform and followed the required public participation process.
- 1.2 Goal 6, Natural Resources. The proposed parking reform amendments may reduce impervious surfaces and support better water quality and help with air quality.
- 1.3 Goal 9, Economy. The parking related amendments and CFEC policies will support infill and redevelopment of underutilized properties and parking lots, and support mixed-use village and neighborhood centers and efficient land use patterns.
- 1.4 Goal 10, Housing. The proposed CFEC policies and parking reform amendments may support a variety of housing choices in locations near transit and may reduce vehicle ownership and housing costs.
- 1.5 Goal 12, Transportation. The parking reform policies and amendments support public transportation and the need for safe and efficient bicycle and pedestrian networks.
- 1.6 Goal 13, Energy Conservation. The proposed CFEC policies and parking reform amendments will support more efficient development patterns and redevelopment and will support transportation system efficiencies.
- 1.7 Goal 14, Urbanization. The proposed Plan and ADC amendments will result in more efficient land use and travel patterns, reducing dependency on automobiles.
- 1.7 In summary, the proposed CFEC related policies and parking reform amendments support existing and proposed Comprehensive Plan policies and statewide planning goals.
- 1.12 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 to Oregon's environment, communities, and economy.
- 2.2 To Land Conservation and Development Commission (LCDC) launched the CFEC rulemaking in response to Governor Brown's Executive Order 20-04 aimed at reducing greenhouse gas emissions and pollution from transportation. The new CFEC rules were adopted into the OAR by LCDC on July 21, 2022.
- 2.3 The OARs require communities to change their local transportation and land use plans to do more to ensure Oregonians have more safe and comfortable ways to get around, and don't have to drive long distances just to meet their daily needs. The rules also aim to improve equity in access to transportation and housing choices.
- 2.4 The City needs to update its Plan policies to support the CFEC rules, to address changing community needs and conditions that include a more diverse population that needs more transportation and housing choices.

## CONCLUSIONS

- 2.1 The proposed legislative amendments are needed to meet new laws and to address changing conditions.
- 2.2 This criterion is met.

## 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

- 1.1 The Albany Development Code serves as the principal vehicle for implementing the Albany Comprehensive Plan.
- 1.2 Amendments are proposed to the Albany Development Code (ADC) to comply with the new CFEC rules related to parking reform.
- 1.3 Findings of fact provided for Albany Comprehensive Plan amendment review criterion 1 assess the proposed amendments against the Albany Comprehensive Plan goals and policies and are hereby incorporated in support of this review criterion.
- 1.4 The proposed ADC amendments to repeal parking minimums, update bicycle and parking standards will better achieve the goals and policies of the Albany Comprehensive Plan than the existing standards.

### Conclusions: Development Code Amendments Criterion 1

- 1.1 The proposed ADC amendments are consistent with the applicable Albany Comprehensive Plan goals and policies related to public involvement, housing opportunities, economic development, energy conservation, transportation, and urbanization.
- 1.2 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

- 2.1 ADC amendments must be consistent with the policies and purpose statements for the affected base zones or development regulations where the amendments are proposed.
- 2.2 Most of the amendments to comply with the state transportation planning rules are related to parking lots and parking standards, which are in Article 9, On-site Development and Environmental Standards. Some of the proposed amendments include relocating existing on-site development and parking lot standards to Article 9 so the on-site development standards are in one location.

Article 9 Overview. The City of Albany has established standards for on-site improvements and environmental protection. These standards are intended to foster high-quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public.

- 2.3 The following amendments proposed for Article 9 to comply with the transportation and CFEC OAR:
  - repealing vehicle parking and establishing vehicle parking maximums
  - Updating bicycle parking standards
  - Adding carpool/vanpool standards
  - Adding electric vehicle charging capacity requirements for certain residential and mixed-use developments
  - Modifying parking area standards for lots a quarter acre or larger to require more tree canopy or solar panels
  - Allowing redevelopment of existing parking to other uses
  - Combining existing parking lot standards in Articles 8, Design Standards and Article 9 with CFEC standards related to walkways, driveways, and drive aisles.



- 2.4 The amendments intended to foster quality developments that promote safety and connectivity for vehicles, pedestrian and cyclists, incorporate carbon offset standards to benefit the general public, and standards support changing community needs.
- 2.5 Below are purpose statements from Article 1 – Administration and Procedures,  
 ADC Purpose 1: Serve as the principal vehicle for implementation of the City’s Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.  
 ADC Purpose 2: Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.
- 2.6 The proposed legislative amendments will implement the City’s comprehensive plan policies and will support alternative modes of transportation, safety, connectivity, and may support energy conservation and help mitigate or slow impacts of climate change.
- 2.7 Amendments to the ADC are needed to comply with state transportation planning rules that include the CFEC rules and statewide planning goals related to transportation, energy conservation, and urbanization.
- 2.8 Amendments to Article 2 Review Criteria are minor and are needed to the Site Plan Review criteria for parking standards and to reorder the list of incremental improvements in the Non-conforming Situations standards.
- 2.9 Minor amendments proposed in Article 3 Residential Zoning Districts, Article 10 Manufactured Home Standards, and Article 11 Land Divisions and Planned Developments relate to removing parking requirements or changing language to refer to provided parking rather than required parking.
- 2.10 Article 4 Commercial and Industrial Zoning Districts and Article 5 Mixed Use Zoning Districts Minor amendments are proposed to these articles to move the Vehicle Loading and Refuse Screening Standards to Article 9 with the other on-site development and parking lot standards.
- 2.11 Article 8 Design Standards  
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.
- 2.12 Article 8 amendments would relocate on-site development and parking lot standards to Article 9 with other on-site circulation and design, pedestrian, bicycle, and auto connectivity.
- 2.13 Article 22, Use Categories and Definitions. New definitions are needed for terms being added to the ADC.

### Conclusions: Development Code Amendment Criterion 2

- 2-1 The proposed Development Code amendments are consistent with applicable purpose statements, special purpose districts, or development regulations where amendments are proposed in Articles 1, 2, 3, 4, 5, 8, 9, 10, 11 and 22.
- 2-2 Based on the above analysis, this criterion is satisfied.

## Overall Conclusions

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

Following a public hearing on these amendments May 1, 2023, the Planning commission voted unanimously to recommend the City Council approve the proposed amendments.

The City Council has two options with respect to the proposed Comprehensive Plan and Development Code amendments:

Option 1: Approve the proposed CFEC related amendments as presented; or

Option 2: Approve the proposed CFEC related amendments as modified by the City Council.

## Staff Recommendation

Based on the planning commission recommendation to, the following motion is suggested:

**I move that the City Council approve the proposed Climate Friendly and Equitable Communities related amendments to the Albany Comprehensive Plan and the parking reform amendments to the Albany Development Code as detailed in planning files CP-02-23 and DC-02-23.**

**This motion is based on the findings and conclusions in the May 12, 2023, staff report, and the findings in support of the application made by the City Council during deliberations on this matter.**

## Attachments

Ordinance and Exhibits:

Exhibit A: Comprehensive Plan Text Amendments

Exhibit B: Albany Development Code Amendments

## Acronyms

ADC	Albany Development Code
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
LCDC	Oregon Land Conservation and Development Commission
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rules
ORS	Oregon Revised Statutes