



ORDINANCE NO. 6020

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

WHEREAS, from time to time it is appropriate to amend the Albany comprehensive plan map and the Albany zoning map to plan for future needs or changing conditions; and

WHEREAS, after an almost two-year comprehensive planning effort that integrated land use and transportation needs, the East Albany Plan (EAP) was adopted by the Albany City Council on May 10, 2023, with associated comprehensive plan map and zoning map amendments with an effective date of July 1, 2023; and

WHEREAS, the EAP provides guidance for the type of growth that is desired in the City's urban growth boundary (UGB) east of Interstate 5, multi-modal connectivity for transportation choices, housing and employment opportunities, and walkable mixed use and commercial centers; and

WHEREAS, the EAP planning project included technical analyses of existing and future conditions, buildable land, natural resources, transportation system plans, infrastructure needs and costs, population and employment projections, market analysis, and potential funding sources; and

WHEREAS, the EAP associated zoning map and comprehensive plan map amendments included changing the comprehensive plan map designation of the northeast corner of 3592 Dunlap Avenue NE east of Burkhart creek to Village Center comprehensive plan designation and Mixed Use Commercial zoning; and

WHEREAS, public involvement was integrated into the planning process through stakeholder meetings, focus groups, public events, one-on-one meetings with property owners and residents, and a technical advisory committee; and

WHEREAS, on March 13, 2023, the Albany Planning Commission held a public hearing, considered public testimony, and on March 27, 2023, deliberated on the proposed map amendments, and recommended approval of the proposal based on the findings of fact presented in the staff report and evidence presented during the public hearing; and

WHEREAS, the owner of 3592 Dunlap Avenue NE submitted a request to city staff on April 11, 2023 to keep the Albany comprehensive plan designation of the property General Commercial and rezone about 1.25 acres in the northeast corner of the property to Community Commercial rather than Mixed Use Commercial; and

WHEREAS, on April 12, 2023, and May 10, 2023, the Albany City Council held a public hearing on the proposed East Albany Plan and associated plan, code, and map amendments, reviewed the findings of fact and testimony presented at the public hearing, and deliberated; and

WHEREAS, draft motions for the Council's consideration on May 10, 2023, did not include the 3592 Dunlap Avenue NE request and therefore there was no discussion or deliberation about this property owner request; and

WHEREAS, a notice of the Planning Commission and City Council public hearings to consider map amendments for 3592 Dunlap Avenue NE was published in the Albany Democrat Herald on June 12, 2023; and

WHEREAS, on June 26, 2023, the Albany Planning Commission held a public hearing on the proposed map amendments, reviewed the findings of fact and testimony presented at the public hearing, and deliberated and voted to recommend the Albany City Council approve the requests; and

WHEREAS, on July 12, 2023, the Albany City Council held a public hearing on the proposed map amendments, reviewed the findings of fact and testimony presented at the public hearing, and deliberated.

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

Section 1: The Albany comprehensive plan map and Albany zoning map are hereby amended as shown in attached Exhibits A (Planning Files CP-04-23 and ZC-02-23) and described below.

Albany Comprehensive Plan Map: Change approximately 1.25 acres in highlighted area from Village Center (effective July 1, 2023) to General Commercial.

Albany Zoning Map: Change the zoning of approximately 1.25 acres in the highlighted area from Mixed Use Commercial (effective July 1, 2023) to Community Commercial.

Section 2: The findings of fact and conclusions included in the June 12, 2023, staff report and attached as Exhibit B are hereby adopted in support of the decision.

Section 3: 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 on the official City of Albany comprehensive plan map and Albany zoning map.

Section 4: A copy of this ordinance shall be filed with the Linn County Assessor's Office within 90 days of the effective date of this ordinance.

Passed by the Council: July 12, 2023

Approved by the Mayor: July 12, 2023

Effective Date: August 11, 2023

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk





COMMUNITY DEVELOPMENT

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

Comprehensive Plan Map Amendment:

- Current Designation (Effective July 1, 2023): Village Center
- Requested Designation: General Commercial

Zoning Map Amendment:

- Current Zoning (Effective July 1, 2023): Mixed Use Commercial
- Requested Zoning: Community Commercial





COMMUNITY DEVELOPMENT

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Staff Report

East Albany Plan Related Comprehensive Plan Map and Zoning Map Amendment

Planning Files: CP-04-23 and ZC-02-23

June 12, 2023

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, June 26, 2023	Wednesday, July 12, 2023
HEARING TIMES:	5:15 p.m.	6:00 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	
VIRTUAL OPTIONS:	Instructions to attend the hearings and provide comments will be provided on the applicable agenda.	
STAFF REPORT PREPARED BY:	Anne Catlin, Comprehensive Planning Manager	

Application Information

Proposal:	East Albany Plan: The proposed legislative amendments would amend the Albany Comprehensive Plan map designation from Village Center to General Commercial and the Zoning from Mixed-Use Commercial to Community Commercial for a portion of the property located at 3592 Dunlap Avenue NE.
Applicant:	Albany Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
Location:	3592 Dunlap Avenue NE

Overview

The East Albany Plan (EAP), adopted May 10, 2023, will go into effect on July 1, 2023. The Plan will guide future development in the area to help create the kind of community that Albany desires there in the future.

East Albany is envisioned to be a vibrant area that contains walkable and diverse residential neighborhoods and mixed-use areas with a variety of housing types for households of all incomes, significant employers, locally serving commercial areas and regional facilities and destinations. A network of trails and pathways provides recreation opportunities and transportation connections throughout the area, while a multi-modal network connects transit users, pedestrians, cyclists, and auto drivers across the area and beyond.

The Plan represents two years of public input, analysis of needs, and evaluation of several development scenarios, and public input on the final draft plan. It identifies future street, bike, and trail connections, as well as new and different Comprehensive Plan and Zoning map designations that are needed to create an efficient land use and transportation pattern that lays the framework for future development.

During the public hearing process, two property owners requested different Comprehensive Plan Map and Zoning Map amendments than what was proposed with the plan which were previewed by staff at the April 12 public

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hearing. While staff supported both property owner requests, one of the requests was inadvertently missing from the Council's proposed motions at the continued hearing on May 10, 2023.

Purpose of Proposed Amendments

The purpose of these legislative hearings is to consider the request submitted by Mr. Barna during the East Albany Plan public comment period. (See July 12, 2023 Council Memo Attachment B: April 11, 2023, Barna Property Request.)

The subject property, 3592 Dunlap Avenue NE, is bisected by Burkhart Creek, and is part of a collection of properties zoned Regional Commercial near the Knox Butte Interstate 5 (I-5) interchange. Since the portion of the property east of the creek is physically disconnected from the rest of the Regional Commercial properties, the East Albany Plan proposed this be Mixed-Use/Neighborhood Commercial.

Mr. Barna requested the subject corner of the property stay General Commercial on the Comprehensive Plan map and the site be rezoned from Regional Commercial to Community Commercial (CC). The CC zone allows for a mix of residential uses and smaller scale commercial uses and is consistent with the adopted EAP.

There was no discussion of Mr. Barna's request at the council hearing, therefore on July 1, the northeast corner of the property will be designated Village Center on the Comprehensive Plan map and zoned Mixed-Use Commercial (MUC) as part of the East Albany Plan adoption.



The following amendments are proposed and provided as ordinance Exhibit A.

Albany Comprehensive Plan Map: Change highlighted area from Village Center (effective July 1, 2023) to General Commercial.

Albany Zoning Map: Change the zoning in the highlighted area from Mixed Use Commercial (effective July 1, 2023) to Community Commercial.

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 May 17, 2023, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC.
- A Measure 56 and public hearing notice was mailed to the property owner regarding the Albany Comprehensive Plan and Albany Zoning map amendment on June 6, 2023.
- Notice of the public hearings was published in the *Albany Democrat-Herald* on June 12, 2023, two weeks before the first public hearing on June 26, 2023.

No testimony has been received.

Analysis of Development Code Criteria

The ADC includes the following review criteria in Section 2.220, 2.740, and 2.290, which must be met for these legislative amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Comprehensive Plan Amendment Review Criteria (ADC 2.220)

Criterion 1: A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.

FINDINGS OF FACT

- 1.1 The Albany 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 Albany Comprehensive Plan defines a policy as, “a statement identifying a course of action or City position.”
- 1.3 The Albany Comprehensive Plan describes the City’s obligation regarding policies as follows: “The City must follow relevant policy statements in making a land use decision or show cause why the Comprehensive Plan should be amended consistent with statewide goals. Such an amendment must take place following prescribed procedures prior to taking a land use action that would otherwise violate a Plan policy. However, in the instance where specific Plan policies appear to be conflicting, the City must seek solutions that maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City must consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage).”
- 1.4 The applicable Albany Comprehensive Plan and Statewide Planning goals and policies are provided in this report in **bold** print and are followed by findings of fact and conclusions.
- 1.5 The proposed legislative map amendments would change about 1.25 acres of land at the northeast corner of 3592 Dunlap Avenue NE from Village Center (effective July 1, 2023) to General-Commercial on the Albany Comprehensive Plan Map and from Mixed Use Commercial (MUC, effective July 1, 2023) to Community Commercial (CC) on the Albany Zoning Map.
- 1.6 The proposed legislative amendment was overlooked during deliberation of the East Albany Plan (EAP) related amendments.
- 1.7 The East Albany Plan (EAP) and associated legislative amendments were based on a culmination of almost two years of working with the community to plan for the future of East Albany. This Plan was prepared through a collaborative process involving City staff, a consulting team, a broad range of City advisors and decision-makers, and extensive guidance from property owners and the community at large.

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

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

Policies include involving the public in the evaluation and update of the Plan; seek input from citizens, agencies, and interested parties; and ensuring information is made available to the public.

- 1.8 Citizen involvement was integrated into the EAP planning process through focus group and stakeholder interviews, public open houses, technical committee meetings, the project website and interested parties email list, and one-on-one property owner meetings to discuss potential land use map amendments.
- 1.9 The Albany Planning Commission and Albany City Council served as the project advisory committee. Four joint work sessions were held at critical junctions in the project for their input on the plan alternatives and outcomes – October 11, 2021; March 21, 2022; October 24, 2022; and January 30, 2023.
- 1.10 An East Albany Plan web site has been maintained throughout the project. The site contains all of the plan documents, technical reports, committee and meeting agendas and the public hearing schedule and proposed amendments.
- 1.11 Public notice and hearings on the EAP and associated amendments were held in accordance with Oregon Administrative Rules (OAR) and ADC 1.260. Public involvement for the EAP amendments is in planning files CP-01-23, ZC-01-23, and DC-01-23. The Planning Commission public hearing on the EAP was March 13, 2023, and the Albany City Council hearing was April 12, 2023, and was continued to May 10, 2023.
- 1.12 The City received numerous letters and emails during the public hearing process and the planning commission and council took these comments into consideration before adopting the East Albany Plan and making associated plan and map amendments.
- 1.13 The subject property owner request was made during the legislative EAP adoption process before the City Council April 12, 2023, hearing. Staff acknowledged the request for different comprehensive plan and zoning map designations in the April 12, 2023, staff presentation, however this request was not reiterated in the May 10 council meeting, which lead to unintentionally being left out the sample motions for council.

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.

- 1.14 The following goals and policies are relevant for the proposed plan amendments.

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.

Policy 2: Base approval of Albany Comprehensive Plan amendments upon consideration of the following:

- (a) Conformance with goals and policies of the Plan and Statewide Planning Goals;
- (b) Citizen review and comment;
- (c) Input from affected governmental units and other agencies;
- (e) Short - and long-term impacts of the proposed change,
- (f) Public need for the change; and
- (g) The amendments will best meet the identified public need versus other available alternatives.

- 1.15 The East Albany area contains a large amount of undeveloped land inside Albany's urban growth boundary (UGB). The area lacks connectivity, adequate transportation facilities, variety of housing and commercial services.

- 1.16 The EAP was needed to respond to community needs for connectivity, more housing and commercial choices, and provide long-range reliability and guidance for future development.
- 1.17 The EAP includes a preferred land use plan that was based on community and agency input, and the most recent and reliable information including residential growth as projected in the 2020 Housing Needs Analysis, employment growth as projected in the 2020 Economic Opportunities Analysis, and projected transportation needs based on anticipated growth.
- 1.18 The Land Use Plan in the adopted EAP recommends patterns of neighborhoods that include low, medium, and high-density residential land to allow for a variety of housing types that are close to mixed-use village centers and smaller neighborhood commercial nodes. The Plan also identifies land to accommodate large and small industrial/employment uses and provides the transportation and trail framework to support these uses and connect them to the rest of the Plan area and city.
- 1.19 The proposed request to retain the existing Comprehensive Plan map designation and change from Regional Commercial to Community Commercial for the 1.25-acre portion of an existing property would allow for a mix of smaller scale commercial and residential uses that could serve residents in the area. These very small-scale map amendments are consistent with the recently adopted EAP's goal to provide smaller neighborhood commercial nodes near residential uses.

Goal 5, Open Spaces, Scenic & Historic Areas, and Natural Resources.

- 1.20 The Albany Comprehensive plan contains many relevant goals and policies relating to Natural Resources and are followed by findings.

Goals:

- **Balance compact development patterns with natural resource protection.**
- **Ensure the provision of open space and protection of natural and scenic resources.**
- **Maintain a healthy environment and natural landscape in riparian corridors.**

Policies:

- **Preserve and enhance riparian corridors by managing uses and activities that could adversely affect riparian corridors through education, and adoption and enforcement of development standards.**

- 1.21 East Albany contains a network of creeks that extend throughout much of the study area including Burkhart, Cox, and Truax creeks. The vision for East Albany includes a system of linear parks, trails and open spaces connecting neighborhoods to services, schools, and parks, while preserving and enhancing creek corridors. Riparian corridors will be protected and enhanced and serve as greenway corridors that provide connectivity and opportunities for trails and linear parks.
- 1.22 Most of the creek segments are within Albany's Riparian Corridor, Significant Wetland, and Floodplain overlay districts. Most creek and floodplain corridors are designated Open Space on the Albany Comprehensive Plan and are zoned Open Space for additional protection.
- 1.23 The proposed map amendments would retain the Open Space zoning over Burkhart creek and may discourage the need to provide an additional crossing over the creek. The proposed CC zone would help to protect this riparian corridor.

Goal 9: Economy

- 1.24 The proposed legislative map amendments related to the EAP support the following economic development goals and policies in the Albany Comprehensive Plan.

Goals and Policies:

- **Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.**

- Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.
 - Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.
 - Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.
 - Provide opportunities for small neighborhood commercial facilities to be located in neighborhoods and Village Centers to be located close to the areas they are intended to serve.
- 1.25 The EAP is a refinement plan for undeveloped and redeveloping parts of the City and UGB east of I-5, including the subject property at 3592 Dunlap Avenue NE.
- 1.26 Several mixed-use centers and nodes are proposed throughout the plan area on current or proposed transportation corridors to provide clustered commercial uses near higher density residential lands that are easily accessible to reduce dependence on automobiles and support transit, bicycling and walking.
- 1.41 The proposed Community Commercial zoning will allow for similar neighborhood-scale development to the MUC zone and will support the EAP's desired land use pattern to encourage mixed-use development near residential neighborhoods to reduce vehicle miles traveled and respond to commercial and residential market needs.

Goal 10: Housing

- 1.42 Relevant Albany Plan goals and policies include:
Goal: Create a city of diverse neighborhoods where residents can find and afford the values they seek.
Policy: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.
- 1.43 On November 2, 2020, the Albany City Council passed Ordinance 5951, which adopted the 2020 Buildable Land Inventory (BLI) and the 2020 Housing and Residential Land Needs Analysis (HNA). The HNA analysis reflects the coordinated population forecast prepared by the Oregon Population Forecast Program at the Population Research Center at Portland State University (PSU) in 2017 that projects Albany will experience an annual average growth rate (AAGR) of 1.27 percent to 2040. The HNA was based on the 20-year need assessment requirements of ORS and OAR 660 Division 8 for statewide planning Goal 10, Housing. It projected the number and types of units by tenure and cost based on the PSU population projections to 2040 and compares housing demand to residential land supply.
- 1.44 The HNA found Albany is projected to add between 6,700 and 9,300 new households between 2020 and 2040. The analysis concluded Albany will need 1,328 acres to accommodate projections to 2040 in a mix of low-, medium- and high-density housing types and zoning districts.
- 1.45 The 2020 BLI estimated the city had 1,397 buildable acres for residential development and another 1,278 acres in the urban growth boundary available for residential development. In adopting the amendments in compliance with HB 2001, the City of Albany has considered how the middle housing provisions affect its compliance with Goal 10, including how it affects its recently adopted BLI and HNA, to ensure sufficient availability of buildable lands to accommodate needed housing types identified in the HNA.
- 1.46 The subject property is not designated residential and was not included in the Residential BLI or in the calculations for estimated capacity for residential development.
- 1.47 Goals of the EAP are to create diverse, connected neighborhoods through an appropriate mix of zoning districts that increase variety of housing types, densities, and mixed-use developments to accommodate the needs of current and future residents, including housing that is affordable to a full spectrum of residents.
- 1.48 The proposed map amendments would support an efficient and walkable land use pattern by providing an opportunity for neighborhood scale commercial or mixed uses in close proximity to residential uses.

Goal 14: Urbanization

1.49 The relevant policies related to Goal 14, Urbanization, are provided below.

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

Policies:

- **Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.**
- **Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve.**

1.50 The relevant policies related to Goal 14, Urbanization, mirror policies under Goal 9, Economy. The findings under Goal 9 are incorporated here by reference.

CONCLUSIONS

- 1.1 Goal 1, Citizen Involvement. The EAP and proposed amendments to the NE corner of 3592 Dunlap Avenue NE were formed with extensive citizen involvement and input throughout the planning process. The proposed map amendments for about 1.25 acres from mixed-use to community commercial is consistent with the goals and visions in the EAP.
- 1.2 Goal 2, Land Use Planning. The EAP provides a long-range plan that incorporates plans and needs for transportation, land uses, public infrastructure, housing, jobs, schools, and recreation. The proposed map amendments will not affect the long-range planning for the area.
- 1.3 Goal 5, Natural Resources. An important objective of the EAP is balancing the protection of the area's many natural resources with future demand for housing and employment. The proposed map amendments may reduce impacts to Burkhart Creek which bisects the subject property.
- 1.4 Goal 9, Economy. The EAP proposes additional employment land to accommodate projected demand for large site employers and more mixed-use village and neighborhood centers to accommodate the need for retail and services. The proposed CC zoning will allow an opportunity to provide neighborhood-scale commercial or mixed uses to serve the nearby residences.
- 1.5 Goal 10, Housing. The proposed map amendments will not impact land available for meeting Albany's housing needs.
- 1.6 Goal 14, Urbanization. The proposed amendments to the Albany Comprehensive Map and Albany Zoning Map will have little effect on how the portion of the property might develop. The proposed CC zone will provide an opportunity to provide commercial services close to residential development, resulting in more efficient land use and travel patterns.
- 1.7 This review criterion is met.

Criterion 2: A legislative amendment is needed to meet changing conditions or new laws.

FINDINGS OF FACT

- 2.1 The City has not adopted a land use plan to guide future development in the City and UGB east of I-5. Past planning efforts occurred in 2001 as a part of the Balanced Development Patterns project that looked at how to balance employment and housing needs into the future. The 2001 project produced an East I-5 vision that wasn't fully adopted into the Albany Comprehensive Plan. The 2001 planning effort occurred prior to the 2010 Transportation Systems Plan and creation of significant natural resource overlays to comply with statewide planning Goal 5 in 2011.

- 2.2 Since 2001, the area has seen lots of residential growth and some new commercial and light industrial uses. However, the area lacks connectivity, housing diversity, commercial services, and multi-modal transportation options. The EAP is needed to assess transportation and land use needs to accommodate growth into the future and ensure city infrastructure can meet those needs.
- 2.3 A more detailed land use plan and modified transportation network are needed to create vibrant and accessible neighborhoods and employment centers designed around natural resources.
- 2.4 The proposed legislative amendments to modify the Comprehensive Plan and Zoning Map for the NE corner of 3592 Dunlap Avenue NE support the goals of the EAP and address changing conditions in the area.

CONCLUSIONS

- 2.1 The proposed map amendments are consistent with the EAP land use plan and plan goals and visions. The EAP was needed to address changing conditions and plan for transportation and land use needs into the future. The EAP will also ensure adequate infrastructure and facilities are accommodated and to meet existing laws.
- 2.2 This criterion is met.

Zoning Map Amendments Review Criteria (ADC 2.740)

The Albany Development Code includes the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion 1: The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for. [ADC 2.740(1)]

FINDINGS OF FACT

- 1.1 The proposed zoning map amendment is being proposed in conjunction with an amendment to the Albany Comprehensive Plan map. The proposed zoning map amendment will be consistent with the recently adopted East Albany Plan and the associated Land Use Plan Framework.
- 1.2 The subject property, 3592 Dunlap Avenue NE, is bisected by Burkhart Creek, and one in a collection of properties zoned Regional Commercial near the Knox Butte I-5 interchange. The purpose of the Regional Commercial zone is to provide land for larger footprint retailers. Since the portion of the property east of the creek is physically disconnected from the rest of the Regional Commercial properties, and is relatively small, the EAP (EAP) proposed the land use be Mixed Use/Neighborhood Commercial to allow for smaller-scale development.
- 1.3 As part of the EAP adoption, the subject site was proposed to be rezoned to Mixed Use Commercial and designated Village Center on the comprehensive plan map.
- 1.4 Property owner Randy Barna requested the subject corner of the property stay designated General Commercial on the Comprehensive Plan map and the zoning be changed from Regional Commercial to Community Commercial (CC). The CC zone allows for a mix of smaller-scale commercial uses and residential uses and is consistent with the adopted EAP land use plan.

CONCLUSIONS

- 1.1 The proposed Zoning Map amendment is consistent with the proposed Albany Comprehensive Plan Map designation and the EAP land use plan framework.
- 1.2 This criterion is satisfied.

Criterion 2: Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation. [ADC 2.740(2)]

FINDINGS OF FACT

- 2.1 The City's 2010 Transportation Systems Plan (TSP) has identified connections near the subject property – Dunlap Avenue is proposed to connect to Clover Ridge Road, and Expo Parkway is proposed to connect to Dunlap Avenue. These street connections area also in the EAP.
- 2.2 DKS Associates analyzed the East Albany preferred land use plan and the impact of associated development that is projected to occur within the 20-year planning horizon. The analysis indicates the proposed land use changes would result in minimal impacts the transportation system when compared to development under the currently in place zoning designations.
- 2.3 The transportation facilities anticipated in the 2010 TSP are adequate for the proposed CC zone and potential uses of the 1.25-acre site.

CONCLUSIONS

- 2.1 The proposed zone change will have no impact on the transportation system within the 20-year planning horizon.
- 2.2 Needed transportation improvements are already identified in the 2010 TSP.
- 2.3 This review criterion is satisfied.

Criterion 3: Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area. [ADC 2.740(3)]

FINDINGS OF FACT

- 3.1 City Utilities (Water, Sanitary Sewer, and Storm Drainage). As part of the East Albany planning process, the City's public facilities plans (Wastewater, Water, and Storm Drainage) were evaluated by Keller Associates to determine whether utility improvements are needed to accommodate projected growth with the proposed land use plan.
- 3.2 Existing plans anticipate future growth in East Albany and development of the subject property. City water and storm drainage will be required to be extended when development is proposed.
- 3.3 Schools. There is one elementary school and one middle school in the study area –Meadow Ridge and Timber Ridge, respectively. The proposed zoning map amendment from MUC to CC is unlikely to impact school enrollment.
- 3.4 Police and Fire Protection. The Albany Police and Fire Departments provide services to all development in Albany regardless of the zoning or types of uses. The proposed CC zoning is not substantially different than the current Regional Commercial zoning and the MUC zoning that will be effective July 1, 2023. The zones all allow for a variety of uses.

CONCLUSIONS

- 3.1 The proposed zoning map amendment for about 1.25 acres is minor. Existing or anticipated services can accommodate potential development of the subject site without adverse impacts on the affected service area.
- 3.2 The City's facility plans were evaluated with the EAP and are consistent with the projected growth for the East Albany area.
- 3.3 The proposed zoning map amendment will not impact schools, fire, and police services in the plan area.
- 3.4 This review criterion is satisfied.

Criterion 4: The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan. [ADC 2.740(4)]

FINDINGS OF FACT

- 4.1 The proposed Zoning Map amendment support the goals and policies of the East Albany Plan, which was adopted into the Albany Comprehensive Plan. The CC zone would support city and statewide planning goals related to Goal 9: Economy, and Goal 14: Urbanization. The findings and conclusions under Review Criterion (1) of the concurrent Albany Comprehensive Plan amendment staff analysis are applicable to the Zoning Map amendment and are included here by reference.
- 4.2 Proposed Zoning Map amendment would change the zoning of 1.25 acres of property from Mixed-Use Commercial (effective July 1, 2023) to Community Commercial (CC). The site is zoned Regional Commercial through June 30, 2023.
- 4.3 The Community Commercial (CC) zoning district recognizes the diversity of small to medium-scale businesses and services mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these corridors as they develop or redevelop.
- 4.4 The proposed zone change would accommodate future commercial, mixed-use, or residential needs along future arterial street.

CONCLUSIONS

- 4.1 The proposed Zoning Map amendments satisfy the goals and policies of the Albany Comprehensive Plan.
- 4.2 The proposed Zoning Map amendments support the Land Use Plan in the EAP.
- 4.3 This criterion is satisfied.

Criterion 5: The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study. [ADC 2.740(5)]

FINDINGS OF FACT

- 5.1 The East Albany Plan was prepared to address transportation and land use needs and challenges. It includes a refined land use plan and modified transportation network, which are needed to create vibrant and accessible neighborhoods and commercial and employment centers designed around natural resources.
- 5.2 The proposed land use and transportation pattern recommended in the EAP will be retained with the proposed zoning map amendment. The EAP provide a framework to provide multi-modal transportation connectivity throughout the plan area, a variety of housing choices and locations, commercial and mixed-use centers sized and located to serve residents and employees, and employment land to accommodate future industrial and jobs growth.
- 5.3 The proposed Zoning and Albany Comprehensive Plan Map amendments are consistent with the East Albany Plan for neighborhood commercial near residential development.

CONCLUSIONS

- 5.1 The proposed Zoning Map amendment is consistent with the visions and goals in the East Albany Plan and the Albany Comprehensive Plan goals and policies.
- 5.2 This criterion is met.

Overall Conclusions

Based on the analysis in this report, the proposed Albany Comprehensive Plan Map and Zoning Map amendments meet all the applicable review criteria as outlined in this report.

Attachments

- A: April 11, 2023, Barna Property Request
- B: Comprehensive Plan Map and Zoning Map Amendments

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
CP	Comprehensive Plan amendment case file designation
DLCD	Oregon Department of Land Conservation and Development
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes
ZC	Zoning Map amendment case file designation