

RESOLUTION NO. 2275

WHEREAS, the Albany City Council has reviewed the Albany Development Code recommended by the Albany Planning Commission in June, 1981; and

WHEREAS, this review and testimony at a public hearing on August 12 and at several work sessions has resulted in agreement on a number of changes in the proposed Code.

NOW, THEREFORE, BE IT RESOLVED that the changes shown or described in the attached memorandum dated August 25, 1981, from Karl Mawson, Senior Planner, to the Albany City Council be approved and incorporated in the proposed Albany Development Code.

DATED THIS 26TH DAY OF AUGUST, 1981.



Mayor

ATTEST:



City Recorder

INTERDEPARTMENTAL MEMORANDUM
Planning Department

SUBJECT: Council Amendments to the Planning Commission Draft (June 1981)
of the Albany Development Code

TO: Albany City Council

VIA: Bill Barrons, City Manager

FROM: Karl Mawson, Senior Planner

DATE: August 25, 1981 for the August 26, 1981 Council Meeting

Following are proposed amendments to the Development Code incorporating Council discussions of July 22, August 12, and August 25 and staff memos dated July 22, August 6, August 11, August 19, and August 24, all of 1981.

1. Page 1-2 Section 1.070(1)
Change "duplexes" to "two unit dwellings."
2. Page 2-2 Section 2.014
Change 3rd sentence as follows:
"If the Director determines that the application is incomplete or
the necessary attachments have not been submitted, the Director shall..."

Change dates as follows:
Change 30 days in line 5 to 35 days; change 21 days in line 10 to 28
days; and change 14 days in line 15 to 21 days.
3. Page 2-5 Section 2.040 (1)
add the following at the end of the first sentence, "...except
for Conditional Use Permits which shall require notices be sent to
all property owners within 300 feet."
4. Page 3-2 Section 3.020(4)
Delete (4) which refers to public need.
5. Page 3-2 Section 3.050(2)
Delete (4) whic refers to public need.
6. Page 4-5 Section 4.120
Add the word "modify" at end of third line.

4.130 Findings. The hearing body shall adopt findings of fact based upon the applicant's report, staff report and/or testimony presented at the hearing. The findings shall include:

- (1) A statement of the applicable criteria and standards of this Code against which the proposal was tested, and what is required to achieve compliance with the criteria and standards.
- (2) A statement of the facts establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
- (3) The reasons for a conclusion to approve or deny.
- (4) A decision or recommendation to deny or approve the proposed change with or without conditions.

The staff report shall include, as a minimum, information pertaining to (1) and (2) above.

8. Page 5-2 Section 5.060 A

A. Open Space and Residential Zones	OS	R-1	R-2	R-3
1. Accessory building and uses;	A	A	A	A
2. Detached-Single Family Dwellings	*	A	A	A
3. Two-unit dwellings on corner lots within the R-1 District are permitted outright with the following restrictions:				
1) Corner lots are designated for 2 unit dwellings on the recorded plat or all adjoining properties are under the same ownership, and,				
2) 2 unit dwellings shall not be built on contiguous parcels, and,				
3) 2 unit dwellings shall only be allowed on corner lots where each facing street exceeds 200 feet when measured from the corner to the furthest improved portion of the street.	*	A	(not applicable)	
4. Two-unit dwellings on all other corner lots	*	C	A	A
5. Multiple-family dwellings exceeding 2 units	*	PD	S	S
6. Conversions of multiple-family units (exceeding 2 units) into unit ownership	*	C	C	C
7. Quad-quint apartment dwellings (see definitions)	*	PD	S	S
8. Mobile Homes (was # 10)	*	S	S	*

9. Page 5-3 Section 5.060A 13.
Add to line 3 "...that in addition..."
note, this section is to be repeated in 5.080 B (Commercial Zones)
and 5.100 C (Industrial Zones).

10. Page 6-1 Section 6.010

R-1

Single Family	6,500 square feet
2-unit Dwellings	4,000 square feet

R-2

Detached single family	5,000 square feet
2-unit Dwellings	3,750 square feet
3 or more attached units with 2 or more bedrooms	3,300 square feet
3 or more attached units with less than two bedrooms	2,400 square feet

Add a footnote to the 15,000 square foot area requirement in a
C-2 District to read as follows, "except where joint access and parking
is shared with an adjoining property in which case the combined prop-
erties must total at least 15,000 square feet".

11. Page 6-4 6.040 Moderate Cost Housing (1)
add at the end of last sentence
"...and includes contractual obligations for continued availability to low
and moderate income persons."
12. Page 6-7 Section 6.070(8) Useable Yard
Change the interior yard setback from twenty to fifteen feet.
13. Page 6-11 Section 6.170
Allow increased coverage requirements for C-1 and RP districts from
60% to 70%.
14. Page 6-12 Section 6.180
In line 3 after "...building floor area..." insert "(which may
include landscaped area but not parking areas for purposes of
this section only)."
15. Page 6.12 Section 6.190
Change heights to read as follows:
(2) Commercial
- b. In the C-2 District no main building or accessory building
shall exceed 4 stories or 50 feet in height, whichever is
less. Higher structures may be permitted by Conditional
Use Permit.
 - c. In the C-3 District no main building or accessory building
shall exceed 7 stories or 85 feet in height, whichever is
less. Higher structures may be permitted by Conditional Use
Permit.

16. Page 7-10 Section 7.090 (§)
Add to the second sentence as follows:
"A linear curb (continuous or in short sections) may be used..."

Add new last sentence to section.
Curbs shall be constructed in conformance with the "City of Albany Standard Specifications Manual."
17. Page 7-18 Section 7.120 (3)
24-48 feet for all industrial use driveways.
18. Page 7-19 Section 7.120 (9)
reduce from 15% to 10%
19. Page 9-1 Section 9.030 (1)
(1) The Plan map shall be drawn on a map no smaller than 8½" X 11" nor larger than 18" X 24".
20. Page 9-1 Section 9.030 (2)
(2) Scale of Drawing: Appropriate to the area involved and sufficient to show the detail of the plan and related data. 1" = 30', 1" = 50', or 1" = 100' is suggested.
21. Page 9-2 Section 9.030 (8)
Change (8) to:
Natural features, such as rock outcroppings, marches, wooded areas and within buildable areas trees over 12" in diameter measured at breast height. (4½ feet from the ground).
22. Page 9-2 Section 9.030
New (10) after existing (9)
insert (10) - An indication of the direction and approximate direction of slope.
23. Page 9-2 Section 9.030 (15)
Add to the end of the sentence:
"where circumstances warrant, the Director may waive this provision."
24. Page 9-3 Section 9.050 Partitions

9.050 Partitions - Final Map. The applicant shall submit final maps to the City of Albany, County Surveyor, and the County Clerk. The final map shall comply with the format and data which follow, which are intended to clarify and supplement ORS 209. Additional information required by ORS 209 shall be included on all surveys filed for record. Also, map information required to comply with County regulations shall also be placed on the map.
 1. The survey and final map of the Minor Land Partition shall be made by a licensed land surveyor.
 2. The map to be filed with the County Clerk shall be legibly drawn printed, or reproduced by a process guaranteeing a permanent record in black on polyester base film having a minimum thickness of .003".
 3. The map to be filed with the County Surveyor shall be an auto-positive in black on polyester base film. A reproducible copy of the final map of the same material shall be filed with the City Engineer.

4. The map size shall be 18" X 24" which includes a 1" border on all sides. Metric dimensions are 46 cm X 61 cm with a 2.5 cm border.
5. The map shall include the scale - in a multiple of ten - date of survey, and north arrow preferably pointing to the top of the map.
6. The map shall include a title block, top and center which states "Minor Partition"; the location of the partition (by Donation Land Claim and one-quarter section, Town and Range); and the owner(s) of the parcel.
7. The map shall include a minimum two inch square (2" X 2") to be reserved in a corner of the survey map for the County Surveyor's "received stamp."
8. The map shall include the location and width of streets and easements intercepting and adjoining the boundaries of the tract, the official name of any such streets, and all tract, block, and lot or parcel boundary lines.
9. Easements shall be clearly identified and if already of record their recorded reference. If an easement is not definitely located of record, a statement of the easement shall be given. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the partition shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
10. The map shall show location of any property within the 100 year floodplain (see section 11.040) together with the method or source of such determination.
11. The map shall show the length of all arcs, radii and central angles. Adjust all distances to the nearest one hundredth of a foot except on curves which may be shown closer. Adjust all bearings to the nearest ten seconds. The error of closure shall not be greater than that allowed in subdivisions as stated in ORS 92.
12. The maps shall show the course of all lines traced or established giving the basis of bearing and the distance and course to a section corner, one-quarter corner, one-sixteenth corner or Donation Land Claim corner in Township and Range, or to a lot corner of a platted subdivision. Show all bearings or measured angles and distances separately indicated from those of record.

13. The map shall include all monuments including width (and length, of those set) either on the map face or in a legend. Show the relationship of the found to the set monuments. Also show all stakes or other evidence found and used to establish boundaries of the partition. Any lines or boundaries shown by approximation shall be clearly identified as such.
14. Abbreviations not normally found on a recorded subdivision shall be defined on the map face by a legend.
15. Parcels shall be numbered, beginning with the letter "A" and lettered sequentially.
16. The area of each parcel shall be shown in either square feet or acres, or the metric equivalent.
17. The following certificates shall be completed before filing with the County Clerk and County Surveyor. Use dense black permanent ink or equivalent for signatures.
 - a. Signature of approval on the face of the map by the Planning Director.
 - b. A certificate signed and acknowledged by all parties having any record ownership in the land at the time of recording, consenting to the preparation and recording of the map.
 - c. Dedication of easements for utilities and/or widening of streets shall be made on the face of the map. Statement of dedication by owner/authorized agent with signature attested to by notarization (can be combined with b above).
 - d. Surveyor's certificate to be shown with seal and signature on the face of the map, attesting that the requirements of this section (9.050) and ORS 209 have been met.
18. Filing of separate legal documents to achieve any of the above requirements (1 through 17) may be permitted by the Director when it can be shown that placing such information on the final map is not required to achieve the purposes of this code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described area shall be marked with colored ink (other than black) on the City copy. A description of or reference to any other restrictions attached to the minor land partition shall also be noted on the City copy.
19. All monuments shall be a minimum diameter of 5/8" for iron pins and a minimum inside diameter of 1/2" for iron pipes. For concrete monuments refer to ORS 92 as amended. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number.

20. Changes to a final map can be made by affidavit to be filed with the County Recorder. Such change must be approved by the County Surveyor and also the City if the change relates to City requirements or approval criteria. The affidavit document member and date shall be placed on the face of the map that is recorded.
25. Page 9-6 Section 9.100 (5) (c)1
Change "Planning Commission" to "Director".
26. Page 9-6 Section 9.100 (5) (c) 5
Delete 9.100 (5) (c)5.
27. Page 9-6 Section 9.100 (5) (d)1
Change the last section to: "railroad rights-of-way, City Boundary lines, and other important features!"
28. Page 9-7 Section 9.100 (5) (d) 7
 7. Natural features, such as rock outcroppings, marshes, wooded areas and within buildable areas trees over 12" in diameter measured at breast height. (4½ feet from the ground)
29. Page 9-8 Section 9.100 (f) 3
 3. Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.
30. Page 9-9 Section 9.160

9.160

Major Partition and Subdivision Final Plat Requirements.

The applicant shall submit one reproducible copy and three prints of the final plat to the City. Submittal of the Final Plat to the County Surveyor and County Recorder shall be according to applicable State and County requirements.

PREPARATION: The final plat shall be submitted to the City Planning Department in a form required by these regulations and State laws including ORS 92.050-92.120 for plats of record.

INFORMATION REQUIRED: In addition to that specified by State law, the following information shall be shown on the final plat.

1. The date, scale, north point, legend, and controlling topography such as creeks, ditches, highways, and railroad right-of-way.
2. Legal description of the tract boundaries and the file number of the subdivision.
3. Name and address of the owner(s), subdivider, and surveyor.
4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
 - a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
 - b. Adjoining corners of adjoining subdivisions.

- c. Other monuments found or established in making the survey of subdivision or required to be installed by provisions of this Title.
5. Primary control points if such are established by the City; description and "ties" to such control points, to which all dimensions, angles, bearings and similar data on the plat shall be referred.
 6. The location and width of streets and easements intercepting the boundaries of the tract.
 7. One hundred year flood plain or high water line for any body of natural drainageway (see Section 11.040), together with the method or source of such determination.
 8. Lines with dimensions, bearings or deflections angles, radii, arcs, points of curvature and tangent bearings for tract, lot, and boundaries and street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest one hundredth feet.
 9. The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the center line. For streets on curvature, curve data shall be based on the street center line and, in addition to center line dimensions, the radius, chord distance, bearing, and central angle shall be indicated.
 10. Easements, clearly identified and, if already of record, their recorded reference. If an easement is not definitely recorded, a statement of the easement shall be given. The bearing, and sufficient ties to locate the easement with respect to the subdivision, shall be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owners' certificates of dedication. The purposes of easements shall also be identified.
 11. Lot numbers beginning with the number "1" and numbered consecutively in each block in subdivision.
 12. Block numbers beginning with the number "1" and continuing consecutively without omissions or duplication throughout a subdivision. The numbers shall be of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.
 - 13.. Identification of land to be dedicated for any purpose, public or private, to distinguish it from lots or parcels intended for sale the following phasing shall be used when identifying open space dedications:
 - a. Common Open Space - shall be used to identify those parcels of land created for the purpose of common ownership, enjoyment and maintenance by an approved homeowners association group or is listed as being held in common ownership, with appropriate deed restrictions and responsibilities, by owners of property within the subdivision.

- b. Public Open Space - shall be used when identifying those parcels of land dedicated to the City of Albany for open space purposes.
 - c. Open Space Easement - shall be used to identify that portion of a lot, or lots that have established an open space easement agreement with the City of Albany.
14. Special building setback lines and solar easements, if any, which are to be made a part of the subdivision's Deed Restrictions.
15. The following certificates which may be combined where appropriate:
- a. A certificate signed by the Planning Director certifying City approval.
 - b. A certificate signed and acknowledged by all parties having record title interest in the land, consenting to the preparation and recording of the plat.
 - c. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final plat and intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, and servants.
 - d. A certificate signed by the surveyor responsible for the survey and final map, the signature accompanied by seal, attesting that applicable requirements of city, state and county requirements have been met.
 - e. Other certifications required by law.
16. Filing of separate legal documents to achieve any of the above requirements (1 through 15) may be permitted by the Director when it can be shown that placing such information on the final map is not required to achieve the purposes of this code. When a separate legal document is filed describing a geographically based restriction (such as an easement) the described area shall be marked with colored ink (other than black) on the City copy. A description of or reference to any other restrictions attached to the subdivision approval shall also be noted on the City copy.
17. Supplementary Information.
- a. A copy of any deed restrictions.
 - b. A copy of any dedication requiring separate documents.
 - c. Legal documents conveying property to the City.
 - d. Assurance satisfactory to the City Engineer that improvements installed by the subdivider will be in conformity with the standards of the City and that streets and pedestrian ways will be improved.
 - e. Boundary and lot closure computations and total area of each lot, parcel, and open space dedication, in square feet or acres.
 - f. Title Report or Subdivision Guarantee..
18. All monumentation shall comply with standards established for subdivisions as stated in ORS 92. Witness corners may be set when it is impractical or impossible to set a monument in its true position providing course and distance is given to the true position. All monuments shall be clearly identified with the surveyor's name or registration number. Unless waived by the City Engineer, the intersection of all street centerlines shall be monumented according to City specifications.

31. Page 9-12 Section 9.180(1)
Start the sentence by stating "As required by ORS 92.100, obtain..."
32. Page 9-14 Section 9.200(8)
(8) Street Intersections. At all street intersections, an arc along the property lines shall be established so that construction of the street at maximum allowable width, centered in the right-of-way, shall require not less than a twenty foot radius of the curb line.
33. Page 10-2 Section 10.080
Change the last paragraph to the following
Unless otherwise indicated on an approved street plan, the street right-of-way and roadway widths shall not be less than the minimum width in feet shown in the following table. Where a range is indicated, the width shall be determined by the City. Except by Planned Development or Variance the City shall not allow street widths less than 36 feet for streets over 1,000 feet in length or less than 32 feet for streets under 1,000 feet length.
34. Page 10-3 Section 10.080
In the table combine "Continuous Street..." and "Local Street..." to the following
Local Street (45-55) (32-36)
35. Page 10-6 Section 10.240
Delete #(2)
36. Page 10-6 Section 10.240
Add a new number 6 between the existing 5 and 6 as follows
(6) A planter strip separation of at least four feet between curb and sidewalk shall be required in the design of all other streets, excluding the perimeter of cul-de-sacs.
37. Page 10-4 Section 10.140
Deleted from the second sentence, "...and shall be to an even ten feet."
38. Page 10-4 Section 10.170
Change Property Pins to Property Monuments.
Add to the first sentence, "...protected at the developer's expense."
39. Page 10-7 Section 10.242
Change "City Engineer" to "Building Official."
40. Page 10-11 Section 10.290
Delete, "...except when waived by the City Engineer."
41. Page 11-12 Section 11.370 2 (a)
Delete "registered engineer or"
42. Page 11-12 Section 11.370 2 (b)
Second sentence should be changed to read:
"The base data used shall be clearly indicated and shall be based on City datum..."

43. Page 12-2 Section 12.020 (4)
Delete the following from the end of the first sentence
"...and setback from a front property line by not less than 20 feet."
44. Page 12-3 Section 12.080 (2)
The factors in the computation should be reversed (land area divided by dwelling units permitted).
45. Page 12-6 Section 12.090(13)(e) and (f)
Change as follows
(e) Distance of a mobile home or accessory structure from a roadway within the park - 10 feet.
(f) Delete.
46. Page 12-6 Section 12.090(15)
Change sentence as follows
In addition, one guest space shall be provided for every 8 mobile home spaces in a park.
47. Page 21-1 Section 21.040
Last sentence should begin:
"It shall not be lawful..."
48. Page 22-4
Easement: "A recorded interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
49. Page 22-5
Family: An individual or two or more persons related by blood or marriage or a group of people (at a density of not more than two people per bedroom) which is established in structure and appearance to resemble a traditional family unit. In cases where a Group Care Home takes on the appearance of a family it shall be considered a Group Care Home and subject to all applicable regulations of this Code.