



ORDINANCE NO. 6008

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

WHEREAS, on November 14, 2022, the Albany Planning Commission held a public hearing and deliberated on proposed text amendments to the Albany Development Code (ADC) to comply with House Bill 4064, and relating to lot depth in residential zones and driveway approach widths for triplexes and fourplexes as described in planning file no. DC-02-22; and

WHEREAS, on November 14, 2022, the planning commission recommended that the Albany City Council approve the proposed text amendments included in Exhibit A of this ordinance. This recommendation was based on findings and conclusions in the staff report as presented in Exhibit B of this ordinance, and consideration of public testimony during the public hearing; and

WHEREAS, on December 14, 2022, the city council held a public hearing on the proposal and reviewed the findings of fact and conclusions in Exhibit B of this ordinance, considered public testimony, and deliberated on the proposed text amendments to the ADC; and

WHEREAS, the amendments to the ADC considered by the planning commission and city council are presented as an attachment to this ordinance as Exhibit A; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated December 2, 2022, are presented as an attachment to this ordinance as Exhibit B; and

WHEREAS, the city council concludes that the findings and conclusions presented in Exhibit B reflect their own findings and conclusions.

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


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

Section 2: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany and these changes shall be made in the Albany Development Code.

Passed by the Council: December 28, 2022

Approved by the Mayor: December 28, 2022

Effective Date: January 27, 2023



Mayor

ATTEST:




City Clerk

Proposed Albany Development Code amendments are shown as follows: additions in black **highlighted bold underline** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

ARTICLE 3 RESIDENTIAL ZONING DISTRICTS

Commentary: The proposal would amend Table 3.190-1 in this article. Commentary boxes are located before changes are proposed within the article and provide an explanation of the change. When no changes are proposed to Article 3 standards, these sections are not shown.

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

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

- Zoning Districts
- Schedule of Permitted Use
- Development Standards

ZONING DISTRICTS

- 3.020 Establishment of Residential Zoning Districts. In order to regulate and segregate the uses of lands and buildings and to regulate the density of development, the following residential zoning districts are established:
- (1) RR—RESIDENTIAL RESERVE DISTRICT. The RR District is intended to recognize areas which, because of topography, level of services, or other natural or development factors are best served by a large lot designation. This district may be applied on an interim basis until urban services become available. The minimum lot size is five acres.
 - (2) RS-10—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-10 District is intended primarily for a lower density residential environment. The average minimum detached single-dwelling unit lot size is 10,000 square feet. [Ord. 5968, 1/14/22]
 - (3) RS-6.5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-6.5 District is intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet. [Ord. 5968, 1/14/22]
 - (4) RS-5—RESIDENTIAL SINGLE-DWELLING UNIT DISTRICT. The RS-5 District is intended primarily for low- to moderate-density residential development. The average minimum detached single-dwelling unit lot size is 5,000 square feet. [Ord. 5673, 6/27/07; Ord. 5968, 1/14/22]
 - (5) RM—RESIDENTIAL MEDIUM DENSITY DISTRICT. The RM District is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Multiple dwelling unit and townhouse development may not exceed 25 units per gross acre. [Ord. 5673, 6/27/07; Ord. 5968, 1/14/22]
 - (6) RMA—RESIDENTIAL MEDIUM DENSITY ATTACHED DISTRICT. The RMA District is intended primarily for medium- to high-density urban residential development. Most units, whether single- or multiple-dwelling units or middle housing, will be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre. [Ord. 5673, 6/27/07; Ord. 5968, 1/14/22]

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- (7) ~~HM—HACKLEMAN-MONTEITH DISTRICT.~~ The HM district is intended primarily to preserve the existing residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-dwelling unit residential structures to non-residential or multiple dwelling unit residential uses is not allowed.
[Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5968, 1/14/22]

No changes are proposed to Section 3.030.

SCHEDULE OF PERMITTED USES

3.040 Interpretation. The following provisions are used to interpret the schedule of permitted uses found in this Article:

- (1) The schedule of permitted uses cannot anticipate all uses that may be located within the City. There are also situations where proposed uses may relate to more than one type of use. In both instances, the Director will determine the appropriate use category based on operating characteristics and land use impacts. Where ambiguity exists concerning the appropriate classification of a particular use, the use may be reviewed as a Conditional Use where the Director determines that the proposed use is consistent with other uses allowable within the subject district due to similar characteristics. Use categories not listed in the schedule of permitted uses are not permitted in the residential zoning districts.
[Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]
- (2) Where a development proposal involves a combination of uses other than accessory uses, the more restrictive provisions of this Code shall apply. For example, if a portion of a development is subject to Conditional Use approval and the balance is subject only to Site Plan Review, the entire development shall be reviewed using the Conditional Use criteria if concurrent approval of all uses is requested. [Ord. 5947, 1/01/21]
- (3) A change in the use of a property is subject to review as specified by the schedule of permitted uses:
 - (a) When the change involves a change from one use category to another in the schedule of permitted uses and the Director has not waived review under the provisions of Section 1.105, or
 - (b) When a property that has been unoccupied for more than one year.
[Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]

3.050 Schedule of Permitted Uses. The specific uses listed in the following schedule are permitted in the zones as indicated, subject to the general provisions, special conditions, additional restrictions, and exceptions set forth in this Code. A description of each use category is in Article 22, Use Categories and Definitions.

A number appearing opposite a use in the “special conditions” column indicates that special provisions apply to the use in all zones. A number in a cell particular to a use and zone(s) indicates that special provisions apply to the use category for that zone(s). The conditions follow the schedule of uses, in Section 3.060.

The abbreviations used in the schedule have the following meanings:

- Y Yes; use allowed without land use review procedures but must meet development standards in this article and may be subject to special conditions.

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- S Use permitted that requires a site plan approval prior to the development or occupancy of the site or building.
- CU Use permitted conditionally under the provisions of Sections 2.230-2.265 through a Type III procedure.
- CUII Uses permitted conditionally through the Type II procedure.
- PD Use permitted only through planned development approval.
- CD Use permitted only through cluster development approval.
- N No; use not permitted in the zoning district indicated.

Some zones have two abbreviations for a use category (ex. Y/CU). Refer to the special condition number to determine what review process is required based on the details of the use.

[Ord. 5673, 6/27/07; Ord. 5947, 1/01/21]

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SCHEDULE OF PERMITTED USES

Uses Allowed in Residential Zoning Districts

USE CATEGORIES (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
RESIDENTIAL: Single-Dwelling Unit Detached and Two Detached Units								
Single-Dwelling Unit, detached	1	Y	Y	Y	Y	Y	Y	N
Primary Residence with one accessory dwelling unit	4	Y	Y	Y	Y	Y	Y	Y
2 detached primary dwelling units	2	N	PD/CD	PD/CD	S	PD.CD	Y	Y
RESIDENTIAL: Middle Housing								
Duplex	3	Y	Y	Y	Y	Y	Y	Y
Townhouse		Y	Y	Y	Y	Y	Y	Y
Triplex or Fourplex	3	Y	Y	Y	Y	Y	Y	Y
Cottage Cluster	3	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL: Multiple-Dwelling Unit Development								
Multiple Dwelling Units	3	N	N	N	N	N	S	S
RESIDENTIAL: Care or Treatment								
Assisted Living		CU	CU	CU	CU	CU	CU	CU
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y
Daycare Facility		CU	CU	CU	CU	CU	CU	S
Residential Care or Treatment Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL: Miscellaneous Use Categories								
Manufactured Home Parks (see Article 10)	10	N	N	S	N	S	S	S
Accessory Buildings, Garages or Carports	9	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S
Bed & Breakfast	7	CUII	CUII	CUII	CUII	CUII	CUII	S
Home Businesses (See 3.090-3.160 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Rooming or Boarding Houses		N	N	N	CU	N	S	S
Subdivision Sales Office	1	N	Y	Y	N	Y	Y	Y
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N
Temporary Residence	8	S	S	S	S	S	S	S
INSTITUTIONAL								
Basic Utilities		CU	CU	CU	CU	CU	CU	CU
Community Services		CU	CU	CU	CU	CU	CU	CU
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU
Hospitals		N	N	N	N	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	14	S/CU	S/CU	S/CU	CU	S/CU	S/CU	S/CU
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU
COMMERCIAL – Limited Use Types								
Entertainment and Recreation:	Indoor Outdoor	18	CU CU	CU CU	CU CU	CU N	CU CU	CU CU
Offices		17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Recreational Vehicle Parks (See Article 10)		5, 10	N	N	N	N	CU	CU
Restaurants, no drive-thru		17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Retail Sales and Service		17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Self-Serve Storage		15	N	N	N	N	S	N
OTHER CATEGORIES								
Agriculture:	Crop Production		Y	Y	Y	N	Y	Y
	On-site Sales of Site-Produced Seasonal Goods		Y	S	CU	N	CU	CU
	Plant Nurseries and Greenhouses		S	S	S	N	S	S
Antennas, owned and operated by FCC licensed member of Amateur Radio Service			Y	Y	Y	Y	Y	Y
Communication Facilities		16	N	N	N	N	N	N
Kennels		11	S	CU	CU	N	CU	N

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Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y
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Y = Yes, allowed, no Site Plan review required

N = No, not allowed

CD = Cluster Development, see Art. 11

PD = Planned Unit Development, see Art. 11

CU = Conditional Use approval required, Type III procedure

S = Site Plan Review required

CUII = Conditional Use approval required, Type II procedure

[Ord. 5281, 3/26/97; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5886, 1/6/17; Ord. 5947, 1/01/21; Ord. 5949, 1/01/21; Ord. 5968, 1/14/22]

3.060 – 3.070, Open Space district moved to Article 6; Ord. 5764, 12/1/11.

No changes are proposed to ADC Sections 3.080 through 3.160.

3.130, 3.150, 3.160, 3.170 Repealed by Ord. 5832, 4/9/14.

Commentary:
Proposal: Amend the Development Standards Table 3.190-1 to remove the Lot Depth row. Currently, minimum lot depths vary by zone, ranging from 60 feet in RM to 100 feet in RS-10. The proposed change would remove lot depth requirements and would allow minimum lot area and minimum width to determine lot depth.

Rationale: Lot depth is not noticeable from the street, except for corner lots. Lot widths help create similar character and scale within a neighborhood. Removing lot depth may allow more flexibility for lot shapes and sizes and more efficient development patterns.

DEVELOPMENT STANDARDS

3.190 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 3.190-1, 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. 5768, 12/7/11; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]

TABLE 3.190-1

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS							
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
Minimum Property Size or Land Requirements by Unit Type(1)(18)							
Single-dwelling unit detached and Duplex (1)	5 acres (15)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	Single-dwelling unit detached: N/A Duplex: 3,500 sf
Townhouse(1)(16)(19)	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf	1,500 sf

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RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS							
Two primary detached units on one property (1)	N/A	N/A	N/A	7,000 sf	N/A	3,500 sf	3,500 sf
Triplex (16)	5 acres	10,000 sf	6,500 sf	5,000 sf	5,000 sf	5,000 sf	5,000 sf
Fourplex (16)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf (17)
Cottage Cluster (16)	5 acres	10,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf	7,000 sf
Multiple dwelling units Studio and 1-bedroom units (1)	N/A	N/A	N/A	N/A	N/A	2,000 sf/ unit	1,500 sf/ unit
2-and 3-bedroom units (1)	N/A	N/A	N/A	N/A	N/A	2,400 sf/ unit	1,800 sf/ unit
4+ bedroom units (1)	N/A	N/A	N/A	N/A	N/A	3,000 sf/ unit	2,200 sf/ unit
Minimum Lot Widths: (18) Townhouse All other uses	20 ft N/A	20 ft 65 ft	20 ft 50 ft	20 ft 35 ft	20 ft 40 ft	20 ft 30ft	None None
Minimum Lot Depth (18)	N/A	100 ft	80 ft	65 ft	70 ft	60 ft	None
Setbacks (4)(18):							
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)
Minimum Building Separation	(12)	(12)	(12)	(12)	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft
Maximum Lot Coverage (9)(18)	20% (11)	50%	60%	60%	60%	70%	70%
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)
Min. Landscaped Area (18)	None	(2)	(2)	(2)	(2)	(3)	(3)

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area requirements of units.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrofits are in Section 3.263; Zero-Lot Line standards are in Sections 3.265 and 3.270; Setbacks for cottage clusters are in Section 3.192.
[Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]
- (5) Except for single-dwelling unit homes or middle housing, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings.
[Ord. 5968, 1/14/22]
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-dwelling unit

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- developments must also meet the setbacks in Section 8.270(3). [Ord. 5974, 1/01/21]
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
- (8) See exceptions to height restrictions, Section 3.340; Maximum height for cottage clusters is in Section 3.192. [Ord. 5968, 1/14/22]
- (9) Lot coverage for single-dwelling unit detached and middle housing development shall only include the area of the lot covered by buildings or structures; Lot coverage for townhouses is calculated based on the overall townhouse project, rather than each townhouse lot; Cottage clusters are exempt from maximum lot coverage standards. [Ord. 5968, 1/14/22]
- (10) See Table 3.230-1 for garages with alley access. [Ord. 5947, 1/01/21]
- (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less, in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
- (12) The minimum separation between multiple dwelling unit buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings; Minimum building separation for cottage clusters is in Section 3.192. [Ord. 5968, 1/14/22]
- (13) Ten or more units require open space. See Section 8.220.
- (14) See Section 8.240 for standards.
- (15) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created, and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.
- (16) Triplexes, fourplexes, townhouses, and cottage clusters are not permitted on lots that are nonconforming with respect to the minimum lot size applicable to that housing type within the zoning district (see ADC 2.320). [Ord. 5968, 1/14/22]
- (17) In RMA, a fourplex with one or more studio or 1-bedroom units shall meet the minimum lot size standards for multiple dwelling unit development, except in no case shall the minimum lot size required for a fourplex exceed 7,000 square feet. [Ord. 5968, 1/14/22]
- (18) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lots. [Ord. 5968, 1/14/22]
- (19) The minimum property size for townhouses specified in Table 3.190-1 is the minimum allowable size for an individual townhouse lot; the number of units permitted on a given site (i.e., the maximum density) is established in accordance with subsection 3.191(1). [Ord. 5968, 1/14/22]

[Table 3.190-1 and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07, Ord. 5768, 12/7/11; Ord. 5832, 4/9/14; Ord. 5947, 1/01/21; Ord. 5966, 11/12/21; Ord. 5968, 1/14/22]

No changes are proposed to the rest of this article.

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ARTICLE 8 DESIGN STANDARDS

Commentary:

A few minor amendments are proposed to middle housing design standards that went into effect in January of this year related to driveway approach widths in Section 8.165. No changes are proposed to the following sections: Cottage Cluster Design Standards, Multiple-Dwelling Unit Development, Commercial and Institutional Site Design, Supplemental Commercial Institutional Design Standards in Village Centers, Telecommunication Facilities, and Supplemental Design Standards for the Oak Creek Transition Area. Therefore, these sections are not included in the review materials.

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

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

[Ord. 5947, 1/01/21]

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

- Single-Dwelling Unit Homes and Middle Housing
- Multiple Dwelling Unit Development
- Commercial and Institutional Site Design
- Supplemental Standards in Village Centers
- Telecommunications Facilities
- Supplemental Design Standards for the Oak Creek Transition Area
[Ord. 5445, 4/12/00, Ord. 5801, 2/13/13; Ord. 5832, 4/9/14; Ord. 5968, 1/14/22]

Section 8.100 repealed by Ordinance 5947, 1/01/21.

SINGLE-DWELLING UNIT HOMES AND MIDDLE HOUSING

8.110 Applicability.

- (1) The standards of ADC Sections 8.110 through 8.170 apply to all new single dwelling detached units, manufactured homes, duplexes, two detached primary units, townhouses, triplexes, and fourplexes in all zones that allow these housing types, except as otherwise noted.
[Ord. 5894, 10/14/17; Ord. 5947, 1/01/21; Ord. 5968, 1/14/22]
- (2) In addition, except as otherwise noted, the standards of ADC Sections 8.110 through 8.160 apply to multiple-dwelling unit development with individual driveways permitted pursuant to ADC 12.100(2) that are located in the WF, CB, or DMU zone, or in the HD zone in a building where ground-floor residential

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- use is permitted pursuant to ADC 5.070(17). [Ord. 5894, 10/14/17; Ord. 5947, 1/01/21]
- (3) These standards do not apply to detached accessory dwelling units, existing structures, new additions to existing structures, or to homes in manufactured home parks.
[Ord. 5894, 10/14/17; Ord. 5949, 1/01/21; Ord. 5968, 1/14/22]
- (4) Development on flag lots or on lots that slope up or down from the street with an average slope of 20 percent or more is exempt from these standards in Section 8.130 through 8.160.
[Ord. 5445, 4/12/00; Ord. 5894, 10/14/17; Ord. 5968, 1/14/22]
- (5) New cottage cluster development shall meet the standards in Sections 8.175 in all zoning districts where permitted.
[Ord. 5968, 1/14/22]
- (6) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the design standards in ADC 8.130 through 8.175 that are applicable to the lot or applicable on a per-lot basis shall apply to the middle housing parent lot, not to the middle housing child lots.
[Ord. 5968, 1/14/22]

No changes are proposed in Sections 8.120 through 8.160.

Commentary: There was public testimony requesting the driveway approach maximums per frontage be increased from 40 feet to 48 feet to allow for 12 ft wide driveways and garage doors for a fourplex; and increase the maximum width per frontage for one driveway from 20 feet to 24 feet. The suggested change would provide more flexibility to developers by allowing wider driveways. As noted above, fourplexes with front-loaded garages may be more straightforward to build and more marketable than other parking/access configurations. This proposal amends ADC Sections 8.165(2), and Figures 8.165-2, 8.165-4, and 8.165-5.

- 8.165 Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes. In all zoning districts except HD, CB, DMU, and WF, new triplex and fourplex developments shall meet the standards of this section. These standards are intended to support a pedestrian-friendly street environment by minimizing the visual and safety impacts of driveways, parking areas, and garages; and to preserve on-street parking.
- (1) Garages and Off-Street Parking Areas. The combined width of all garages and outdoor on-site parking and maneuvering areas shall not exceed a total of 50 percent of the street frontage (see Figure 8.165-1).
[Ord. 5968, 1/14/22]

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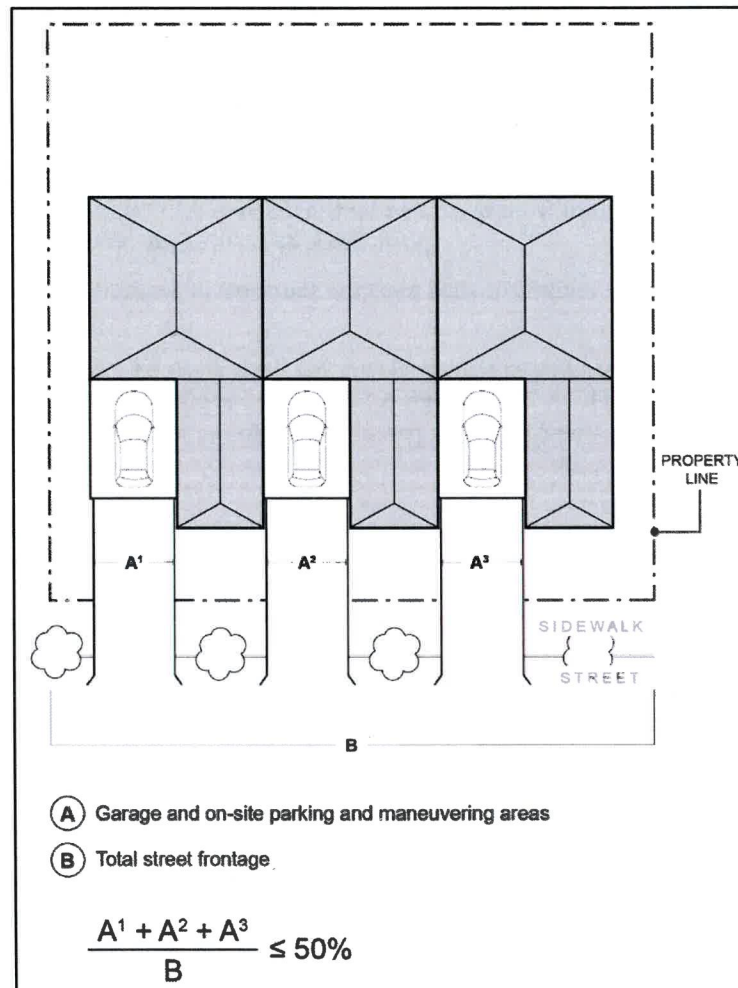


FIGURE 8.165-1. Triplex and Fourplex: Width of Garages and Parking Areas

[Ord. 5968, 1/14/22]

- (2) Driveway Approach. Driveway approaches for triplexes and fourplexes must comply with the following:
- The total width of all driveway approaches must not exceed **40 48** feet per frontage, as measured at the property line (see Figure 8.165-2). For lots with more than one frontage, see subsection (b).
 - In addition, lots with more than one frontage must comply with the following:
 - Lots must access the street with the lowest transportation classification for vehicle traffic. For lots abutting an alley that is improved according to the standards of Article 12, vehicle access shall be via the alley rather than the public street (see Figure 8.165-3).
 - Lots may have either:
 - Two driveway approaches not exceeding **40 48** feet in total width on one frontage (see Figure 8.165-4); or
 - One maximum **20 24**-foot-wide driveway approach per frontage (see Figure 8.165-5).
 - Driveway approaches for triplexes and fourplexes must also meet the standards of ADC Section 12.100.

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold** underlined and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

[Ord. 5968, 1/14/22]

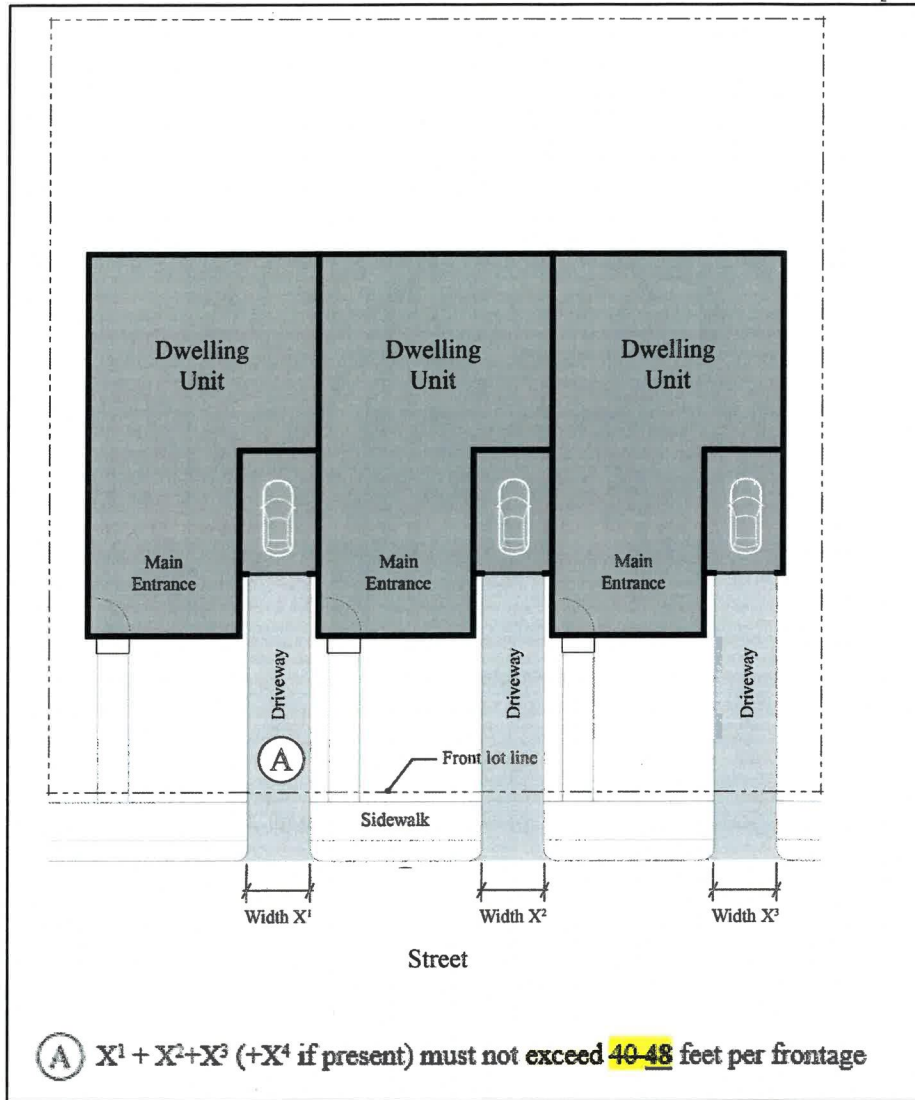


FIGURE 8.165-2. Triplex and Fourplex: Driveway Approach Width

[Ord. 5968, 1/14/22]

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold** underlined and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

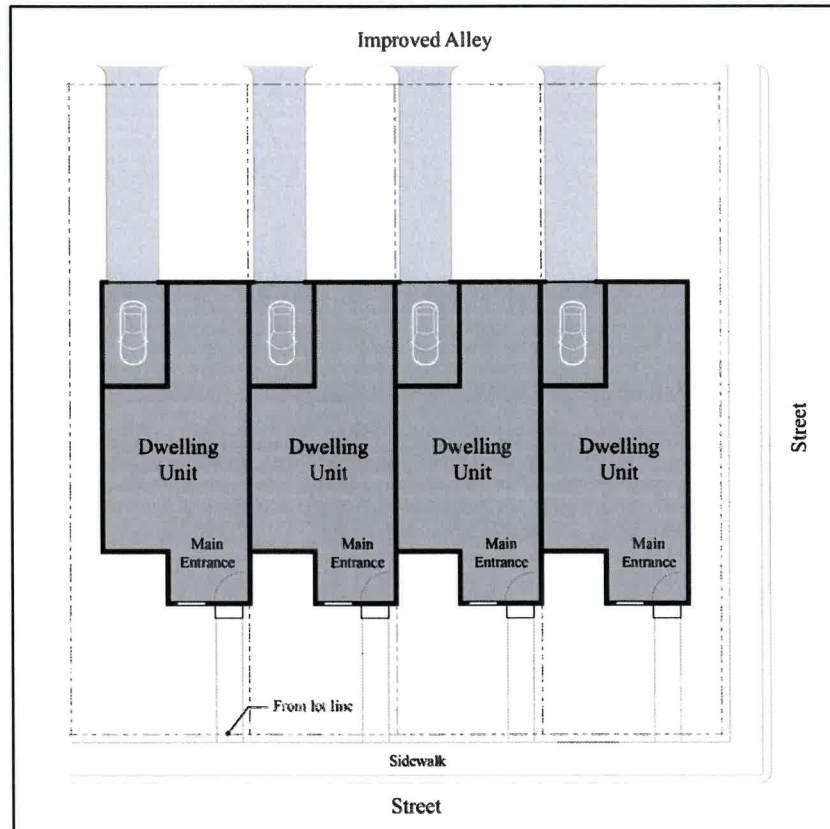


FIGURE 8.165-3. Triplex, Fourplex, and Townhouse: Alley Access Example

[Ord. 5968, 1/14/22]

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

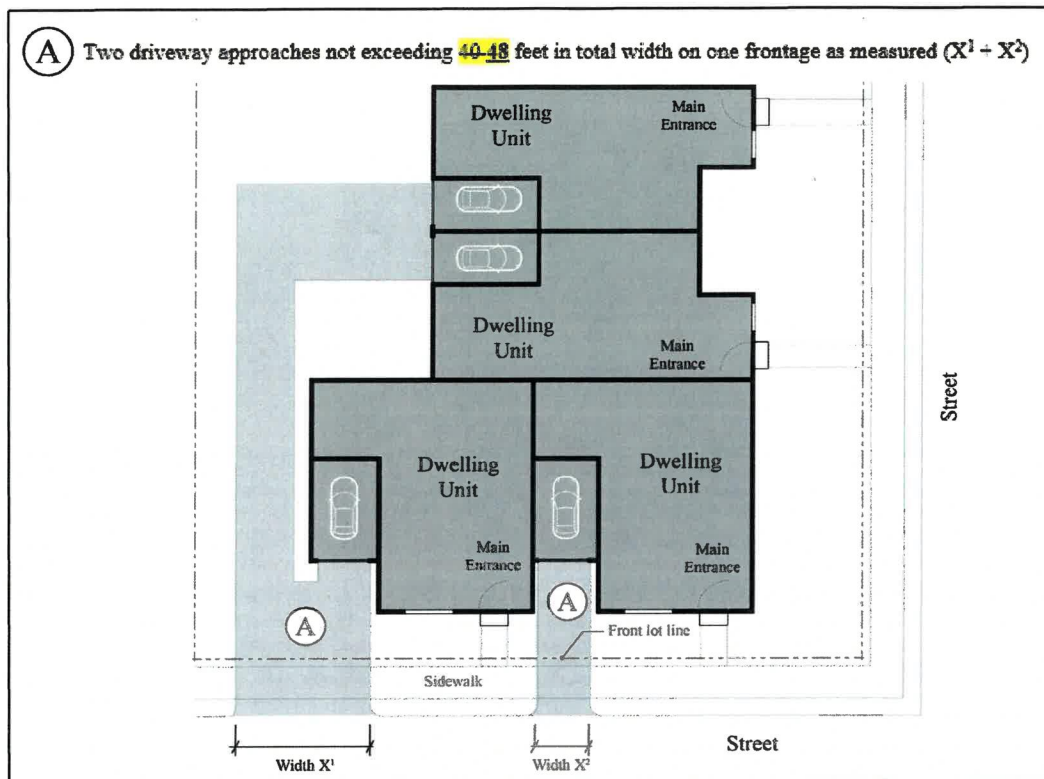


FIGURE 8.165-4. Triplex and Fourplex: Driveway Approach Options for Multiple Street Frontages – Driveways on One Frontage

[Ord. 5968, 1/14/22]

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

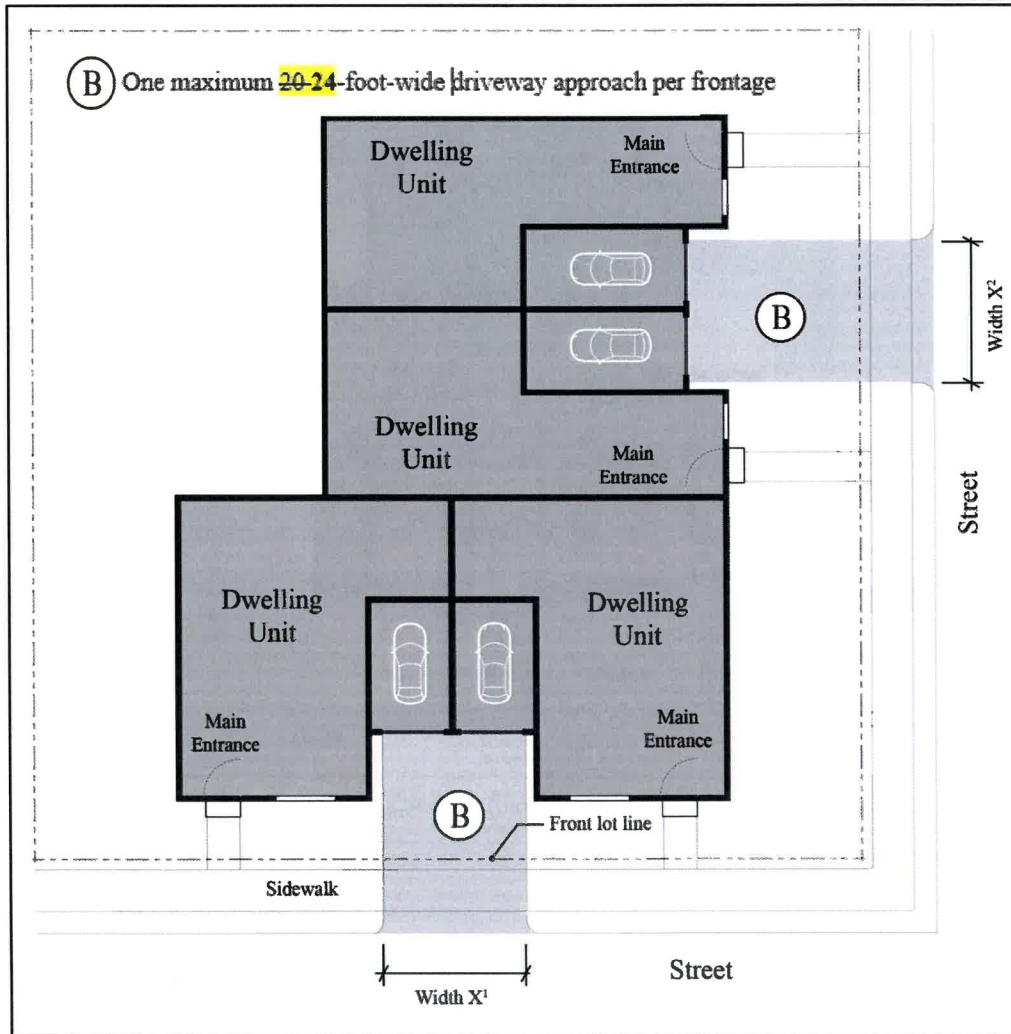


FIGURE 8.165-5. Triplex and Fourplex: Driveway Approach Options for Multiple Street Frontages – Driveways on Both Frontages

[Ord. 5968, 1/14/22]

No changes are proposed to the remaining sections of this article, Sections 8.200 through 8.620.

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

ARTICLE 10 MANUFACTURED HOME DEVELOPMENT STANDARDS

Commentary: Remove the different classifications of manufactured homes and standards limiting placement of smaller manufactured homes and remove review criteria that are unique to manufactured home placement; add prefabricated dwellings to these standards. Rationale: **Rationale:** Amendments are needed to comply with state law. House Bill 4064, which was signed into law in March 2022, modifies ORS 197.314 by limiting local regulation of manufactured homes. The bill prohibits jurisdictions from subjecting manufactured homes and prefabricated structures to siting or design standards that do not apply to site-built single dwelling units on the same land except:

- Protections related to statewide land use planning goals; and
- Regulations related to thermal envelope performance standards.

10.000 Overview. This article contains the standards of development for manufactured housing placed on individual lots and in manufactured home parks within the City. Manufactured **and prefabricated dwellings** ~~homes~~ provide a wide choice of housing types suitable for a variety of households, lifestyles, and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured homes and establish development standards that will increase compatibility with adjacent land uses. The following is a list of the main headings in this article.

- General Provisions
- ~~Classification of Manufactured Homes~~
- Placement on Individual Lots
- Manufactured Home Parks
- Temporary Placements
- Recreational Vehicle Parks

GENERAL PROVISIONS

10.010 Definitions. For purposes of this article, the definitions of terms used and not defined in Article 22 of this Code are as defined in ORS Chapter 446, Oregon Administrative Rules Chapter 918, Division 600, or Oregon Administrative Rules Chapter 333, Division 31 as amended. [Ord. 5445, 4/12/00]

10.020 Relationship to Other Regulations. Standards for manufactured home developments established by state law or state administrative rule are in addition to the provisions of this article.

10.030 Relationship to Deed Restrictions. Nothing in these provisions shall be interpreted as superseding deed covenants or restrictions.

10.040 Manufactured Housing Construction & Safety Standards Code. All **Class “A,” “B,” and “C”** manufactured homes must comply with the minimum construction standards of Title IV of the 1974 Housing and Community Development Act as amended (effective June 15, 1976), and all associated rules, regulations and interpretations of both federal and state authorities.

10.050 Foundations/Enclosures/Support Systems. All load bearing foundations, supports, and enclosures shall be

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

installed in conformance with the state regulations and with the manufacturer’s installation specifications. Permitted enclosure materials are concrete, concrete block, or other materials approved by the Building Official. [Ord. 5445, 4/12/00]

10.060 Attached Structures. All attached structures must be constructed in compliance with building codes adopted by the state of Oregon. [Ord. 5445, 4/12/00]

CLASSIFICATION OF MANUFACTURED HOMES

~~10.080~~ Manufactured Home Classes. For purposes of these regulations, manufactured homes are divided into three types, “A,” “B,” and “C.” These classes are segregated by the size and construction standards under which the home was manufactured. All manufactured homes placed within the City after the effective date of this Code must comply with the placement standards in the Sections that follow. [Ord. 5445, 4/12/00]

CLASS “A”

~~10.090~~ Class “A” Definition. A Class “A” manufactured home is one that meets the following standards:

- ~~(1)~~ It is multi sectional and encloses a space of at least 1,000 square feet.
- ~~(2)~~ It will be placed on a permanent foundation as specified in Section 10.050.
- ~~(3)~~ Wheels, axles, and hitch mechanisms will be removed prior to occupancy.
- ~~(4)~~ Utilities will be connected in accordance with state requirements and the manufacturer’s specifications.
- ~~(5)~~ It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code and, at the time of placement meets applicable building codes. [Ord. 5445, 4/12/00]

~~10.100~~ Class “A” Placement. Class “A” manufactured homes are permitted on individual lots in all Residential Districts, except RMA, if they meet the approval criteria listed in Section 10.180. Class “A” homes are permitted outright in manufactured home parks, and as replacements to existing nonconforming manufactured homes. They are not allowed in any National Register Historic District.

CLASS “B”

~~10.110~~ Class “B” Definition. A Class “B” manufactured home is one that meets the following standards:

- ~~(1)~~ It contains at least 750 square feet of occupied space in a single, double, expando, or multi section unit (including those with add a room units);
- ~~(2)~~ It will be placed on a permanent foundation as specified in Section 10.050.
- ~~(3)~~ Wheels, axles, and hitch mechanisms will be removed.
- ~~(4)~~ Utilities will be connected in accordance with manufacturer’s specifications and state requirements.
- ~~(5)~~ It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

[Ord. 5445, 4/12/00]

~~10.120 Class "B" Placement. Class B manufactured homes are permitted on individual lots in the RS-5 and RM districts if they meet the approval criteria listed in Section 10.180. Class "B" homes are permitted outright in all manufactured home parks. In addition, they are permitted as replacements to existing nonconforming manufactured homes classified as Class B or C. They are not allowed in any National Register Historic District.~~ [Ord. 5445, 4/12/00]

CLASS "C"

~~10.130 Class "C" Definition. A Class "C" manufactured home is one that meets the following standards:~~

- ~~(1) It has at least 320 square feet of occupied space in a single, double, expando or multi-section unit (including those with add-a-room units);~~
- ~~(2) It will be placed on a support system in accordance with approved installation standards as specified in Section 10.050.~~
- ~~(3) It will be enclosed with foundation siding/skirting in accordance with approved installation standards as specified in Section 10.180(4).~~
- ~~(4) Utilities will be connected in accordance with a manufacturer's specifications and state requirements.~~
- ~~(5) It bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.~~

[Ord. 5445, 4/12/00]

~~10.140 Class "C" Placement. Class "C" manufactured homes are permitted in all manufactured home parks. These units are also allowed as replacements to existing nonconforming manufactured homes on an individual lot for units classified as Class C.~~ [Ord. 5445, 4/12/00]

10.150 Repealed by Ord. 5445, 4/12/00

10.160 Repealed by Ord. 5445, 4/12/00

PLACEMENT ON INDIVIDUAL LOTS

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 ~~in Sections 10.100 and 10.120~~ **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]

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

- (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 10.180(4).**
- (3) **Utilities will be connected in accordance with a manufacturer’s specifications and state requirements.**
- (4) **The dwelling bears an insignia of compliance with the Manufactured Housing Construction and Safety Standards Code as of June 15, 1976, and at the time of placement meets applicable building codes.**

~~10.180~~ **Review Criteria.** In order to be approved, the manufactured home must meet all of the following standards:

- ~~(1) The roof pitch shall be a minimum of nominal 3/12. Manufactured homes placed in RM or RMA districts may have a roof pitch of nominal 2/12.~~
- ~~(2) All Class A and Class B manufactured homes outside of manufactured home parks shall be placed on an excavated and back-filled foundation (e.g., pit set) and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade. The perimeter foundation enclosure shall be of pressure treated wood, masonry, or concrete wall construction.~~
- ~~(3) The manufactured home shall comply with the design standards of Article 8 for Single Dwelling Unit Homes and Middle Housing.~~

[Ord. 5968, 1/14/22]

No changes are proposed to the rest of Article 10, so the remaining sections are not shown.

ARTICLE 22 USE CATEGORIES AND DEFINITIONS

The following is a list of content in this article.

- Use Categories 22.030 – 22.370
- Definitions 22.400
- Natural Resource Definitions 22.500

Commentary: A definition of prefabricated dwelling unit is being added to the definitions section 22.400 consistent with state statute. Prefabricated dwelling unit is also added as a use example in the Single-Dwelling Unit Detached and Two Detached Units use categories.

Proposed Albany Development Code amendments are shown as follows: additions in **highlighted bold underlined** and deletions in ~~strike-out~~. Sections not being amended are not shown unless needed for context, and are indicated by asterisks: ***

USE CATEGORIES

[Use Categories in Sections 22.010 – 22.370 added by Ord. 5555, 2/7/03]

No changes are proposed to the ADC Sections 22.010 through 22.280, so these sections are not shown.

22.280 Single-Dwelling Unit Detached and Two Detached Units.

- (1) Single-dwelling unit detached units are one detached dwelling unit on one lot, with or without an accessory dwelling unit. Two detached units are two primary detached dwelling units on one lot. [Ord. 5742, 7/14/10; Ord. 5968, 1/14/22]
- (2) Use Examples. Single detached units, two detached units, manufactured homes, **prefabricated dwellings**, and child and adult care or treatment homes for five or fewer individuals. [Ord. 5968, 1/14/22]
- (3) Exceptions.
 - (a) In certain situations, lodging where tenancy may be arranged for periods less than one month, such as short-term housing or homeless shelter, may be classified as Community Service uses.
 - (b) Dwelling units located above, behind, or contiguous to a business or office on the ground-floor(s) are classified as Units Above or Attached to a Business. [Ord. 5894, 10/14/17]

DEFINITIONS

No changes are proposed to the definitions in 22.400. Only the proposed new definition is shown.

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

Prefabricated Dwelling Unit: A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site and is used as a dwelling unit. A prefabricated dwelling unit does not mean a “manufactured dwelling” (a dwelling built to federal HUD standards) as defined in ORS 446.003, or a “small home” (400 square feet or less built to a residential code) as defined in ORS 455.616 (referenced as “Section 2, Chapter 401, Oregon Laws 2019” or House Bill 2423 (2019)).



COMMUNITY DEVELOPMENT

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

Findings and Conclusions

Development Code Text Amendments

Planning File: DC-02-22

December 2, 2022

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, November 14, 2022	Wednesday, December 14, 2022
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 are provided on the applicable agenda.	
PREPARED BY:	Anne Catlin, Comprehensive Planning Manager	

Application Information

- Proposal:** Albany Development Code (ADC) legislative amendments in Article 3 Residential Zoning Districts related to lot depth; Article 8 Design Standards for Middle Housing related to maximum driveway widths, and in Article 10 Manufactured Home Development Standards to comply with House Bill 4064, which limits regulations on the siting of manufactured and prefabricated homes.
- Applicant:** Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
- Location:** Legislative amendments; not site specific

Summary of Proposed Changes

Albany Development Code amendments related to lot depth in residential zones, maximum driveway widths for triplexes and fourplexes, and amendments to manufactured home standards to comply with House Bill 4064 are described below.

Minimum Lot Depth. Currently, minimum lot depths vary by zone, ranging from 60 feet in RM to 100 feet in RS-10. The proposed amendments would remove lot depth requirements. Minimum lot area and minimum width would determine lot depth. [Article 3, Table 3.190-1m]

Driveway Approach Widths for Triplexes and Fourplexes. The proposed amendments would increase the maximum driveway approach per frontage for triplexes and fourplexes from 40 feet to 48 feet to allow for 12-foot-wide driveways and garage doors for a fourplex; and increase the maximum width per frontage for one driveway from 20 feet to 24 feet [per 8.165(1)]. The total width of garages and on-site maneuvering must still be no more than 50 percent of the street frontage to retain front yard space. [Article 8, Section 8.165(2), and figures 8.165-2, 8.165-4 and 8.165-5]

Manufactured and Prefabricated Housing. The current standards limit the placement of small, manufactured homes on individual lots and have placement standards. The proposed amendments would add prefabricated structures to



these standards and remove the different classes (sizes) of manufactured homes and review criteria that do not comply with House Bill 4064. HB 4064 requires prefabricated structures to be permitted where single-dwelling and manufactured homes are permitted. Prefabricated structures (or modular homes) differ from manufactured homes because they are held to the same local, state, and regional building codes required for site-built homes, whereas manufactured homes are held to a federal code set by the Department of Housing and Urban Development (HUD). A definition of a prefabricated dwelling unit is also proposed. [Article 10, Sections 10.080 through 10.170; and Article 22, 22.400]

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 October 7, 2022, 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 mailed on October 28, 2022, to both counties.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on October 31, 2022, two weeks before the first public hearing on November 14, 2022.

The staff report and proposed code amendments were posted on the City's Planning Project website, <https://www.cityofalbany.net/cd/projectreview>, on November 7, 2022, at least seven days before the first public hearing.

As of the date of this report, the Community Development Department has received no written comments.

Analysis of Development Code Criteria

Development Code Text Amendment Review Criteria

Section 2.290 of the ADC includes the following review criteria, which must be met for this legislative text amendment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Review Criterion 2.290(1)

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

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 describes the City's obligation regarding goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal; and 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed."
- 1.3 The Comprehensive Plan defines a policy as, "a statement identifying a course of action or City position."
- 1.4 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).”

- 1.5 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.

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

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

Findings of Fact

- 1.6 The proposed housing related amendments include complying with state law (House Bill 4064) and include a couple of public requests received over the past two years as part of two housing related projects: the Housing Options project (middle housing to comply with House Bill 2001) and the Housing Implementation Plan project that is underway to assess strategies to address housing needs.
- 1.7 Public Input for the Housing Options project consisted of the following:
- a. The Albany Planning Commission and City Council served as the advisory body. Six joint work sessions with the advisory body were held between November of 2020 and September 2021 to discuss housing related Code amendments. All work sessions were open to the public, with notification to stakeholders and interested parties.
 - b. Four focus group sessions were held in February of 2021. The session participants included individuals who were renters, homeowners, seniors, young adults, parents with young children, realtors, veterans, housing developers, builders, and single moms. While the focus group discussions were not focused on specific code or plan concepts, the team sought community input on the benefits and challenges associated with developing middle housing in Albany.
 - c. An online survey was developed to gather input on housing needs and design concepts and made available in English and Spanish from February 1 to February 28, 2021. A total of 328 people participated.
 - d. The public was invited to sign up for an “interested parties” emailing list and to provide general comments. The interested parties list includes more than 200 people. A total of 23 comments were received through the online sign-up form and nine letters or emails were sent directly to City staff.
 - e. A project website was maintained throughout the project and periodically updated when new project documents were completed.
 - f. City staff shared project updates at key stages of the project through press releases, social media posts (on Facebook, Twitter, and Instagram), and in the City Bridges newsletter, and two question and answer sessions were held in October of 2021.
 - g. Public notice and hearings were held in accordance with Oregon Administrative Rules (OAR) and ADC 1.260.
- 1.8 Public input for the Housing Implementation Plan has included the following to date:
- a. The Albany City Council appointed a Housing Affordability Task Force to serve as the advisory committee for the Housing Implementation Plan project. Members represent a wide range of housing interests. Meetings are open to the public and recorded.
 - b. Seven focus group meetings were conducted in March 2022 to solicit information and opinions about gaps in Albany’s housing supply and potential strategies to address those gaps. Focus group participants represented a range of stakeholder groups including residents, builders, lenders, affordable housing providers, those facing housing insecurity, and a range of agencies and organizations involved in the planning and provision of housing in the Albany area.
- 1.9 Public involvement for the amendments in planning file DC-02-22, included public notice as required in the OAR and in ADC Section 1.260. Specifically, notice was sent to the Department of Land Conservation and

Development on October 7, 2022; notice of public hearings was mailed October 28 to Linn and Benton counties; and notice was published in the Albany Democrat Herald on October 31, 2022. Two public hearings were scheduled – November 14, 2022 (planning commission), and December 14, 2022 (city council).

- 1.10 Through the notification and public hearing process, all interested parties are afforded the opportunity to review proposed text amendments, comment on the proposal, attend the public hearings, and for decisionmakers to consider testimony as they recommend or decide on the final amendments.

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

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

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

Findings of Fact

- 1.11 The Albany Development Code serves as the principal vehicle for implementing the Comprehensive Plan.
- 1.12 Amendments are proposed to remove obstacles to the development of a variety of housing types, in response to community needs.
- 1.13 In 2022, the Oregon Governor signed House Bill 4064, which updated siting standards for manufactured homes and prefabricated structures on land zoned to allow residential detached dwellings.
- 1.14 The proposed text amendments will bring the code into compliance with state law and respond to community needs.

Statewide Planning Goal 10, Housing: To provide for the housing needs of citizens of the state.

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Policy 2: Provide a variety of choices regarding type, location, density, and cost of housing units corresponding to the needs and means of city residents.

Policy 3: Encourage innovation in housing types, densities, lot sizes, and design to promote housing alternatives.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 16: Encourage the development of a range of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and middle housing.

Findings of Fact

- 1.15 The proposed amendments support the City's housing goals to provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens; and create a city of diverse neighborhoods where residents can find and afford the values they seek. According to City's permit data, less than five percent of housing units developed in Albany between 2010-2020 were duplexes, triplexes, or fourplexes. Albany has not seen any narrow lot detached single dwelling unit developments. Removing barriers to the development of middle housing, manufactured and prefabricated housing, and other forms of single dwelling units will provide more housing choices within existing and new neighborhoods and may result in housing that is more affordable.

- 1.16 The proposed housing related text amendments will support Housing policies 2, 3, 6, and 16 listed above by:
- a. Allowing more diversity in lot dimensions may result in more housing choices and efficient use of land
 - b. Allowing manufactured homes and prefabricated dwellings of any size may provide more affordable housing options that will help meet the needs of a wider range of residents; and
 - c. Increasing driveway approaches for triplex and fourplex developments may provide more flexibility that encourages their development while retaining front yards with the maximum street frontage requirements for driveways and garages.

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

Historic and Archaeological Resources Goal: Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.

Vegetation and Wildlife Habitat Goal: Balance compact development patterns with natural resource protection.

Findings of Fact

- 1.17 The purpose of the historic overlay district standards in Article 7 are to protect the City's historic landmarks.
- 1.18 The standards in Article 7 will continue to apply to development located in a historic district and on the local inventory. Specifically, historic review and approval will be required for conversion of any Landmark or Local Historic Inventory resource subject to the standards in Article 7 to middle housing that results in any exterior alterations and for construction of middle housing in Albany's historic districts. The use of substitute materials and demolition or relocation of Local Historic Inventory resources are subject to the standards in Article 7, as applicable.
- 1.19 The standards in Article 6 apply to Article 6 Natural Resource Districts. The standards limit the development of middle housing other than duplexes in significant natural resource districts sites identified and protected pursuant to Goal 5 as allowed by OAR 660-046.

Statewide Planning Goal 9 Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Findings of Fact

- 1.20 Improving opportunities for work force housing is one way the City can provide a supportive environment for the development and expansion of desired businesses.
- 1.21 The proposed amendments will remove barriers to middle housing, narrow-lot housing, and manufactured and prefabricated housing, thereby enabling additional housing options.

Conclusions: Development Code Amendments Criterion 1

- 1-1 Most of the proposed development code text amendments are due to public input from public outreach over the last two years on housing related projects.
- 1-2 The process to review and adopt the proposed code amendments, which includes issuing notices and making information available prior to the public hearings, also ensures the public can effectively participate in the decision-making process. In addition, public hearings are held before the Planning Commission and the City Council to consider public comments prior to making a final decision. These procedures meet the requirements of citizen involvement in the land use planning process.

- 1-3 The proposed amendments support the City's housing and economic development goals to provide a variety of development and housing opportunities that meet the housing needs of all Albany's citizens; and create a city of diverse neighborhoods where residents can find and afford the values they seek.
- 1-4 Housing development is subject to all applicable standards in the ADC including those in Article 6 regarding natural resources and Article 7 for historic resources.
- 1-5 The proposed text amendments are consistent with the applicable Comprehensive Plan goals and policies related to public involvement, housing opportunities, historic and natural resources, economic development, and land use planning in general.
- 1-6 Given the above analysis, this review criterion is met.

Review Criterion 2.290(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 2.290(2) requires ADC amendments to be consistent with ADC policies and purpose statements for the affected base zones or development regulations where the amendments are proposed. Below are purpose statements from Article 1 – Administration and Procedures, Article 3 – Residential Zoning Districts, Article 8 – Design Standards, Article 9 – On-site Development and Environmental Standards, Article 10 – Manufactured Home Development Standards, and Article 22 – Use Categories and Definitions.

Article 1 Administration and Procedures

ADC Purpose 2: Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.

- 2.2 Proposed amendments include modifications to standards to comply with state law regarding the siting of manufactured and prefabricated housing.

Article 3 Residential Zoning Districts: The residential zones are intended to preserve land for housing. This Code preserves the character of neighborhoods by providing seven zones with different density standards. The site development standards allow for flexibility of development while maintaining compatibility within the City's various neighborhoods. These regulations provide certainty to property owners, developers, and neighbors by stating the allowed uses and development standards for the base zones. Sites within overlay districts are also subject to the regulations in Articles 6 and 7.

Findings of Fact

- 2.3 The purpose of the residential zoning districts is to provide standards to allow for a variety of housing types and densities within the residential zoning districts.
- 2.4 The purpose of the RM district is to provide for medium-density residential urban development up to 25 units per acre.
- 2.5 The proposed code amendments to remove the minimum lot depth in all residential zones will remove obstacles to housing and lot size variety. The proposed amendments would allow more flexibility in lot shapes, which may enable more housing types, and would allow narrow-lot detached dwellings.
- 2.6 The proposal to remove the minimum lot depth is consistent with the purpose of the residential zoning districts.

Article 8 Design Standards: 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 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.

Findings of Fact

- 2.7 Design standards are provided for all residential dwelling types, excluding accessory dwelling units.
- 2.8 The proposed amendments are specific to ADC 8.165 (2) Garages, Off-Street Parking Areas, and Driveways for Triplexes and Fourplexes. The proposed code changes would increase the maximum total width of driveway approaches from 40 feet to 48 feet per street frontage, or from 20 feet to 24 feet for properties with more than one frontage.
- 2.9 To retain front yards and support pedestrian safety, no changes are proposed to 8.165(1) that require the combined width of all garages and on-site parking and maneuvering areas to be no more than 50 percent of the street frontage.
- 2.10 The proposed changes will allow a little more flexibility for triplex and fourplexes, while providing a safe environment for walking, consistent with the purpose of the design standards in Article 8.
- 2.11 The proposed development code text amendments are consistent with the existing purpose statements for the applicable Design Standards.

Article 10 Manufactured Home Development Standards: Manufactured homes provide a wide choice of housing types suitable for a variety of households, lifestyles and income levels. The standards contained in this article are intended to provide a suitable living environment for residents of manufactured (and prefabricated) homes and establish development standards that will increase compatibility with adjacent land uses.

Findings of Fact

- 2.12 Amendments to the Manufactured Home Development Standards are necessary to comply with state law, which requires all housing (including manufactured and prefabricated housing) to be allowed through a clear and objective review path.
- 2.13 Proposed amendments to the review criteria for Placement on Individual Lots retain the criteria that are most important for compatibility with adjacent land uses—roof pitch and perimeter foundation enclosure criteria—and make them clear and objective. Criteria that are outdated or unnecessary for ensuring compatibility with adjacent land uses have been removed. Manufactured and prefabricated homes will continue to be subject to the design standards for single dwelling units in Article 8.
- 2.14 The proposed development code text amendments are consistent with the purpose statement for Manufactured Home Development Standards.
- 2.15 A definition of prefabricated dwelling units is proposed in Article 22.

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 3, 8, 10, and 12 as described in Findings 2.1 through 2.15.
- 2-2 Based on the above analysis, this criterion is satisfied.

Overall Conclusion

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

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
DC	Development Code Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes