

ORDINANCE NO. 5562

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP, AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE COMPREHENSIVE PLAN TEXT AND MAP AND THE DEVELOPMENT CODE TEXT AND ZONING MAP RELATING TO THE PERIODIC REVIEW PROJECT FOR NORTH ALBANY AND ADOPTING FINDINGS. (FILES CP-02-03, DC-01-03 AND ZC-02-03)

WHEREAS, from time to time it is appropriate to amend the Comprehensive Plan text and map and the Albany Development Code and Zoning Map based on changing conditions; and

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan, Plan Map, Development Code and Zoning Map in accordance with a work program approved by the State Department of Land Conservation and Development in 1997; and

WHEREAS, the City Council authorized the Great Neighborhoods Project in December 1997 as the initial step in Periodic Review, and several hundred citizens turned out for five meetings in November 1998 to express many ways to improve the livability of the community; and

WHEREAS, the Balanced Development Patterns Project in the winter of 2000 and spring of 2001 was the next step in Periodic Review to look at land use relationships and identify areas for future employment, commercial and housing growth; and

WHEREAS, the City undertook the North Albany Refinement Plan as a Periodic Review project relating to the growth management task of the approved work program; and

WHEREAS, the City held four public workshops as part of the Refinement Plan process; and

WHEREAS, the Planning Commission and City Council reviewed the first draft of proposed Comprehensive Plan, Development Code and Zoning Map amendments in a work session on June 9, 2003; and

WHEREAS, on June 20, 2003, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings on the proposed Comprehensive Plan, Development Code and Zoning Map amendments to all property owners in North Albany; and

WHEREAS, on June 30, 2003, the Planning Commission held a public hearing on the proposed amendments; and

WHEREAS, the Planning Commission deliberated on the proposed amendments at work sessions on July 7, August 4, August 11, and August 13, 2003; and

WHEREAS, on August 13, 2003, the Planning Commission made a recommendation to the City Council, based on public testimony, their deliberation and findings of fact; and

WHEREAS, the Albany City Council held a public hearing on August 27, 2003, concerning the proposed amendments; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and the testimony presented at the public hearing and deliberated on them on September 10, 2003.

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

Section 1: The Albany Comprehensive Plan text is hereby amended as shown in the attached Exhibit A.

Exhibit A: Goal 14: Urbanization (Background Summary, Goals, Policies, and Implementation Measures, and Figure 1, Residential Reserve Conversion Map).

This exhibit, upon the effective date of this Ordinance, shall supercede the corresponding sections of the former Comprehensive Plan. Language shown in the exhibit as having been struck is removed from the Comprehensive Plan, and language shown in bold is added to the existing text.

Section 2: The Albany Comprehensive Plan Map is hereby amended as shown on the attached Comprehensive Plan Map (Exhibit B).

This exhibit, upon the effective date of this Ordinance, shall supercede the previous Comprehensive Plan designations of the properties whose designation has changed.

Section 3: The Albany Development Code text is hereby amended as shown in the attached Exhibits C, D, and E for the sections listed below:

Exhibit C: Article 1, Administration and Procedures

Exhibit D: Article 6, Special Purpose Districts

Exhibit E: Article 11, Land Divisions and Planned Developments

Exhibit F: Article 12, Public Improvements

These exhibits, upon the effective date of this Ordinance, shall supercede the corresponding sections of the Development Code. Language shown in the exhibits as having been struck is removed from the Development Code, and language shown in bold is added to the existing text.

Section 4: The Albany Zoning Map is hereby amended as shown on the attached Zoning Map (Exhibit G).

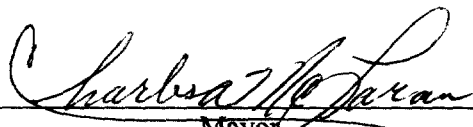
This exhibit, upon the effective date of this Ordinance, shall supercede the previous zoning of the properties that have been rezoned.

Section 5: The Findings and Conclusions contained in the staff report and attached as Exhibit H are hereby adopted in support of this decision.

Passed by the Council: September 10, 2003

Approved by the Mayor: September 10, 2003

Effective Date: October 10, 2003



Mayor

ATTEST:



City Recorder

GOAL 14: URBANIZATION**NORTH ALBANY PLANNING AREA
BACKGROUND SUMMARY****LEGISLATIVE HISTORY**

North Albany has been within Albany's Urban Growth Boundary (UGB) since the UGB was first adopted in 1981.

In January 1990, the State's Environmental Quality Commission declared a public health hazard in the North Albany area due to inadequate provision for collection and treatment of sanitary waste. In a spirit of cooperation, Benton County and the City of Albany adopted an alternative plan to forced health-hazard annexation. Policies recognizing North Albany as an Area of Special Interest were developed and adopted into the Albany Comprehensive Plan. (Ord. 4915, adopted July 27, 1990)

In June 1991, a majority of North Albany residents voted to annex the remaining land (2,437 acres) in the Benton County portion of the Albany Urban Growth area to the City of Albany. This election set the stage for extension of sanitary sewers to alleviate the health hazard from failing septic systems.

In 1992 the City adopted area-specific Comprehensive Plan policies and rezoned property in North Albany. (Ord. 5018, adopted December 16, 1992)

NORTH ALBANY BACKGROUND

Settlement of North Albany began as soon as the young town of Albany took hold in the 1860s. A rural pattern of farmhouses on large acreages prevailed until the post-Depression era in the early 20th century. The Ellsworth Street Bridge across the Willamette River replaced the old Steel Bridge in 1926, greatly improving access to goods and services. At the same time, the first water system was built for widespread distribution of household water in a groundwater-poor area. Small-lot subdivisions soon followed.

Subdivisions dotted the landscape, and water systems stretched to reach them. A private sewage treatment plant was constructed to serve several subdivisions. Septic systems for individual some homes in the upper elevations of North Albany did not function work well in denser clay soils. By the late 1960s, the inadequacy of these sewage disposal systems became a neighborhood concern for North Albany residents.

North Albany residents talked of incorporating their own city and calling it Springhill. Annexation to Albany was also considered. Whatever the solution to the sewage problem, North Albany residents wanted to keep the tranquil rural ambiance that drew them to the area in the first place. These ideas are reflected in the first land -use planning document, the *1974 North Albany Comprehensive Plan*, prepared by the Benton County Planning Department.

Many of the issues identified by residents during the 1974 planning process have persisted to this day: how to accommodate growth without compromising rural character; how to deal with infrastructure issues, including a constrained transportation network; the need for a sanitary sewer system; how to ensure preservation of unique natural features including Thornton Lakes, forested ridgelines, the Willamette River, and surrounding farmland; how to deal with the flood hazard presented by the 100-year flood plain; and how to provide needed goods and services to a growing population.

The City led a series of neighborhood meetings in 1990, surveying residents about their desired future for the North Albany area. This led to a 2,437-acre annexation in 1991, expanding the city limits to the urban growth boundary and setting the stage for extension of sanitary sewers to alleviate the health hazard from failing septic systems. In 1992, the City adopted area-specific Comprehensive Plan amendments and rezoned property in North Albany.

In 2002, the City began work on the *North Albany Refinement Plan*, a periodic review project to update the land -use plan for this area. The Plan looks ahead to the community's needs over the next 20 years. The North Albany population is estimated to increase from 5,385 in 2002 to 6,250 in 2020. North Albany is projected to accommodate 19,000 people at complete build-out (date unknown). The Plan proposes ways to balance growth with protection of natural resources, livability, and public and private services.

North Albany is characterized by two distinct geographic areas. The Willamette River forms the south, east, and northeast boundaries of the area, although the study boundary does not extend to the river's edge. Near the river, the land is relatively flat, containing several historic river channels, including Thornton Lakes and Horseshoe Lake, and a broad floodplain. Much of this land was under water during the 1964 and 1996 floods.

Farther north and west, the topography changes to rolling hills, valleys, and wooded ridges with elevation changes of up to 400 feet. Much of this land is still in farm use, while hillsides are wooded or partially developed with large rural residential lots. Vegetation in the valleys includes various prairie grasses, pasture, cultivated croplands, and riparian vegetation, while the hillsides and ridges include Douglas fir, grand fir, noble fir, western red cedar, western hemlock, Oregon white oak, ash, red alder, and big leaf maple.

SITE 4:

~~In January 1990, the Environmental Quality Commission declared that a public health hazard existed in the North Albany area due to inadequate provision for collection and treatment of sanitary waste. In a spirit of cooperation, Benton County and the City of Albany adopted an alternative plan to forced health hazard annexation. The development and inclusion of the following policies in the Albany Comprehensive Plan recognizes North Albany as an Area of Special Interest. This designation is warranted due to the following factors: the declared health hazard; population density; a land use pattern of near urban development; and the long standing existence of citizens' advisory groups such as the Albany Benton County Intergovernmental Advisory Committee (ABC Committee) and the North Albany Citizen's Advisory Committee (CAC).~~

~~The following policies have been developed jointly by the North Albany Citizen's Advisory Committee and planning staff from Benton County and the City of Albany. These policies are to be used in addition to all other applicable Comprehensive Plan policies and will provide direction regarding future planning actions needed for the area. Where there is inconsistency in the North Albany area between other existing Plan policies and these policies, the North Albany Site of Special Interest policies take precedence over the application of other Comprehensive Plan policies.~~

GOAL 14: URBANIZATION

NORTH ALBANY PLANNING AREA GOALS, POLICIES, AND IMPLEMENTATION METHODS

Staff Comments: The following section represents proposed changes to the Comprehensive Plan. Existing North Albany goals, policies, and implementation measures have been organized and renumbered under topic headings. Proposed new text is shown in bold. Text shown as ~~strike~~ represents text that is proposed to be deleted. Text that is neither bold nor ~~strike~~ represents current policies and implementation measures.

The North Albany Planning Area goals, policies and implementation measures are organized under the following headings:

Land Use
Natural and Cultural Resources
Transportation
Public Utilities

In addition to the following North Albany policies, city-wide goals and policies throughout the Comprehensive Plan also apply in North Albany. Where there is inconsistency, the North Albany policies take precedence over the application of other Comprehensive Plan Policies.

GOALS:

1. **Support growth that protects North Albany's rural character and natural and cultural resources while encouraging quality developments at appropriate densities.**
2. **Create great neighborhoods that offer diversity in housing choices.**
3. **Create village and neighborhood centers that offer daily goods, services and employment convenient to North Albany residents.**
4. **Preserve the carrying capacity function of Highway 20 in North Albany.**

LAND USE

POLICIES:

1. **Preserve North Albany's rural character and natural features by allowing and encouraging clustering ~~future-development-and-creating-permanent-open-space-areas.~~**
2. **Encourage development patterns that promote the efficient use of land and infrastructure.**
3. Open Space designations on the Comprehensive Plan Map are intended to maintain open space in areas generally unsuitable for development and to identify linear linkages between undevelopable, open space areas. In some circumstances, Open Space map designations are generalized rather than site specific and it is the intent of the City to exercise flexibility in determining specific locations.
4. Development which is not at its ultimate urban density shall be approved only when it can be shown that such development will not preclude or inhibit further development in the surrounding area from occurring in a logical and efficient manner. All development on, or resulting in, parcels larger than the minimum lot size for the zoning district shall be designed so as not to interfere nor conflict with the

subsequent orderly transition to efficient, higher density planned urban uses. This also applies to construction of all single family units on existing lots of record which are outside platted subdivisions. Urban conversion plans are required for all such development demonstrating that the proposed lot and/or development can accommodate future development at the density range allowed by the Albany Comprehensive Plan and/or Zoning Map will allow the logical and efficient extension of streets and city services.

5. Encourage new residential development bordering designated and zoned farmland outside the UGB to be adequately setback, screened and buffered to minimize potential conflicts between residential and farm activities.
9. ~~Create a design overlay district to encourage appropriate design and development standards for the commercial and multifamily districts and for those areas adjacent to Thornton Lakes. Additionally, all future development proposals involving properties located between East Thornton Lake and the railroad tracks shall be reviewed and approved as a Planned Development in order to protect Thornton Lake and its surrounding wetlands and sensitive natural areas.~~

IMPLEMENTATION MEASURES:

1. ~~Develop~~ **Continue to refine** planning policies and appropriate map designation to promote desirable housing opportunities in North Albany.
2. Within North Albany, evaluate the need for neighborhood ~~shopping facilities~~ **commercial opportunities** as part of the on-going evaluation of the Albany Comprehensive Plan. **In particular, consider the future intersection of Crocker Lane and North Albany Road as a neighborhood node.**
3. Provide the opportunity to cluster development within areas subject to environmental constraints to achieve allowed densities and protect public safety and environmental values.
4. Develop standards that would consider the protection of views in North Albany as part of the land development review process.
5. Urban conversion plans are required to be submitted with development proposals which result in development of parcels which can be further divided. This also applies to construction of all single family units on all lots which are outside of platted subdivisions. The urban conversion plan shall demonstrate that the lot can accommodate future development at the density range allowed by the Albany Comprehensive Plan and/or Zoning Map and will allow the logical and efficient extension of streets and city services. The urban conversion plan shall show street and road rights-of-way, utility easements, drainage ways, natural or man-made lot development constraints (steep slopes, wetlands, access easements, etc.), future lot divisions at urban densities, and other proposed improvements including dwellings and accessory structures. All dwellings shall be placed within the boundaries of the future lots shown on the conversion plan and shall meet the setback and lot development requirements of the Albany Development Code.
6. Encourage the Greater Albany Public School District (GAPS) to recognize the importance of North Albany neighborhood schools and to examine all alternatives before proposing closure.
7. ~~Develop standards that, where possible, provide for setbacks, buffering, and screening between new residential developments that would border farmland outside the UGB to mitigate the potential for conflict.~~

~~22. Establish a Task Force to assist in the development of design standards and review procedures to be applied in the new design overlay district.~~

Staff Comments: The following implementation measures originated in 1990 (pre 1991 annexation). They are no longer appropriate because North Albany is a part of the city now. They are now deleted.

~~19. In conjunction with the North Albany Rural Fire Protection District, plan for future fire protection services in North Albany including methods to levy equitable assessments and fees to be used for facility construction and equipment.~~

~~21. Provide for the continued provision of library service for North Albany residents.~~

~~22. Investigate a park dedication/fee system to be collected and utilized within North Albany.~~

~~23. Continue to utilize the North Albany Citizens' Advisory Committee (CAC) to review major development actions in North Albany.~~

~~24. Consider North Albany representation on the Albany Planning Commission for at least those land use actions affecting the North Albany UGB, concurrent with transfer of land use planning and building permit authority in the North Albany UGB to the City.~~

~~5. Consider development of standards in regard to the keeping of animals in North Albany that maintain neighborhood compatibility, but also provide for greater flexibility than what is possible in the urbanized portion of the UGB.~~

NATURAL AND CULTURAL RESOURCES

POLICIES:

1. **Minimize potential impacts to riparian vegetation, stream hydrology and adjacent land uses.**
2. **Protect wetlands, floodplains, riparian corridors and other critical natural resources through the use of stormwater management measures and through appropriate practices (cluster development, setbacks from significant resources, corridor protection and reduction of impervious surfaces).**
3. **Provide neighborhood parks and a connecting off-street multi-use trail system.**
4. **Protect and enhance cultural and historic resources.**

IMPLEMENTATION MEASURES:

1. Within North Albany, maintain open space in areas that are unsuitable for development including steep slopes, floodway, wetlands, and drainageways.
2. Where possible in North Albany, develop linkages between steep slopes, drainageways, wetlands, and publicly owned lands to develop a linear network of open spaces and/or parks.
3. Implement adopted City provisions which would provide for the protection of identified North Albany wetlands consistent with state and federal law.

4. **Consider recommendations in the North Albany Refinement Plan for inclusion in the Parks, Recreation, and Open Space Plan when it is updated.**
5. Identify resources in North Albany which are appropriate for addition to the City's historic inventory.
6. Utilize historic review procedures to protect North Albany's historic resources.
7. Develop site planning review procedures for forest management practices that would assist in maintaining the special character of the North Albany area.

TRANSPORTATION

POLICIES:

1. Connect every street stub to another street, existing or proposed. An exception will be made where there are existing hazardous conditions for pedestrians, such as no sidewalks, or for vehicles, such as poor sight distance or accident history. An exception is also warranted where it is not practical to extend the street due to on-site physical constraints, such as existing development, steep slopes, wetlands, or drainageways, in which case the new development shall provide for a cul-de-sac to end the street.
2. Extend all streets in new subdivisions and partitions to the boundary of the property where a continuous of the street will intersect a property line. Right-of-way should be dedicated and the street should also be constructed. An exception will be made where there are physical limitations on adjoining property due to existing development, steep slopes, wetlands, or drainageways. Street extensions should generally extend the overall block pattern of the neighborhood or the interval should follow the block design pattern established in the Development Code.
3. Allow cul-de-sacs only where physical circumstances (e.g., existing development, natural features) impair internal or perimeter street connections. Make street connections whenever possible, especially to attractors such as parks, schools, transit routes, and other neighborhoods. Cul-de-sac design should allow for a sidewalk to the adjacent attractor so that a pedestrian corridor is preserved even though the vehicle corridor is closed. Design pavement for pedestrian ways to support maintenance or emergency vehicles.
4. The North Albany Local Street Plan, prepared by Kimley-Horn and Associates, Inc., dated June 30, 1995, is adopted in its entirety as a supporting document to the Comprehensive Plan.
5. **Support the development of alternative roadstreet standards that may be considered on a site-specific basis if unusual environmental conditions exist and long-term operational and maintenance costs are acceptable to the Director of Public Works.**

IMPLEMENTATION MEASURES:

1. **Develop and adopt alternative street designs that allow consideration of unusual site conditions while addressing the following: availability of adequate right-of-way, slope restrictive issues, surface water impacts, natural drainage features, transportation needs, pedestrian and bicycle needs, drainage requirements, and impacts to significant trees.**
2. **Amend the North Albany Local Street System Plan and the Albany Transportation System Plan to realign the North Albany Road extension and incorporate the off-street trail network proposed in the *North Albany Refinement Plan*.**

3. Consider the transfer of Benton County roads and streets to the City of Albany.

Staff Comments: The following implementation measures date to 1990, pre-annexation. They are now deleted because they have been addressed through the adoption of the North Albany Local Street Plan and the Albany Transportation System Plan.

- ~~7. As part of the citywide Transportation Master Plan, address transportation planning issues in North Albany, emphasizing a balanced transportation system that includes the following:

 - ~~a. The distribution of automobile traffic to avoid overuse of one or two main corridors.~~
 - ~~b. The need for pedestrian and/or bicycle ways to provide alternative transportation.~~
 - ~~c. The provision of mass transit opportunities.~~
 - ~~d. The location of future local, collector, and arterial streets, and pedestrian and bicycle ways.~~~~
- ~~16. Address the need to develop transportation planning in North Albany that emphasizes a balanced transportation system that includes the following:

 - ~~a. Balancing, where possible, the distribution of automobile traffic to avoid overuse of one or two main corridors.~~
 - ~~b. The need for pedestrian and/or bicycle ways to provide alternative transportation.~~
 - ~~c. The provision of mass transit opportunities.~~
 - ~~d. The location of future local, collector, and arterial streets, and pedestrian and bicycle ways.~~~~

PUBLIC UTILITIES

POLICIES:

1. Sanitary sewer facilities necessary to serve new development in North Albany shall be:
 - a. Constructed to City of Albany standards.
 - b. Adequately sized to accommodate development densities based on ultimate build-out of either the project or the area to be served.
 - c. Located and developed in accordance with an approved North Albany Sanitary Sewer Facility Plan.
2. Water rates to properties outside the city limits will be established so that generated revenues are sufficient to compensate the City for extra costs of providing the services and to ensure funds necessary to maintain and upgrade the facilities as needed.
3. Water service will continue to be provided, consistent with the capacity of the current system, to existing **North Albany County Service District (NACSD)** customers outside the UGB. The area of water service outside the UGB will not be expanded ~~without an exception to Goal 11~~ **except as authorized in Resolution 3363.**
4. The City of Albany will not provide sewer service outside the Urban Growth Boundary except to serve the public educational use of Oak Grove School.
5. A New single family development on an individual parcel must extend and connect to the public water system when service is available within 150 feet and to the public sewer system when service is available within 300 feet of the property. All other development must connect to the public water and sewer systems.
6. ~~When sewer and water service is provided to a developable parcel(s), the property may be developed at an overall density of approximately of 10,000 square feet per unit. Upon approval of a submitted~~

development plan where water and sewer service is provided and public improvement requirements are met, **property zoned Comprehensive Plan Map designated Urban-Residential Reserve (URR) property shall be assigned an RS-10, RS-6.5 or RS-5 zone designation without a zone change, based on the zoning shown in Figure 1.** Likewise, **properties designated Village Center on the Comprehensive Plan Map designated Residential Medium density (Res-Med) property shall be assigned an RM-5 zone designation without a zone change.** For higher or lower densities a zone change is required.

7. For areas of North Albany where sewer service is not available property shall not be divided into parcels that create an average density more intense than one dwelling unit per five acres.
8. New storm drainage facilities in North Albany shall be:
 - a. Constructed to City of Albany standards.
 - b. Adequately sized to accommodate development densities based on ultimate build-out of either the project or the area to be served.
 - c. Developed in accordance with the Storm Drainage provisions of the Albany Development Code, Public Improvements Section.

Staff Comments: The 1990 utility policies listed below are no longer relevant due to annexation.

- ~~1. The City of Albany, Benton County, and the North Albany County Service District (NACSD) shall comply with the provisions of the jointly adopted Alternative Plan to health Hazard Annexation accepted by the Environmental Quality Commission on January 19, 1990.~~
- ~~2. The City of Albany will provide sewer service to the designated North Albany health hazard area without requiring annexation of existing developed properties in order to:

 - a. Resolve the health hazard condition in a timely manner and prevent the occurrence of future health hazards.
 - b. Provide for orderly urban development opportunities within the North Albany Urban Growth Boundary (UGB).
 - c. Ensure the coordinated, timely, and cost effective provision of public services to the UGB.~~
- ~~3. North Albany residents outside of the designated health hazard area (but within the UGB) are not currently receiving sewer or water service but who desire sewer or water service will be required to annex or file an annexation petition prior to receiving service.~~
- ~~4. New development will be required to annex or file an annexation petition prior to receiving water and/or sewer service in North Albany.~~
- ~~8. New residential development may be required to connect to the water and/or sewer system if services are within 500 feet of the development and it is feasible to connect.~~
- ~~12. Urban services, provided by Benton County or the City of Albany other than sewer and water, shall only be provided at levels that existed as of June 1990 until annexation occurs.~~

IMPLEMENTATION MEASURES:

1. Develop, **adopt** and periodically update a North Albany Storm Drainage Master Plan.

EXHIBIT A

2. As part of a Storm Water Drainage Master Plan for North Albany, identify as needing protection key swales and drainages that serve a vital role in the overall storm water drainage and flood water management system in North Albany.

Staff Comments: The 1990 utility policies listed below are no longer relevant due to annexation.

- ~~7. When possible, phase public improvement projects in North Albany to minimize the impact of multiple assessments. (1990 and 1992)~~
- ~~6. Develop Standards to allow extension of water services to areas outside of the UGB but within the NACSD that are consistent with the County Comprehensive Plan.~~

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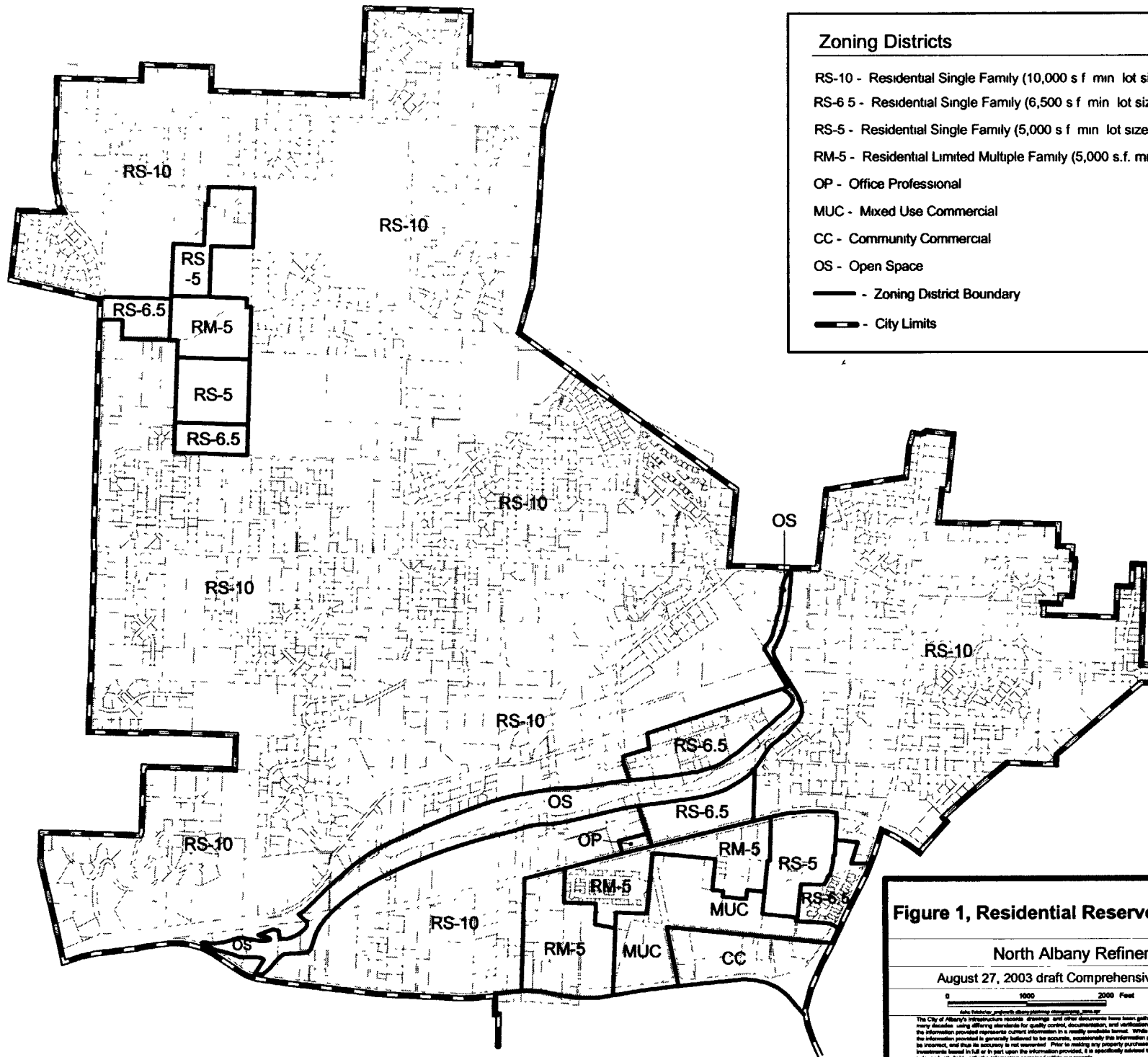


EXHIBIT A

Figure 1, Residential Reserve Conversion Map

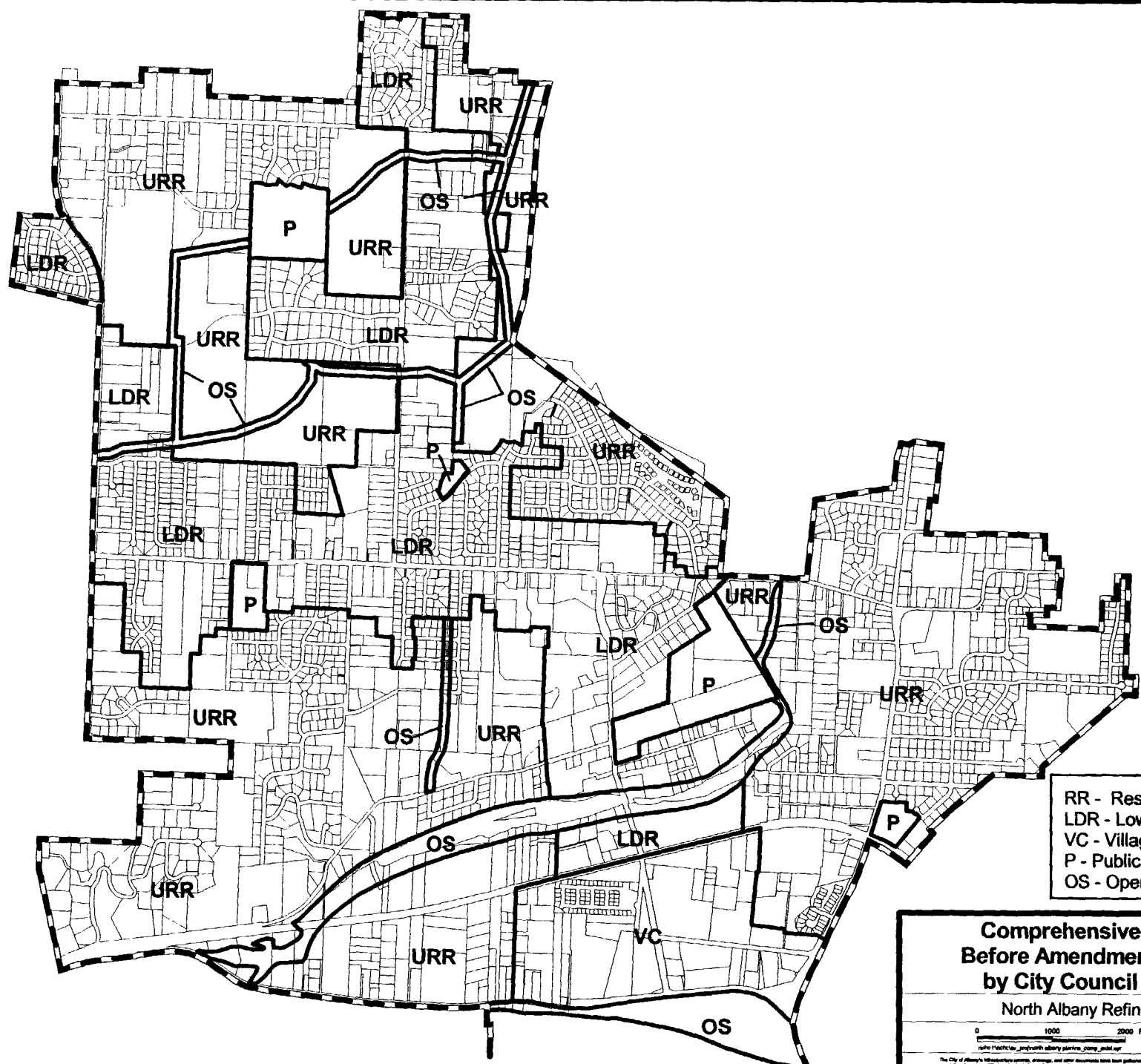
North Albany Refinement Plan

August 27, 2003 draft Comprehensive Plan amendments

0 1000 2000 Feet

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades using differing standards for quality control, documentation, and updates. All the information provided represents current information to the best of our knowledge. While the information provided is generally believed to be accurate, no warranty is made by the City of Albany as to its accuracy or completeness. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently verify the information concerned with your needs.





RR - Residential Reserve
 LDR - Low Density Residential
 VC - Village Center
 P - Public and Semi-Public
 OS - Open Space

Comprehensive Plan Map
Before Amendments Adopted
by City Council 9/10/2003
 North Albany Refinement Plan

0 1000 2000 Feet
ratio: 1:24000; map: north alba ref; date: 09/10/03

The City of Albany's information systems, drawings, and other documents have been prepared using AutoCAD software. All information is provided for informational purposes only and is not intended to be used for any other purpose. While the information is provided for informational purposes only, it is not intended to be used for any other purpose. The City of Albany is not responsible for any errors or omissions in this information. Please verify the accuracy of the information independently. Albany, Oregon.

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Exhibit B

ARTICLE 1 ADMINISTRATION AND PROCEDURES

No changes are proposed to Sections 1.000 to 1.202.

- 1.203 Neighborhood Meeting. The purpose of a neighborhood meeting is to ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the neighborhood. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. City staff will attend the neighborhood meeting in an advisory capacity to answer questions.

The applicant shall hold a neighborhood meeting prior to submittal of the following types of applications:

- (1) Multifamily development that abuts a single-family zoning district.
- (2) Commercial and industrial development that abuts any residential zoning district.
- (3) Manufactured home park.
- (4) Subdivision with more than 10 lots.
- (5) Any subdivision that is an infill development.
- (6) **Cluster development of any size.**

For other applications that may have a neighborhood impact, the City recommends that the applicant have a neighborhood meeting. [Ord.5445, 4/12/00]

No changes are proposed to Sections 1.207 to 1.300.

- 1.310 Examples. Examples of applications which result in limited land use decisions include, but are not limited to--Type I-L historic review, partitions, site plan review, and subdivisions **with fewer than 20 lots**.

No changes are proposed to Section 1.320.

- 1.330 Type I-L Procedure.

- (1) The purpose of the Type I-L procedure is to provide for land use review of ~~subdivisions and~~ partitions, **subdivisions with fewer than 20 lots**, and applications involving discretionary standards for design or site review of uses permitted outright.
- (2) In making a limited land use decision, the City will follow the applicable procedures contained within its acknowledged comprehensive plan and land use regulations and other applicable legal requirements.
- (3) For limited land use decisions, the City will provide written notice to owners of property within 100 feet of the entire contiguous site for which the application is made, except that written notice will be provided to owners of property within 300 feet of property on which applications are received for development of subdivisions, manufactured home parks, and multi-family development. The list will be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was

given. Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

- (4) The notice and procedures used by the City will:
 - (a) Provide a 14-day period for submission of written comments prior to the decision;
 - (b) State that issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 - (c) List, by commonly used citation, the applicable criteria for the decision;
 - (d) Set forth the street address or other easily understood geographical reference to the subject property;
 - (e) State the place, date and time that comments are due;
 - (f) State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - (g) Include the name and phone number of a local government contact person;
 - (h) Provide notice of the decision to the applicant and any person who submits comments under subparagraph (a) of this paragraph. The notice of decision must include an explanation of appeal rights;
 - (i) Briefly summarize the local decision making process for the limited land use decision being made, and
 - (j) Include such other information as the Director deems appropriate.

- (5) Decisions and Appeals. Standing to appeal a limited land use decision shall be limited to the applicant and/or any person who has provided written comments pursuant to Section 1.330 or who spoke at the public hearing, if one were held.
 - (a) For application types for which a neighborhood meeting is not required in Section 1.203, a limited land use decision made by the Director may be appealed to the Land Use Board of Appeals when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Director’s notice of decision is mailed.
 - (b) For application types for which a neighborhood meeting is required in Section 1.203, a limited land use decision by the Director may be appealed to the Planning Commission when a person with standing files a Notice of Appeal with the City not later than 10 days after the Director’s notice of decision is mailed.
 - (c) At the Director’s discretion, a limited land use decision may be referred to the Planning Commission for the local decision.
 - (d) A limited land use decision made by the Planning Commission may be appealed to the Land Use Board of Appeals when a person with standing files a Notice of Intent to Appeal with LUBA not later than 21 days after the Planning Commission notice of decision is mailed. [Ord. 5338, 1/28/98; Ord. 5445, 4/12/00]

1.340 Examples. Examples of applications which result in limited land use decisions include, but are not limited to--Type I-L historic review, partitions, site plan review, and subdivisions **with fewer than 20 lots.**

No changes are proposed to Section 1.350.

1.360 Type III Procedure.

- (1) The purpose of the Type III procedure is to provide for the review of certain applications within the City by the Planning Commission, Hearings Board, or the Landmarks Advisory Commission at a public hearing. Such actions may be complex in nature, requiring the interpretation of Plan policies and the

requirements of this Code.

- (2) Under the Type III procedure, an application is scheduled for public hearing at the Director's discretion before either the Hearings Board, the Planning Commission or the Landmarks Advisory Commission. If the request is quasi-judicial in nature, the Director shall notify all property owners within 100 feet of the subject property (or 300 feet if the application is for a subdivision, manufactured home park or multi-family development). The applicant shall supply a list of the names and addresses of the owners of property to receive the notice. The mailing list must be certified by the applicant and complete as found on the most recent property tax assessment roll where the subject property is located. The Director may require the applicant to post notices as set forth in Section 1.410.
- (3) The review body shall review the request and any written comments and testimony; adopt findings based on the established criteria, and make a decision by approving, conditionally approving, or denying the application. Conditions and/or restrictions may be applied to the approval of any land use application granted under a Type III procedure in accordance with the relevant provisions of this Code.
- (4) Examples of applications processed through a Type III procedure include, but are not limited to-- Interim planned unit development plans, future street plans, Type III Planned Industrial Developments, some Code interpretations, Conditional Uses, ~~and~~ historic review of demolitions/moving, **cluster development, and subdivisions with 20 or more lots.** [Ord. 5446, 5/10/00]

No changes are proposed to Sections 1.370 to 1.660.

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ARTICLE 6 SPECIAL PURPOSE DISTRICTS

6.010 **Overview.** Special purpose districts are overlay districts which are combined with a **base** zoning district. The special purpose districts are intended to regulate development in areas where topographic or natural features, or proximity to an airport require that specific limitations or requirements be imposed. The regulations of a special purpose district are supplementary to the regulations of the zoning district. Both the zoning district and special purpose district regulations apply to sites within a special purpose district. Where the regulations and permitted uses of a zoning district conflict with those of a special purpose district, the more restrictive standards apply, **except as noted below.**

The following is a list of the overlay districts created in this article.

- Airport Approach
- Floodplain
- Hillside Development
- Wetland
- Willamette Greenway
- **Cluster Development**

No changes are proposed to Sections 6.020 to 6.370.

CLUSTER DEVELOPMENT

6.400 **Purpose.** Cluster Development is intended to allow development of properties while protecting community resources, including but not limited to: steep slopes, wetlands, stream corridors, scenic vistas, and parks and trails. Cluster development is intended to protect natural features, to provide linkage with adjacent parks, open space areas, and pathways, and to allow the development to be more compatible with the topography and/or physical limitations of the site. These provisions are not intended to infer public ownership or use. The cluster standards are also intended to promote flexibility in residential development without compromising the development potential of the underlying zoning district or changing the character of adjacent neighborhoods. Cluster developments should group residential units in one or more areas to reduce the amount of impervious surfaces and length of utility installations.

6.410 **Eligibility.** To be eligible for cluster development, the development site must be located in a residential zoning district and contain one or more of the following:

- (1) Lake;
- (2) Delineated wetland. The Oregon Division of State Lands must concur with the delineation;
- (3) Riparian area identified on the city's Riparian Inventory;
- (4) Existing channel identified on Figure 7.1 of the draft North Albany Storm Water Master Plan;
- (5) Slope greater than 25 percent;
- (6) Wooded area with five or more trees over 12 inches in diameter measured 4½ feet from the ground;
- (7) Spring; or
- (8) Land providing connectivity to parks, trails, inventoried natural features, or areas zoned or protected as permanent open space.

6.415 **Optional Nature.** Cluster development is an optional form of development. It is not mandatory.

6.420 **Relationship to Other Regulations.** If the site is eligible and the applicant chooses cluster development, these standards will supplement other provisions of this Code. For example, a

subdivision proposed as a cluster development is also subject to the provisions of Article 11 of the Development Code. Other residential development is subject to site plan review or conditional use review. These provisions apply to issuance of building permits in a cluster development and to ongoing uses and activities in a cluster development.

- 6.430 **Procedure.** Cluster development applications are reviewed as a Type III procedure.
- 6.440 **Review Criteria.** The review criteria for a cluster development are those that apply to a particular type of development. For example, the tentative plat criteria in Article 11 apply to cluster land divisions. Also, the review body must find that the application meets the following additional criterion:
- (1) The proposed plan meets the purpose of cluster development and the protection of permanent open space.
- 6.450 **Open Space Requirements.** Cluster developments must provide a minimum amount of permanent open space.
- (1) At least 20 percent of the site shall be designated as permanent open space, OR
 - (2) If the site contains land in the Open Space zoning district, the proposed development shall reserve all of the land within the Open Space zone or at least 20 percent of the site, whichever is greater, as permanent open space.
- 6.460 **Designation of Permanent Open Space.** Open space in a Cluster Development should be designated in the following priority order:
- (1) The first priority for open space designation is the protection of natural features, environmentally sensitive areas, and scenic features of the site. This priority is satisfied by any of the following:
 - Wetland identified on the city's Local Wetland Inventory.
 - Riparian area identified on the city's Riparian Inventory.
 - Existing channel identified on Figure 7.1 of the draft North Albany Storm Water Master Plan.
 - Slope greater than 25 percent.
 - Wooded area with five or more trees over 12 inches in diameter measured 4½ feet from the ground.
 - Spring.
 - Land providing connectivity to parks, trails, inventoried natural features, or areas zoned or protected as permanent open space.
 - (2) The second priority for open space designation is to create open spaces in and around neighborhoods. This priority is satisfied by any of the following:
 - Continuity of adjacent open space corridors or parkways.
 - A network of interconnected open space corridors.
 - A buffer between neighborhoods.
 - (3) The third priority for open space designation is to incorporate public parks, trails or open space designated in the Parks, Recreation and Open Space Plan and the North Albany Refinement Plan to create private parks and trails that may be connected to public streets, parks, trails or open space.
- 6.470 **Creation of Permanent Open Space.**
- (1) Open space in a cluster development may be set aside and managed in one or more of the

following ways:

- (a) Portions of one or more individual lots; or
 - (b) Common ownership by residents of the development; or
 - (c) Third party (non-profit organization) whose primary purpose is to hold or manage the open space, subject to a reversionary clause in the event of dissolution of the non-profit organization; or
 - (d) Dedicated to City of Albany, if the City agrees to accept ownership of and to maintain the space.
- (2) Except for Subsection (1)(d) above, open space shall be subject to restrictive covenants and easements reviewed by the Community Development Director and recorded and filed when the subdivision plat for the project area is recorded. An easement shall include permanent provisions prohibiting the placement of structures or impervious surfaces, alteration of the ground contours, or any other activity or use inconsistent with the purpose of these provisions except for uses allowed in the Cluster Development provisions of the Development Code.

6.480 Protection of Permanent Open Space.

- (1) Except as necessary to meet transportation or utility infrastructure requirements, the development shall avoid encroachment into significant wetlands and riparian corridors.
- (2) For other natural features, permanent alteration by grading or placement of structures or impervious surfaces may be authorized upon demonstration that equal or better protection for natural resources found on site or in the same basin will be ensured through restoration or enhancement or similar measures. In no case shall such alterations encroach more than is necessary to accommodate the use.
- (3) Significant wetlands, riparian corridors, and intermittent streams preserved as open space in a cluster development may be used for conveyance of storm waters but shall not be used for drainage improvements, such as detention or retention ponds, or any other utility improvement necessary for development of the lots.
- (4) Areas set aside for permanent open space in a cluster development cannot be further subdivided.
- (5) Fences are permitted in and around the open space if consistent with the expressed purpose of the open space.
- (6) Provisions must be established to ensure the continued maintenance of any common areas.

6.490 Development Standards. In a Cluster Development, the following development standards supercede the same standards in Section 3.190, Table 1. The number of allowable lots is based on the density range for the zone as specified in the following table.

Standard	RS-10	RS-6.5	RS-5	RM-5
Max. dwelling units per gross acre	4	8	10	20
Minimum Lot size:	None	None	None	None
Minimum Lot Width	None	None	None	None
Minimum Lot Depth	None	None	None	None
Min. front house setback (1)	15 ft.	10 ft.	10 ft.	10 ft.
Maximum Lot Coverage (2)	70%	70%	70%	70%

(1) Except, when lots are adjacent to existing development on the same side of the street, the setback shall be within 5 feet of the adjacent house(s) setback(s).

(2) Except, when building envelopes are used, the maximum lot coverage may be up to 100%.

6.500 Permitted Uses. The uses allowed within Cluster Developments outside the permanent open space are determined by the underlying zoning district standards in Section 3.050, with the following exceptions:

- (1) On development sites greater than 20 acres, up to 20 percent of the housing units in RS-6.5 and RS-10 may be attached single-family or condominium-style housing.
- (2) On development sites greater than 50 acres, up to 2 acres may be developed with neighborhood commercial uses through a conditional use review. The maximum building footprint of commercial or office uses shall be 3,000 square feet. Commercial and office uses shall be limited to restaurants with no drive-through service and convenience-oriented uses as described in Article 22.

6.510 Street Standards for Cluster Development. All local streets in a cluster development may be constructed to the Residential Street Design for Constrained Sites as described in Section 12.122(6). If the City subsequently adopts street standards specifically designated for cluster development, those standards shall supersede and replace this section.

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ARTICLE 11
LAND DIVISIONS AND PLANNED DEVELOPMENTS

No changes are proposed to Sections 11.000 to 11.160.

- 11.170 **Procedure.** A tentative subdivision or partition plat is reviewed through the **Type III procedure for 20 or more lots or for all cluster development. All other tentative plats are reviewed through the Type I-L procedure.** A final subdivision or partition plat is reviewed through the Type I procedure.
- 11.180 **Tentative Plat Review Criteria.** Approval of a tentative subdivision or partition plat will be granted if the review body finds that the applicant has met all of the following criteria which apply to the development:
- (1) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
 - (2) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
 - (3) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
 - (4) The location and design allows development to be conveniently served by various public utilities.
 - (5) Any special features of the site (such as topography, floodplains, wetlands, vegetation, historic sites) have been adequately considered and utilized.
- 11.190 **Tentative Plat Conditions of Approval.** The City may attach conditions of approval of a tentative subdivision or partition plat to ensure that the proposal will conform to the applicable review criteria.
- 11.200 **Appeal of a Tentative Plat Decision.** A decision to approve, approve with conditions, or deny a tentative subdivision or partition plat is a limited land use decision appealable to the Land Use Board of Appeals. At the Director's discretion the decision may be referred to the Planning Commission.
- 11.210 **Tentative Plat Submittal.** All applications for tentative partition or subdivision approval must include a complete application form and sixteen (16) copies of a plan showing the following details. The tentative plan need not be a finished drawing but it should show all pertinent information to scale.
- (1) Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.
 - (2) If the detailed map does not show the following information, a vicinity map at a scale of 400 feet to the inch shall be prepared showing:
 - (a) All existing subdivisions, streets and tract lines of acreage land parcels immediately adjoining the proposed subdivision and between it and the nearest existing arterial streets.
 - (b) Name of the record owners of all contiguous land parcels.
 - (c) How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighboring subdivisions or undeveloped property to produce the most advantageous development of the entire neighborhood area.

- (3) The tentative plat shall be drawn to a standard engineer's scale where 1 inch equals 20 - 60 feet; or for areas over 100 acres, 1" - 200'.
- (4) The name, if any, of the land division; this name must not duplicate or resemble the name of another subdivision in the same county or in the same area within six miles of Albany and must be approved by the Director and the County Surveyor.
- (5) Date, north point, and scale of drawing.
- (6) Location of the land division by section, township and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the real estate records of the County Assessor.
- (7) Names and addresses of owner or owners, subdivider, surveyor, and engineer, if applicable.
- (8) The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract; railroad rights-of-way and other important features, such as railroad rights-of-ways, City boundary lines, and other important features.
- (9) The location on the site and in the adjoining streets or property of existing and proposed sewers and water mains and services, culverts, ditches and drain pipes, electric, gas and telephone conduits with invert elevations of sewers at points of proposed connections.
- (10) Contour lines having the following minimum intervals:
 - One (1) foot contour intervals for ground slopes less than five (5%) percent.
 - Two (2') feet contour intervals for ground slopes between five (5%) and ten (10%) percent.
 - Five (5') feet contour intervals for ground slopes exceeding ten (10%) percent.
 - The elevations of all control points which are used to determine the contours.
 - Contours shall be related to City of Albany datum.
- (11) Approximate location of areas subject to inundation or storm water overflow with approximate high water elevation.
- (12) Location, width, direction and flow of all water courses.
- (13) Location of properties within the 100-year flood plain and other areas subject to flooding or ponding (see Section 6.130).
- (14) Location of ~~any wetlands sites identified on Plate 6 of the Comprehensive Plan.~~ **the following significant natural resources:**
 - (a) **Significant wetlands identified on the city's Local Wetlands Inventory;**
 - (b) **Riparian areas on the city's Riparian Inventory;**
 - (c) **Existing channels as shown on Figure 7.1 of the draft North Albany Storm Water Master Plan, and**
 - (d) **Slopes greater than 25 percent.**
- (15) **Location of the following nNatural 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).**

- (a) Non-significant wetlands identified on the city’s Local Wetlands Inventory;**
 - (b) Wooded areas with 5 or more trees over 12 inches in diameter measured 4½ feet from the ground, and**
 - (c) Springs.**
- (16) Existing uses of the property and adjacent property within 100' including location of all existing structures to remain on the property.
- (17) Zoning on and adjacent to the tract.
- (18) Any proposed streets: location, widths, names, approximate radii or curves. The relationship of all streets to any projected streets as shown on any development plan approved by the City.
- (19) Existing and proposed easements on the site and any existing easements on adjoining properties, showing the width and purpose of all easements.
- (20) Approximate dimensions of all lots, minimum lot size, proposed lot numbers and block numbers [see Section 11.230 (11)].
- (21) Sites, if any, allocated for multiple family dwellings, shopping centers, churches, industry, parks, schools, playgrounds, or public or semi-public buildings.
- (22) The following additional information must be submitted with the tentative plat:
- (a) The names and addresses of all owners within 300 feet of the proposed land division.
 - (b) Total acreage in the subdivision and the percent of land dedicated to the public, not including easements.
 - (c) All public improvements proposed to be installed and the approximate time of installation including the method of financing.
 - (d) Special improvements to be made by the developer and the approximate time such improvements are to be completed (examples include entrance signs or walks, berms, bus stands, etc). Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable City ordinances. If, however, the nature of the improvement is such that it is impractical to prepare all necessary details prior to approval of the tentative plat, the additional details shall be submitted at least 30 days prior to approval of the final plat.
 - (e) An urban conversion plan for large acreage subdivisions.

No changes are proposed to Sections 11.220 to 11.390.

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ARTICLE 12
PUBLIC IMPROVEMENTS

No changes are proposed to Sections 12.000 to 12.122(5).

- (6) **Residential Street Design for Constrained Sites.** There are instances where a development is proposed on land that has natural features that may constrain the standard local street design. Examples of such natural features include floodplains, steep slopes, drainageways, wetlands, riparian corridors, and tree groves. Through the subdivision or Planned Development review process, the City will consider a narrower street section that does not compromise the goals for street design in a great neighborhood. For example, the sidewalks may be placed curbside and parking may be removed from the street in order to narrow the street paving and preserve natural areas. See Figure 6.

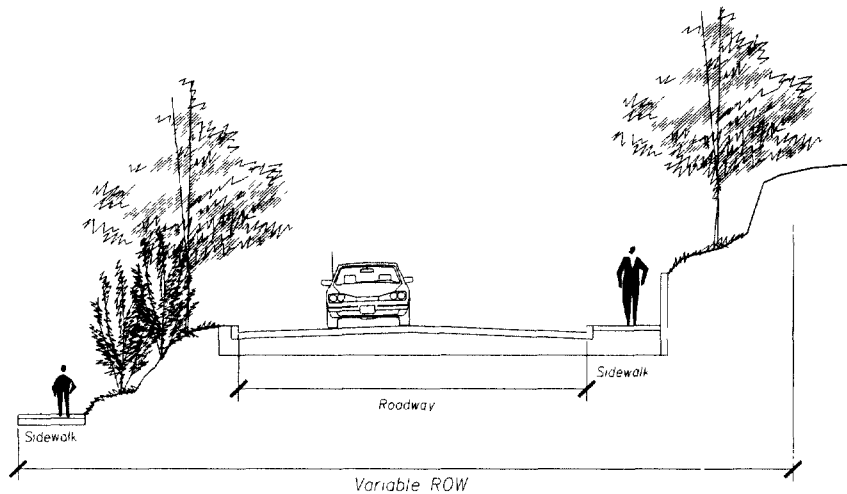
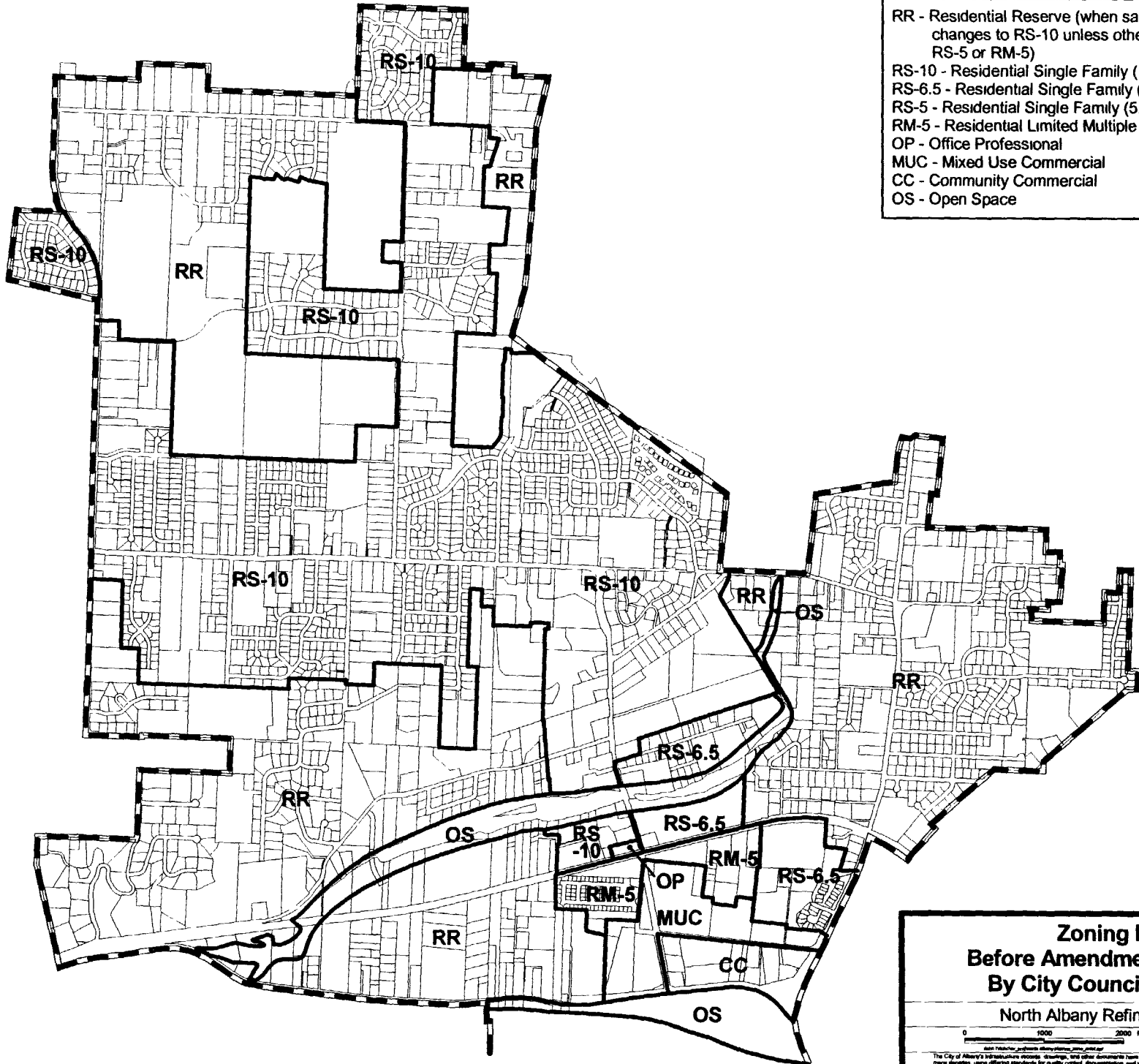


Figure 6: Residential Street Design (Constrained)

- (7) **Alternate Street Standard for Cluster Development. (Reserved)**

No changes are proposed to Sections 12.130 to 12.610.

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RR - Residential Reserve (when sanitary sewer is available, changes to RS-10 unless otherwise noted as RS-6.5, RS-5 or RM-5)
 RS-10 - Residential Single Family (10,000 s.f. min. lot size)
 RS-6.5 - Residential Single Family (6,500 s.f. min. lot size)
 RS-5 - Residential Single Family (5,000 s.f. min. lot size)
 RM-5 - Residential Limited Multiple Family
 OP - Office Professional
 MUC - Mixed Use Commercial
 CC - Community Commercial
 OS - Open Space

**Zoning Map
 Before Amendments Adopted
 By City Council 9/10/2003**

North Albany Refinement Plan



The City of Albany's Infrastructure Division, Planning, and other departments have been consulted over many decades, using offering standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and that an accuracy is not warranted. Prior to making any property purchase or other investment based in full or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.

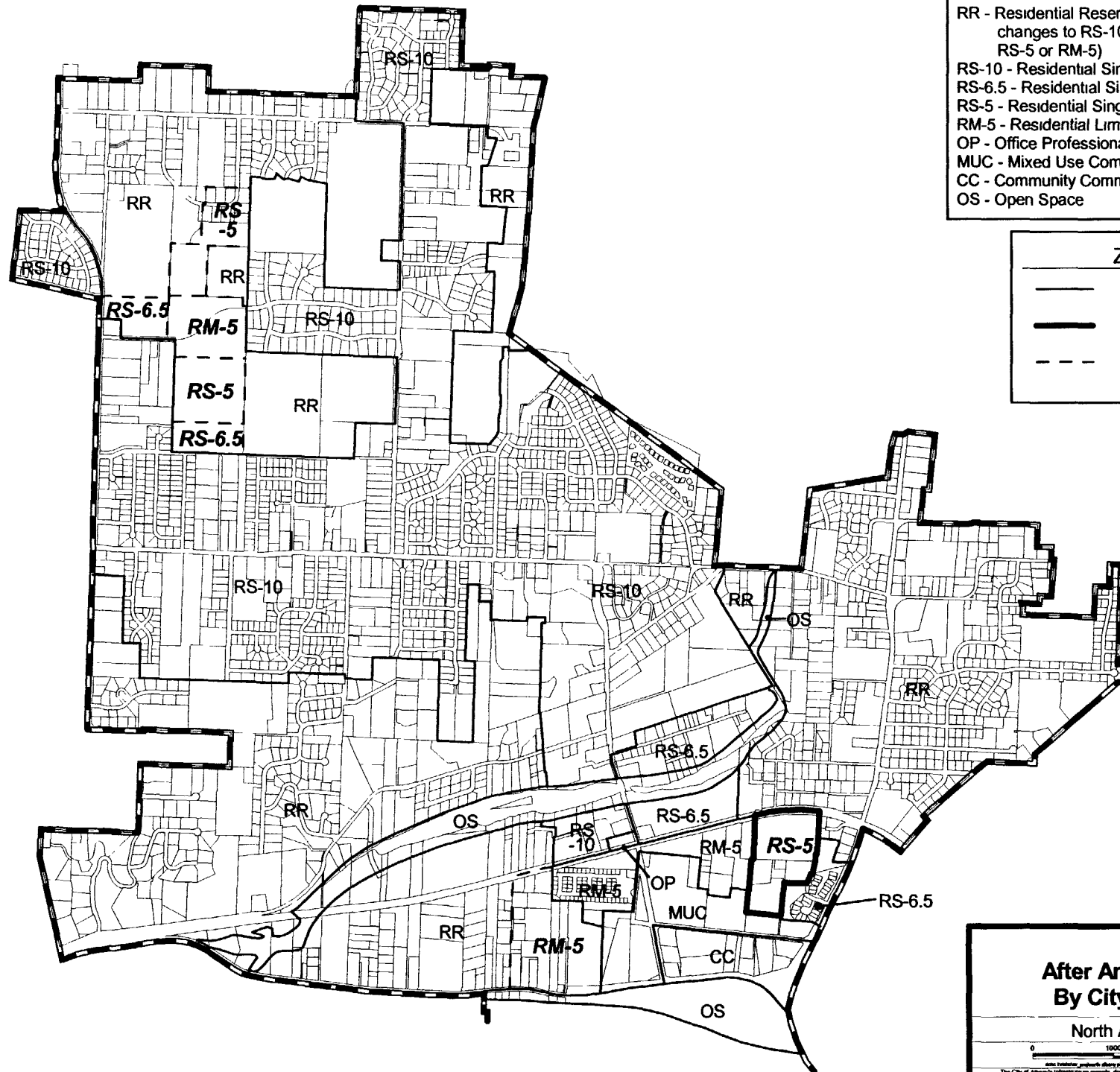


Exhibit G

RR - Residential Reserve (when sanitary sewer is available, changes to RS-10 unless otherwise noted as RS-6.5, RS-5 or RM-5)
 RS-10 - Residential Single Family (10,000 s.f. min. lot size)
 RS-6.5 - Residential Single Family (6,500 s.f. min. lot size)
 RS-5 - Residential Single Family (5,000 s.f. min. lot size)
 RM-5 - Residential Limited Multiple Family
 OP - Office Professional
 MUC - Mixed Use Commercial
 CC - Community Commercial
 OS - Open Space

Zoning Boundaries

— Existing
 — New - takes effect right away
 - - - Future - takes effect when sewer is available



**Zoning Map
 After Amendments Adopted
 By City Council 9/10/2003**

North Albany Refinement Plan

0 1000 2000 Feet

The City of Albany's infrastructure records, drawings and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, currently this information cannot be guaranteed, and thus its accuracy is not warranted. Prior to making any property purchase or other transactions based in full or in part upon the information provided, it is specifically advised that you independently verify the information concerned within our records.



FINDINGS**Files CP-02-03, DC-01-03, and ZC-02-03****Recommended by the Planning Commission on August 13, 2003****Adopted by the Albany City Council on September 10, 2003**

The Planning Commission recommended these findings in support of their recommendations for implementation of the North Albany Refinement Plan. The Albany City Council adopted these findings in support of the ordinance.

COMPREHENSIVE PLAN TEXT AMENDMENTS**General****FINDINGS:**

1. The Comprehensive Plan currently addresses the annexation of North Albany under Site 4 of "Sites of Special Interest." The amendments propose to delete this outdated text and create a new section in the Plan called the "North Albany Planning Area," which would include legislative and background histories.
2. Goals and Policies were added to the Comprehensive Plan before and immediately after the annexation of North Albany into the city limits. The amendments update these policies and delete the pre- and post-annexation policies that are no longer applicable.
3. The North Albany Refinement Plan and citizen input recommended adding policies that help to address the preservation of natural features in North Albany.
4. Currently a Plan policy states that upon approval of a submitted development plan (to which water and sewer service is provided), properties zoned RR (Residential Reserve) shall be assigned an RS-10 zoning designation. In order to implement the Refinement Plan goals and policies and other Comprehensive Plan policies, other zones (RS-6.5, RS-5 and RM-5) should be considered for land designated RR as proposed on Figure 1 of the Comprehensive Plan text amendments in Exhibit A.
5. The future zoning of the Village Center Site (west of North Albany Road, north of Highway 20) should be RM-5 (Limited Multiple Family) as shown on Figure 1 when sewer and water services are available for the following reasons.

Staff Comment: The Planning Commission recommended that these properties be zoned RM-5, a medium-density zone, when urban services become available. While the effect of the proposed change is to rezone these properties, the change would be implemented by amending the Comprehensive Plan policy regarding conversion of land zoned RR (as noted under Finding 4 above). The change would be to allow land currently zoned RR (Residential Reserve- a "holding" zone) to become RS-10, RS-5, RS-6.5 or RM-5 according to Figure 1, rather than just RS-10 when both water and sewer are available.

- a. This site is currently zoned RR (Residential Reserve). This zone is applied on an interim basis until urban services become available. Once sewer and water are available, the zoning would become RS-10 (Residential Single Family, 10,000 square foot minimum).
- b. In October 2002, the City amended the Comprehensive Plan for this site, changing it from Urban Residential Reserve to Village Center. This site falls within the newly created Village Center in the Hickory Street area.

and diverse housing that will help to support the commercial and community services provided in the Village Center. The current RR (Residential Reserve) and RS-10 (zoning once sewer and water are available to the properties) zones are not compatible with the Comprehensive Plan designation.

- d. There is very little land zoned for medium density development near the Village Center and on the Benton County side of the river.
 - e. The Village Center is located to be easily accessible to major transportation routes. This site has easy access to Highway 20 and North Albany Road south of the railroad tracks. Increased density on these properties will not impact the transportation system.
 - f. The RM-5 zoning district may provide more diversity in housing units and density in proximity to the Village Center and schools.
 - g. The increased density would not impact the transportation system and the site is south of the railroad tracks.
 - h. Only a small portion of this site is located in the 100-year floodplain of the Willamette River, based on the July 7, 1999, Flood Insurance Rate Maps. Most of the site is outside the 100-year floodplain in Zone X. Under current regulations, the entire site could be filled.
 - i. The RM-5 zoning district supports the Comprehensive Plan goals and policies relating to creating village centers that offer housing and employment choices and creating land use patterns that take advantage of density to reduce the amount of vehicle miles traveled.
6. The future zoning of the Post Site (north of Dover Drive, east of Scenic Drive, south of Arlington Avenue) should be RS-6.5 (Single Family Residential, 6,500 s.f. minimum lot size), RS-5 (Single Family Residential, 5,000 s.f. minimum lot size), and RM-5 (Limited Multiple Family) as shown on Figure 1 when sewer and water services are available for the following reasons.

Staff Comment: The Planning Commission supports the Post proposal to rezone portions of their property to RS-6.5, RS-5 and RM-5 when urban services become available. While the effect of the proposed change is to rezone these properties, this change would be implemented by amending the Comprehensive Plan policy regarding conversion of land zoned RR (as noted under Finding 4 above). The change would be to allow land currently zoned RR (Residential Reserve- a " holding" zone) to become RS-10, RS-5, RS-6.5 or RM-5 according to Figure 1, rather than just RS-10 when both water and sewer are available.

- a. This site contains seven parcels totaling approximately 104 acres. During the June 30 public hearing, Post family members requested several zone changes in order to carry out their vision for a master planned neighborhood. They proposed these zone changes: 16 acres from RS-10 to RS-6.5, 34 acres from RS-10 to RS-5, and 19 acres from RS-10 to RM-5.
- b. This area is currently zoned RR (Residential Reserve) and without the addition of Figure 1 would become RS-10 (Residential Single Family, 10,000 square foot minimum) when sanitary sewer service is provided. The Comprehensive Plan Map designation is URR (Urban Residential Reserve).
- c. The Comprehensive Plan map designation for this area is proposed to be Low Density Residential (it is currently Urban Residential Reserve). The RS-6.5 and RS-5 zones are compatible zoning districts in this Plan designation. RM-5 is not a compatible zone in Low Density Residential. A Comprehensive Plan Map amendment to Medium Density Residential is proposed for the area proposed to be zoned RM-5.

- d. This is a very large development site capable of integrating different housing types, protecting natural features, and providing a bike trail system in a compatible manner.
- e. The proposed zoning districts are planned so they would serve as buffers and transition areas to adjacent developments. The areas proposed to be RS-6.5 are adjacent to mostly developed land zoned RS-10. Areas proposed to be zoned RS-5 are adjacent to undeveloped land. The area proposed for RM-5 is centered within the development and is adjacent to a vacant school district-owned property and a few single-family residences to the east and the rest of the Post development to the west.
- f. Housing types could vary according to the physical circumstances (detached homes on upper hillside, attached homes in oak grove and around future lake, possible assisted living in center of community).
- g. The different zones proposed would enable diversity in housing choices and sizes and support the "age in place" concept.
- h. The site is a half mile from emergency services.
- i. Unique physical circumstances include a significant oak grove, a large south-facing steeply sloped hillside, and a farmed wetland that could be incorporated into the planned community.
- j. A small amount of significant wetlands and large amount of non-significant wetlands were identified on this site according to the North Albany Local Wetland Inventory. The Posts propose to enhance the wetlands on the property and make a lake that would serve as an amenity to the development.
- k. There is an opportunity for on-site mitigation by converting farmed wetlands to a lake (water quality benefits, wildlife habitat, and amenity for community).
- l. Open space corridors with bike/pedestrian trails would link to North Albany Park and Gibson Hill Park.
- m. The Post proposal is consistent with objectives of the North Albany Refinement Plan and supports Comprehensive Plan goals and policies relating to creating a desirable and efficient land-use pattern, and provides a diversity of housing choices that meet the housing needs of Albany's residents.

COMPREHENSIVE PLAN MAP AMENDMENTS

Future Intersection of Crocker Lane and North Albany Road

FINDINGS:

1. The commercial demand forecast for North Albany indicates that the market for goods and services will expand with a growing population. The population forecast includes 700 more homes to accommodate a population of 6,250 by 2020. Growing demand and increased traffic congestion could create opportunities for small-scale retail and service businesses scattered throughout the neighborhoods.
2. This 18.95-acre vacant parcel on the west side of Crocker Lane was chosen for its distance from most existing residences, yet overall central location for all residents.
3. The property is currently zoned RR (Residential Reserve) and would become RS-10 (Residential Single Family, 10,000 square foot minimum) when water and sewer service are provided. The Comprehensive Plan designation is proposed to be Low Density Residential (from Urban Residential Reserve). The NC (Neighborhood Commercial) and OP (Office Professional) zones are compatible in the Low Density Residential Plan designation. A subsequent zone change would be needed to allow commercial development of the site.
4. The "star" designation would indicate that the Plan supports the future rezoning of part of this area for a small neighborhood commercial site. It is intended to identify the area as a good location for a future neighborhood commercial site once North Albany Road intersects with Crocker Lane. A zone change in this area is not timely for several reasons, one being that the alignment of the future intersection is not yet determined.
5. The Transportation System Plan shows that North Albany Road will likely extend westerly to intersect with Crocker Lane (and beyond to Grandview Drive). A high-volume intersection will be created where these two major collectors meet. High traffic volumes and road noise may render this intersection unsuitable for residential use. This future intersection is a likely candidate for a neighborhood commercial node. There are two possible intersection locations. The star appears in a location that could work for either alignment.
6. The nearest small-scale business is the realty office on North Albany Road (1.5 miles) and a gasoline station with food service on North Albany Road (1.7 miles).
7. The proposed star designation supports the Comprehensive Plan goals and policies relating to providing neighborhood commercial facilities within an accessible distance of the area they are intended to serve.

Post Property

FINDINGS

1. RM-5 is not a compatible zoning district in the Low Density Residential Comprehensive Plan designation. In order to rezone a portion of the Post site to RM-5, a Comprehensive Plan map amendment is needed.

Urban Residential Reserve to Low Density Residential

FINDINGS:

1. Before annexation, most of the residential properties in North Albany were designated Urban Residential Reserve in the Comprehensive Plan. This designation is intended for areas that are in the

city's Urban Growth Boundary, but not yet in the city limits. Now that this land is in the city limits, the Plan designation for areas designated URR should become Low Density Residential.

Public

FINDINGS:

1. Most of the publicly owned properties (like schools and parks) are designated "Public" on the Comprehensive Plan Map. Some of the publicly owned properties are not designated "Public." The proposed changes to the Plan map would designate publicly-owned properties as "Public."

DEVELOPMENT CODE AMENDMENTS

Cluster Development

FINDINGS:

1. The North Albany Refinement Plan discusses many of the area's natural features – such as steep slopes, wooded hillsides, wetlands and wildlife corridors.
2. RS-10 has not effectively retained open space or natural features for rural character purposes.
3. The purpose of the cluster development regulations is to try to retain rural character, protect wetlands and riparian areas, and conserve open space, while also allowing development rights through “density transfer” provisions. The cluster development provision could help to protect natural areas and retain rural character.
4. Clustering would allow the same number of homes allowed by underlying zoning but would transfer density to set aside open space.
5. Cluster development may result in more efficient use of land and extension of streets and other utilities.
6. The cluster development regulations would be applied as an overlay and would not require any changes to the underlying zoning districts (RS-10, RS-6.5, RR, OS).
7. Overlay zones are designed to supplement, not supercede, the usual requirements of primary zones. For example, Floodplain and Greenway are overlay zones. Overlay zones are commonly used to address special circumstances.

ZONING MAP AMENDMENTS

Four properties east of the intersection of Gibson Hill Road and Scenic Drive

FINDINGS:

1. The site consists of four properties totaling 3.73 acres split between the northeast and southeast corners of the Gibson Hill-Scenic Drive intersection.
2. The site is currently zoned RS-10 (Residential Single Family, 10,000 square foot minimum). Based on testimony at the hearing, the Commission did not recommend any zone changes to NC, but did recommend that all of the site be zoned RS-5.
3. The proposed zone, RS-5, is compatible with the existing Low Density Residential Comprehensive Plan Map designation. No amendment to the Comprehensive Plan Map is needed to rezone the site from RS-10 to RS-5.
4. Public hearing testimony pointed out the impact of traffic at this busy intersection and along Gibson Hill Road. The traffic on both Scenic Drive and Gibson Hill Road make properties near this intersection unattractive for large-lot residential development.
5. There is no land zoned RS-5 in North Albany at this time. There are 742 acres zoned RS-10 in North Albany, and another 1,245 acres of RR will become RS-10 when sewer service is extended. The 3.73 acres proposed for RS-5 may yield approximately 20 total houses.
6. There is owner support for rezoning the properties from RS-10.
7. A City property buffers the southeast corner property to the east.
8. The RS-5 zoning district will allow more diverse single-family housing choices, thereby supporting other Comprehensive Plan goals relating to providing more diversity in housing choices and densities.

Properties northwest of Hickory and Springhill intersection, east of the Village Center, west of the North Pointe development

FINDINGS:

1. This area is adjacent to the North Albany Village Center. A few additional residences will help to support the commercial uses in the Village Center.
2. The proposed zone, RS-5, is compatible with the existing Low Density Residential Comprehensive Plan Map designation. No amendment to the Comprehensive Plan Map is needed to rezone the site from RS-6.5 to RS-5.
3. This site has been slated for a future phase of the North Pointe development since the construction of the first phase in 1986. The second phase was built in 2002. The developer's vision for this area calls for attached and detached single-family homes developed through the planned development process. The proposed RS-5 zone would support development styles similar to the attached single-family housing in North Pointe. This supports Plan policies to provide more of a mix of housing types and densities in all areas of the city.
4. This area contains 20.83 acres. Assuming that the entire site was filled to the floodplain elevation, the average density of RS-6.5 development is 4.3 lots per gross acre, for an estimated 90 lots. The average density of development in RS-5 zoning is 5.4 lots per acre, yielding as many as 112 lots.

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