

ORDINANCE NO. 4970

TITLE: AN ORDINANCE AMENDING THE ALBANY MUNICIPAL CODE, TITLE 20, KNOWN AS THE "CITY OF ALBANY DEVELOPMENT CODE," RELATIVE TO SITE PLAN REVIEW, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY.

WHEREAS, the Albany City Council has directed staff to perform an update of the Albany Development Code; and

WHEREAS, the proposed amendments (Case No. DC-07-91) are a portion of that Development Code and Zoning Map update; and

WHEREAS, the Planning Commission following a public hearing on July 15, 1991, recommended approval of proposed amendments to the Development Code (Case No. DC-07-91) relative to existing Article 13 relating to site plan review. The amendments consist mainly of format and readability changes. The new text also clarifies the City's current practice of review site plans at three different levels of scrutiny.

WHEREAS, a notice of the City Council public hearing has been published and posted; and

WHEREAS, the Albany City Council held a public hearing on August 14, 1991 and members of the public were given an opportunity to be heard.

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

Section 1: Article 13 of the Albany Municipal Code, Title 20, known as the "City of Albany Development Code," is hereby amended as shown on Exhibit "A."

Section 2: The Findings below are hereby adopted in support of this decision:

- A. The proposed amendments are in compliance with Development Code policies on assurance of prompt review of development proposals, establishment of procedures for review of site design and improvements and protection of life and property from natural hazards.
- B. The proposed amendments are in compliance with Comprehensive Plan policies regarding urban development and design review.
- C. The proposed amendments will clarify the text of the Code and improve readability of the regulations.
- D. The proposed amendments result in a Code structure that is easy to follow and utilize.
- E. The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language.

*These amendments, known as
new Article 8, replace existing
Article 13 in its entirety.*

*Liz Newcomb, Associate
Planner*

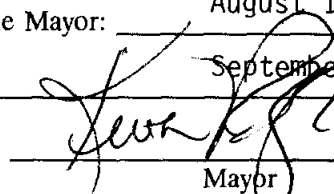
11/13/91

Section 3: A copy of this ordinance will be forwarded to the Department of Land Conservation and Development.

Passed by the Council: August 14, 1991

Approved by the Mayor: August 15, 1991

Effective Date: September 13, 1991



Mayor

ATTEST:

Norm C. Withrow
Deputy City Recorder

ARTICLE 8 SITE PLAN REVIEW

8.010 Overview. This article establishes three levels of site plan review, with the degree of detail required for submittal and review criteria based on the projected land use impacts. Option A review is primarily for new development and is subject to the greatest scrutiny. Option B is primarily for review of those projects which are expansions of existing development and which will generally result in fewer impacts on the surrounding area than a new development. Option C review is used when the proposal is for a change in use or another modification to a developed site which will not result in a greater impact on the neighborhood or on public facilities.

The following is a listing of the main headings in this Article.

- General
- Option A Review
- Option B Review
- Option C Review

Each of the main review headings is followed by applicability statements, procedures, criteria and possible conditions of approval.

GENERAL

8.020 Purpose. Site plan review is intended to promote functional, safe, and attractive developments which maximize compatibility with surrounding developments and uses and with the natural environment. Site plan review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Site plan review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping.

8.030 Relationship to Other Regulations. Approval of a land use application based on review criteria in this Code does not relieve the applicant of responsibility for compliance with other applicable codes, ordinances, statutes or regulations.

8.040 When Site Plan Review is Required. In general, a site plan review covers all proposed exterior alterations included in the development proposal, but does not cover portions of the existing development that are not being modified. An exception to this is parking areas, where any proposed change to the parking lot will result in the entire parking area being reviewed. Site plan review is required in all of the following instances:

- (1) New development.
- (2) Building expansions of 500 square feet or more, or any expansion which results in a reduction of parking spaces.
- (3) Parking area expansions of 1,000 square feet or more.

- (4) Any development listed in Articles 3, 4, and 5 which specifically requires site plan review.

8.050 When Site Plan Review is Not Required. Activities and developments listed below are excluded from the requirement for a site plan review land use application but are nevertheless subject to the provisions of the Code where applicable:

- (1) Agricultural uses permitted outright in Articles 3, 4 and 5.
- (2) Detached single family dwellings and two unit dwellings.
- (3) Accessory buildings and building additions of less than 500 square feet which conform to the provisions of this Code and the Uniform Building Code.
- (4) Landscaping and routine property maintenance.
- (5) Improvement of parking areas containing less than 1,000 square feet and otherwise meeting the provisions of this Code.
- (6) A change internal to a building or other structure or usage of land that does not constitute a change of use as listed in Article 5.
- (7) Site Plan Review for a change in use within an existing structure when the following criteria are satisfied:
 - (a) No structural expansion in excess of 500 feet or additional exterior storage is proposed.
 - (b) The use will not create additional adverse affects for abutting properties or the neighborhood (e.g. visual, noise, or air pollution; increased parking requirements, or improvements to public facilities.)
 - (c) Any non-conformities with the provisions of this Code have been addressed, including compliance with sign, landscaping, and parking requirements except where restricted by building location or limiting site characteristics.
- (8) An emergency measure necessary for the safety or protection of property when authorized by the City Manager with written notice to the City Council.
- (9) Any temporary use of land of up to a 30-day duration (such as a promotional event, festival, carnival, or outdoor sale) which conforms with all other requirements of this Code and other applicable City regulations and public health and safety requirements, some of which may further limit such uses in terms of location, scope, and duration.
- (10) The establishment, construction, alteration, or maintenance of a public facility authorized by the Director of Public Works including streets, highways, traffic control devices, drainage ways, sanitary and storm sewers, pump stations, water lines, electrical power or gas distribution lines, or telephone or television cable systems. This includes construction of staging areas of less than a six months duration but does not include major substations, treatment facilities, storage tanks, reservoirs, and towers.
- (11) Excavation and fill for foundations and all other excavation or filling of land involving 50 cubic yards or less which does not adversely affect drainage patterns and is not located within

a floodplain or slope area.

8.060 Acceptance of Application. The Director shall review the application for compliance with established application requirements within five (5) working days. If the application is found to be incomplete, the Director shall notify the applicant of the reasons, and he shall advise the applicant of the requirements for an acceptable application.

8.070 Review Criteria. A site plan approval will be granted if the review body finds that the applicant has met all of the following criteria which are applicable to the proposed development:

- (1) Public facilities can accommodate the proposed development.
- (2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.
- (3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.
- (4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

8.080 Design Considerations. In addition to the above criteria, the applicant and review body shall also consider the following design considerations:

- (1) Parking areas have been designed to:
 - (a) Reduce the amount of paved surface;
 - (b) Preserve on-street parking opportunities;
 - (c) Screen residential uses from vehicle headlights;
 - (d) Soften the impact of parking areas on adjacent public and private spaces through the use of landscaping and screening;
 - (e) Promote energy conservation through the use of vegetation to shade and cool parking areas.
- (2) On-site lighting is arranged so that light is reflected away from adjoining properties and/or streets.
- (3) Any undesirable impacts produced on the site, such as noise, glare, odors, dust or vibrations have been adequately screened from adjacent properties.
- (4) The site is protected from any undesirable impacts which are generated on abutting properties.
- (5) Unsightly exterior improvements and items such as trash receptacles, exterior vents and mechanical devices have been adequately screened.
- (6) Storage areas, trash collection facilities and noise generating equipment are located away from abutting residential districts or development, or sight obscuring fencing has been provided.

- (7) Where needed, loading facilities are provided on-site and are of sufficient size and number to adequately handle the delivery or shipping of goods or people. Where possible, loading areas should be designed so that vehicles enter and exit the site in a forward motion.
 - (8) Other design considerations may be in effect for development proposed in a Special Purpose or Historic District. See Articles 6 and 7.
- 8.090 Conditions of Approval. The City may attach conditions to the approval of a site plan review application in order to ensure that the proposal will conform to the applicable review criteria.

OPTION A REVIEW

- 8.100 Applicability. This level of review is intended for new development within the City. Any proposal which is not appropriately reviewed under Options B or C will be reviewed under Option A.
- 8.110 Procedure. An Option A review is performed using a Type I-L limited land use procedure. The Director will act as review body.
- 8.120 Application Contents. An application for Option A site plan review consists of the following:
- (1) A completed application form.
 - (2) A mailing list of property owners within 100 feet of the site.
 - (3) One set of conceptual drawings, including floor plans and building elevations.
 - (4) A conceptual landscape Plan (2 copies) showing the type and location of proposed landscaping and screening.
 - (5) A site plan (10 copies) showing the following:
 - (a) Assessor's map and tax lot number and lot and block description or other legal description.
 - (b) Lot dimensions and total lot area.
 - (c) North arrow.
 - (d) Location of all existing and proposed structures, including minimum distances from all structures to lot lines.
 - (e) Percentage of the lot covered by any and all structures.
 - (f) Adjacent zoning designations and adjacent land uses including approximate location of buildings, accesses, streets, sidewalks, curbs, easements, and utilities.
 - (g) Locations and dimensions of rights-of-way of all abutting streets (whether public or private) and existing and proposed driveways.
 - (h) Size and location of all utilities.
 - (i) Locations, dimensions, and nature of any easements.
 - (j) Location of any non-access strips.
 - (k) Natural drainage patterns (existing contour lines at two-foot intervals if required by Director.)
 - (l) Existing and proposed drainage system, including pipe sizes and elevations at collection

- points and property lines.
- (m) Proposed cuts and fills of more than two feet and any changes in elevations proposed at property lines.
 - (n) Location and species of trees greater than 8 inches in diameter when measured three feet above the ground.
 - (o) Location and dimensions of delivery and loading areas.
 - (p) Location and dimensions of parking and circulation areas.
 - (q) Location and dimensions of trash disposal areas.
 - (r) Location of proposed signs.

8.130 Appeals. An Option A site plan review decision is a limited land use decision and appealable to the Land Use Board of Appeals.

OPTION B REVIEW

8.140 Applicability. This level of review is intended for expansion of existing structures or development which will have a minimal impact on the surrounding area. An Option B site plan review must be filed when the following developmental activities are proposed:

- (1) An addition (exceeding 500 square feet) to an existing structure.
- (2) Parking lot additions of over 1000 square feet.
- (3) Excavation or fill permits involving more than 50 cubic yards of material or which is located within a floodplain or slope area.
- (4) A change in occupancy to a more intensive use in an existing building.
- (5) Reduction in the number of parking spaces. Any development consistent in scope and impact with those listed here may also be reviewed under an Option B review, at the Director's discretion.

8.150 Procedure. A Type I-L limited land use procedure is followed for Option B site plan reviews, with the Director acting as review body.

8.160 Application Contents. The Director may require any of the information listed for Option A Site Plan Review in Section 8.120. In many cases, not all of this information will be required due to lack of applicability.

8.170 Appeals. An Option B site plan review decision is a limited land use decision and appealable to the Land Use Board of Appeals.

OPTION C REVIEW

8.180 Applicability. An Option C site plan review is intended for review of development in existing buildings. It is appropriate for the following types of development proposals:

- (1) A change in occupancy to a use which is not more intense in off-site impacts.

(2) Resurfacing of non-conforming parking lots.

(3) Other development with similar impacts.

8.190 Procedure. A Type I procedure is followed for the Option C site plan review.

8.200 Application Contents. An Option C site plan review requires submittal of only the completed application form.

8.210 Review Criteria. The following criteria must be met in order for the Director to approve the proposed development.

(1) Off-street parking is adequate to serve the proposed use.

(2) The proposed use will not generate more traffic than the previous use.

(3) The site is in, or can be brought into, compliance with the spirit of the Code regarding landscaping, screening and buffering.

(4) Any applicable criteria from Section 8.070.