



ORDINANCE NO. 5976

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, BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-18BA TAX LOTS 601 AND 700.

WHEREAS, on February 24, 2022, the Albany Community Development Department received an application for a zoning map amendment for 2350 and 2398 Marion Street SE and identified as Linn County Assessor's Map No. 11S-03W-18BA, Tax Lots 601 and 700 (Planning File ZC-02-22); and

WHEREAS, a zoning district map and legal description for the subject property are provided in ordinance Exhibits A and B, respectively; and

WHEREAS, the application is a zoning map amendment to change 6.30 acres from RM (Residential Medium Density) to RMA (Residential Medium Density Attached); and

WHEREAS, the proposed zoning map amendment is discussed in detail in the April 25, 2022, staff report; and

WHEREAS, on May 2, 2022, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed zoning map amendment, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated April 25, 2022, are presented as an attachment to this ordinance as Exhibit C; and

WHEREAS, on May 25, 2022, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and testimony presented at the public hearing, and then deliberated.

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

Section 1: The zoning map is hereby amended from RM to RMA, as shown in attached Exhibits A and B.

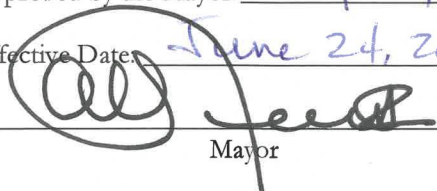
Section 2: The findings of fact and conclusions included in the staff report dated April 25, 2022, in Exhibit C of this ordinance, are hereby adopted in support of the decision.

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 zoning map.

Passed by the Council: May 25, 2022

Approved by the Mayor: May 25, 2022

Effective Date: June 24, 2022



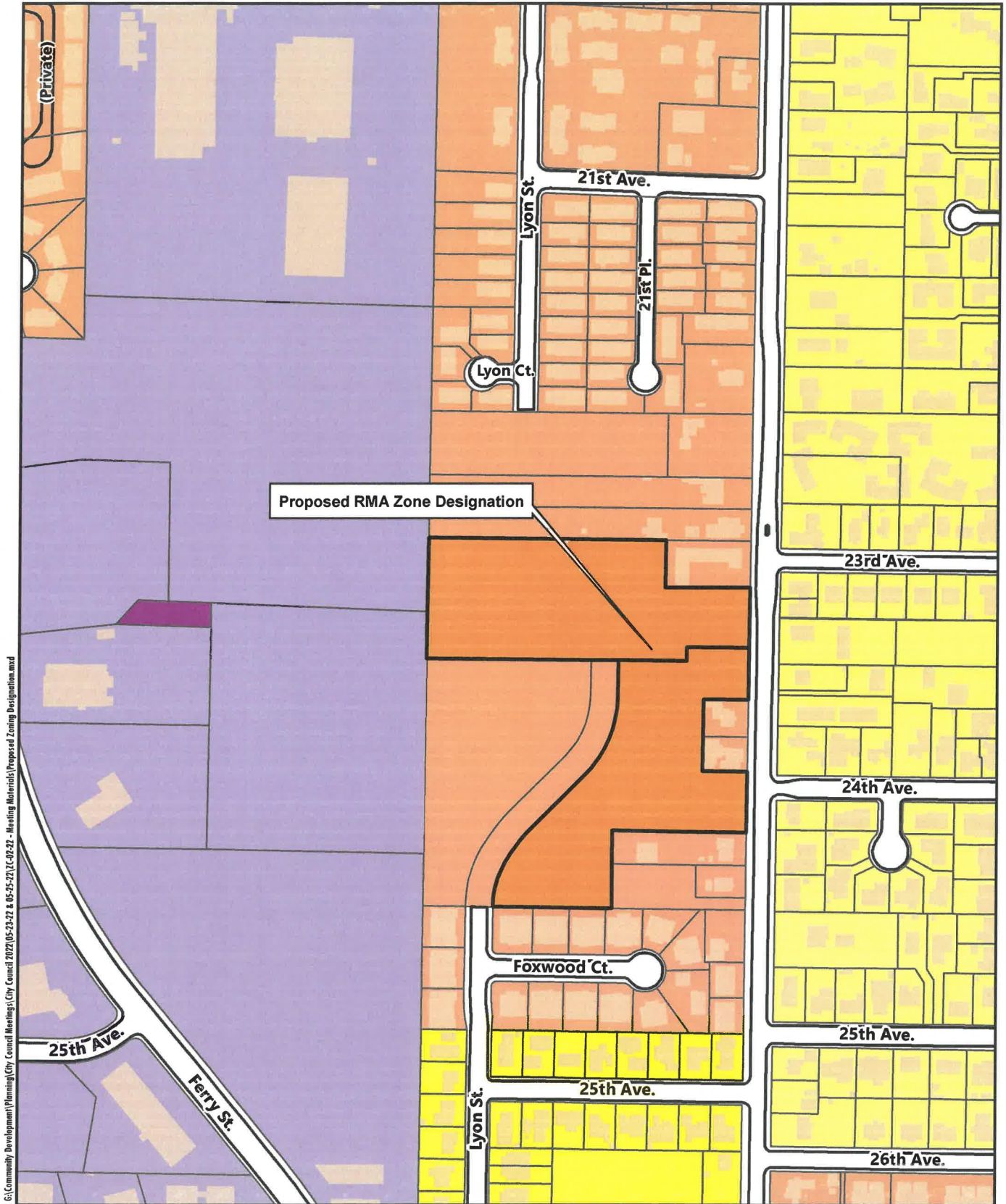
Mayor

ATTEST:

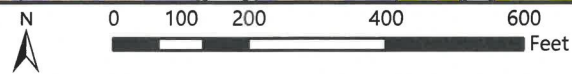


City Clerk





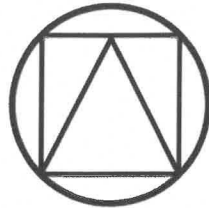
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2350 - 2398 Marion St. SE

Date: 5/12/2022 Map Source: City of Albany

Proposed Zoning Designation



MSS INC

ENGINEERING CONSULTANTS
SURVEYORS
PLANNERS

EXHIBIT D: Zone Change Legal Boundary

Real property in the County of Linn, State of Oregon, described as follows:

Beginning at a point which is North 88° 42' East 10.35 chains and North 1° 13' West 33.23 chains and North 1° 13' West 939.24 feet distant from the Southwest corner of the Donation Land Claim of Hiram N. Smead, et ux, Claim No. 53, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being on the West boundary line of vacated Cusick Addition to Albany, as originally platted and also being the Northwest corner of B. F. Bishop's land as per the deed recorded in Deed Book 208, Page 679, Deed Records of said county; thence North 88° 42' East 528 feet; thence North 1° 13' West 30 feet; thence North 88° 42' East 125 feet to a point on the West line of the County Road (also known as Marion Street); thence North 1° 13' West 195 feet, more or less, along said road to the Northeast corner of Block 9 of said vacated Cusick Addition to Albany; thence South 88° 42' West 653 feet, more or less, to the said West line of the said vacated Cusick Addition; thence South 1° 13' East 225 feet, more or less, to the point of beginning, all being situated in Linn County, Oregon.

ALSO including the following: Beginning at a point which is North 88° 42' East 10.35 chains and North 1° 13' West 33.23 chains and North 1° 13' West 1188.12 feet distant from the Southwest corner of the Donation Land Claim of Hiram N. Smead, et ux, Claim No. 53, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being on the West boundary line of vacated Cusick Addition to Albany, as originally platted and also being in the center line of "I" Street of said plat and also being the Southwest corner of Deed recorded October 19, 1967, in Book 326, Page 724, from said point of beginning; thence North 88° 42' East along the center line of said vacated "I" Street and South line of Deed recorded in Book 326, Page 724, 653 feet to the West line of Marion Street; thence South 25 feet, more or less, to the Northeast corner of that certain tract described in deed recorded March 1, 1972, in Volume 34, Page 568, Microfilm Records; thence South 88° 42' West 653 feet to the West line of vacated Cusick Addition and the Northwest corner of said Deed recorded in Volume 34, Page 568, Microfilm Records; thence North 1° 13' West 25 feet, more or less, to the point of beginning.

EXCEPT THEREFROM: Beginning at the Northeast corner of the above described tract; thence South 88° 40' West 170.0 feet; thence South 1° 27' East 96.0 feet; thence North 88° 40' East 170.0 feet; thence North 1° 27' West 96.0 feet to the point of beginning.

TOGETHER WITH:

An area of land in the Hiram N. Smead Donation Land Claim No. 53, in the Northwest and Northeast Quarters of Section 18, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Lot 9, of Foxwood Subdivision; thence North 01°17'50" West 4.45 feet to a 5/8 inch iron rod; thence along the arc of a 172.00 foot radius curve to the right for 107.76 feet to a 5/8 inch iron rod, (Chord bears North 16°39'05" East 106.01 feet); thence North 34°36'00" East 35.17 feet to a 5/8 inch iron rod; thence along the arc of a 172.00 foot radius curve to the right for 26.81 feet to a 5/8 inch iron rod, (Chord bears North 39°03'56" East 26.78 feet); thence North 43°31'52" East 157.77 feet to a 5/8 inch iron rod; thence along the arc of a 228.00 foot radius curve to the left for 177.88 feet to a 5/8 inch iron rod, (chord bears North 21°10'51" East 173.40 feet); thence North 01°10'10" West 72.10 feet to a 5/8 inch iron rod; thence North 88°59'39" East 139.21 feet to a 5/8 inch iron rod; thence North 01°11'48" West 30.32 feet to a 5/8 inch iron rod; thence North 88°59'39" East 125.00 feet to a 5/8 inch iron rod on the Westerly right-of-way of Marion Street; thence along said right-of-way, South 01x017611'48" East 105.25 feet to a 5/8 inch iron rod; thence leaving said right-of-way, South 89°00'21" West 90.35 feet to a 5/8 inch iron rod; thence South 01°06'22" East 144.95 feet to a 5/8 inch iron rod; thence North 89°00'21" East 90.57 feet to a point on aforementioned right-of-way, said point bears North 89°00'21" east 0.41 feet from a 5/8 inch iron rod; thence along said right-of-way, South 01°11'48" East 5.55 feet to a 5/8 inch iron rod; thence continuing along said right-of-way, South 01°10'06" East 117.25 feet to a 5/8 inch iron rod; thence leaving said right-of-way, South 88°59'39" West 270.13 feet to a 5/8 inch iron rod; thence South 01°10'06" East 157.00 feet to a point which bears South 01°10'06" East 1.00 feet from a 5/8 inch iron rod on the North line of Lot 6, of Foxwood Subdivision; thence along the North line of Lots 6, 7, 8, and 9 of said Subdivision, South 88°59'39" West 241.39 feet to the point of beginning.



COMMUNITY DEVELOPMENT

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

Staff Report

Zoning Map Amendment

ZC-02-22

April 25, 2022

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, May 2, 2022, at 5:15 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual Option: At 5:15 p.m., join the meeting using the link below:
<https://council.cityofalbany.net/groups/plc/zoom>

Phone: 1-571-317-3122; access code 498-239-709

Review Body: **City Council**

Hearing Date and Time: **Wednesday, May 25, 2022, at 6:00 p.m.**

Hearing Locations: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual Option:
 To comment, please email david.martineau@cityofalbany.net by **noon the day of the meeting** with your name and subject of the public hearing or mail your comments to Albany Planning Division; PO Box 490, Albany, OR 97321.

To testify, please email cdaa@cityofalbany.net by **noon the day of the meeting** with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

In-person:
 Appear in person at the meeting and register to speak using the sign-up sheet.

Watch Livestream at 6:00 p.m.: <http://www.cityofalbany.net/livestream>

Background

Land Use Consultant Linsey McLane-Godwin submitted the following narrative for the proposed zone change application regarding two properties, "Parcel One" at 2350 Marion Street SE and "Parcel Two" 2398 Marion Street SE (Attachments A and B). It is intended to demonstrate compliance with the applicable review criteria in the Albany Development Code (ADC 2.740). The proposal is to change the zoning of the properties from Residential Medium Density (RM) to Residential Medium Density Attached (RMA). The zone change is proposed under the quasi-judicial procedure. No change to the comprehensive plan designation is proposed. The contiguous parcels have a total gross acreage of 6.3 acres.

Application Information

Review Body: Planning Commission and City Council (Type IV-Q Review)

Staff Report Prepared By: David Martineau, project planner

cd.cityofalbany.net



Type of Application:	Quasi-judicial Zoning Map amendment to change 6.30 acres from RM (Residential Medium Density) to RMA (Residential Medium Density Attached).
Property Owner / Applicant:	2350 and 2398 Marion Street LLC; Agent Paul Spies PO Box 548, Corvallis, OR 97339
Land Use Consultant:	Linsey McLane-Godwin, MSS Inc. 215 NW Fourth Street, Corvallis, OR 97330
Engineer:	Peter Seaders, MSS Inc.; 215 NW Fourth Street, Corvallis, OR 97330
Address/Location:	2350 and 2398 Marion Street SE, Albany, OR 97322
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-18BA; Tax Lots 601 and 700
Zoning:	RM (Residential Medium Density)
Total Land Area:	6.30 acres
Existing Land Use:	2350 Marion Street SE: Single-Family Residence 2398 Marion Street SE: Vacant
Neighborhood:	Sunrise
Surrounding Zoning:	North: RM South: RM East: Residential Single Family (RS-6.5) West: Light Industrial (LI)
Surrounding Uses:	North: Single-family and multifamily dwelling units. South: Single-family dwellings and duplexes. East: Single-family dwellings. West: School district transportation facility.
Prior History:	None.

Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation and Development (DLCD) on March 9, 2022, at least 35 days prior to the first public hearing. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on April 12, 2022, at least 20 days prior to the first public hearing. The notice of public hearing was posted on the subject property by April 25, 2022. The staff report was posted on the City's website April 25, 2022. At the time this staff report was completed, no comments had been received.

Review Process and Appeals

The proposal for a zoning map amendment is processed through a Type IV quasi-judicial land use review process. The planning commission will hold a public hearing to consider the proposed amendment and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed amendment. After closing the public hearing, the city council will deliberate and make a final decision.

Within five days of the city council's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. The city council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a notice of intent to appeal not later than 21 days after the notice of decision is mailed [ADC 1.250(8) and (9)].

Analysis of Development Code Criteria

Quasi-Judicial Zoning Map Amendment File (ZC-02-22)

Section 2.740 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

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.

Findings of Fact

- 1.1 The Comprehensive Plan map designation for the entire subject area is Medium Density Residential (MDR).
- 1.2 According to the Albany Comprehensive Plan, the MDR designation identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review.
- 1.3 The MDR plan designation includes both Residential Medium Density (RM) and Residential Medium Density Attached (RMA) zones.
- 1.4 The proposed zone change to RMA is consistent with the concurrent proposed MDR designation of the property.

Conclusions

- 1.1 The proposed RMA zoning is consistent with the MDR designation.
- 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 subject area fronts along Marion Street SE, a major collector. Collector streets are the intermediate functional class of a city street and are designed to carry traffic between local streets and arterial streets.
- 2.2 The local street serving the subject area is Lyon Street SE; however, only portions of this road have been constructed, and the two sections do not currently connect. Right-of-way has been dedicated for a future extension of Lyon Street SE along the western property line of Parcel Two. Future development within Parcel One will require dedication of additional right-of-way for Lyon Street SE. A bus stop is located along Marion Street SE and is within approximately 0.35 miles of the subject area.
- 2.3 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.4 A TPR analysis completed by MSS, Inc., dated February 7, 2022 (Attachment C), concluded there would be a "small increase" in traffic generation from RM to RMA zoning as defined by Oregon Department of Transportation (ODOT). The net acreage of the property is approximately 5.88 acres, or 256,069 square feet (gross acreage minus dedicated right-of-way for Lyon Street SE). Most apartment complexes provide a mixture of unit options with a range of bedrooms. As a result, the TPR analysis assumes 24 percent of the units are studio and one-bedroom, 38 percent are two- and three-bedroom, and 38 percent are four-bedroom.
- 2.5 The applicant states the TPR analysis was prepared in accordance with Oregon state law for the

proposed zone change of the properties at 2350 and 2398 Marion Street SE in Albany. A site plan review for a specific development will be requested after the zone change process is completed. Oregon Administrative Rule (OAR) 660-12-0060 requires any zone change application be accompanied by an analysis, which reports the change in expected traffic between a reasonable maximum trip generation with the existing zoning to a reasonable maximum trip generation with the proposed zoning.

- 2.6 The tables in Attachments D.2 and D.3 show the trip generation for the site under the existing and proposed zone designations, as well as the difference in peak hour trips between the two. Maximum development under the RM zone produces 56.6 PM peak hour trips (46.5 AM). Maximum development under the RMA zone produces 76.2 PM peak hour trips (62.6 AM). The difference between existing and proposed zoning designations at PM peak hour is 19.6 additional trips (16.1 at AM peak hour).
- 2.7 Because the difference in peak hour trip generation is too small to be significant, the daily trip rate is analyzed instead. Maximum development under the RM zone produces 739.3 daily trips. Maximum development under the RMA zone produces 995.5 trips. The difference in daily trips between existing and proposed zoning designations is 256.2 trips. Since the result is below the ODOT standard of 400 daily trips of incremental difference, a Transportation Impact Analysis is not required.

Conclusions

- 2.1 The proposed zone change would change the designation of the site from RM to RMA.
- 2.2 The TPR requires zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, the additional trips would result in a “significant effect”.
- 2.3 An analysis submitted by the applicant concluded the difference in daily trips between existing and proposed zoning designations is below the ODOT standard of 400 daily trips of incremental difference; therefore, a Transportation Impact Analysis is not required.
- 2.4 This 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

Sanitary Sewer

- 3.1 City utility maps show a 21-inch public sanitary sewer main along the west boundary of Tax Lot 601 and an 8-inch main in Marion Street SE.
- 3.2 The City’s Wastewater Facility Plan shows no deficiencies that would restrict development in the proposed zoning designation.

Water

- 3.3 City utility maps show a 12-inch public water main in Marion Street SE and an 8-inch main in Lyon Street SE near the southwest corner of Tax Lot 700.
- 3.4 The City’s Water Facility Plan shows no deficiencies that would restrict development in the proposed zoning designation.

Storm Drainage

- 3.5 City utility maps show a 54-inch public storm drainage main along the west boundary of Tax Lot 601 and an 18-inch main in Marion Street SE.
- 3.6 Future development on the subject properties would likely require the use of on-site stormwater detention to minimize the effects of runoff from the site into the public storm drainage system. This

detention requirement is likely to be associated with development on these parcels regardless of the zoning designation.

Schools

- 3.7 The property is currently zoned for low-density residential development. The requested zone change from RM to RMA could increase the number of children attending schools in this area. The Greater Albany Public Schools (GAPS) was notified of the zone change application on February 24, 2022. As of the date of this report, no comments were received.
- 3.8 The applicant notes GAPS sold the land identified as Parcel Two (Tax Lot 700) to the applicant and was made aware of the proposed redevelopment intent. The school district did not express concern for the proposal or increase in housing units.

Police and Fire Protection

- 3.9 The Albany Police Department and Fire Department provide services to all development in Albany, whether it is single-family or multi-family. No deficiencies in providing police and fire protection to this property have been identified.

Conclusions

- 3.1 Public utilities (sanitary sewer, water, and storm drainage) in this area are adequate to serve potential development in the proposed zoning designation.
- 3.2 It is likely that on-site stormwater detention will be required of any development on the subject properties regardless of the zoning designation. Detention is intended to offset adverse impacts on the public drainage system as a result of development.
- 3.3 No deficiencies in providing police and fire protection have been identified.
- 3.4 This criterion is satisfied without conditions.

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 current zoning designation of the property where the zoning map amendment is proposed is Residential Medium Density (RM). The proposed zoning is Residential Medium Density Attached (RMA).
- 4.2 According to Table 2.760-1 of the ADC, both the RM and RMA zoning districts are compatible with the Comprehensive Plan designation of Residential Medium Density. Both are medium density residential zones. The main differences between the two zoning districts are that the RMA zone allows attached single-family dwellings, offers a higher density, allows a few uses (daycare facility, residential care or treatment facility, and bed and breakfast) with a site plan review instead of a conditional use review, and does not allow single-family detached units, kennels, or self-serve storage.

Zoning District Purposes

- 4.3 According to Section 3.020(5) of the ADC, the Residential Medium Density (RM) district is intended primarily for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Multi-family and townhouse development may not exceed 25 units per gross acre.
- 4.4 Single-family residences are allowed outright in the RM zone. Child, adult, residential, or group homes are generally allowed outright as well. Middle housing ranging from duplexes to cottage clusters are allowed outright. Multifamily development, both attached and detached, is allowed in the RM through Site Plan Review approval along with manufactured home parks. Conditional uses in the RM include assisted living, bed and breakfasts, most institutional uses, and indoor/outdoor entertainment and recreation. Residential densities greater than 25 units per gross acre are not allowed in the RM district, except through approved density bonus provisions. In no instance shall the combined total of all bonus

- provisions applied to a development result in an overall reduction of more than 30 percent in the standard site size or lot area per unit requirements or result in a density that exceeds the allowed density in the zone by more than 20 percent (ADC 3.220). The maximum allowable height in the RM zone is 45 feet.
- 4.5 According to Section 3.020(6) of the ADC, the Residential Medium Density Attached (RMA) district is intended primarily for medium- to high-density urban residential development. Most units, whether single- or multiple-family or middle housing, will be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre.
- 4.6 The uses that may be allowed in the RMA zoning district outright include single-family attached units, duplexes, and primary residences with one accessory unit. Middle housing is also permitted outright. Multifamily dwellings, rooming or boarding houses, daycare facilities, bed and breakfasts, and manufactured home parks are allowed through an approved Site Plan Review. Conditional uses include RV parks, assisted living facilities, community services, and indoor/outdoor entertainment and recreation.
- 4.7 The applicant is requesting the zone change to allow for more multifamily units than permitted under the current RM zoning designation.
- 4.8 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RMA zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

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

Policy 2: When making land use and other planning decisions:

- a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. Utilize all criteria relevant to the issue.***
- c. Ensure the long-range interests of the general public are considered.***
- d. Give particular attention to input provided by the public.***
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.***

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

- 4.9 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject site and affected government agencies. Notice of the public hearings was also posted on the subject property and published in the Albany Democrat Herald. People who are notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.
- 4.10 At the public hearing, the application is reviewed based on all criteria relevant to the proposal. The public hearing provides the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.11 According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix.’ This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation.” The Medium Density Residential Comprehensive Plan Map Designation includes the RM and RMA zoning districts.

Statewide Planning Goal 10: Housing (Chapter 4)

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

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

Policy 1: Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

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

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

- 4.12 The most recent update of the City’s Housing Needs Analysis (HNA) occurred in 2020 to stay current with population trends, income, and land availability forecast to year 2040. The HNA acknowledges a disconnect in terminology between the HNA and the City’s zoning for “medium density” housing. The HNA identifies zones that allow more than 18 units an acre as “high density” zoning districts and groups the RM, RMA, and HD zones within this category. In contrast, the City’s RM and RMA zones allow 25 and 35 units an acre respectively and are called “medium density” zoning districts.
- 4.13 The applicant states according to HNA, there will likely be a surplus of “high density” housing units by 2040. However, according to HNA Figure 6.1 “1A: State Methodology” column, almost 90 percent of these units will be provided by the RM zone. In contrast, only 7.5 percent of these units will be provided by the RMA zone. More specifically, HNA Figure 6.1 shows there are only approximately seven acres of buildable acres in the RMA zone compared to approximately 108 acres of buildable acres in the RM zone (see Attachment F). While there is no apparent need for creating more “high density” zoning as a whole, there is a need within this group for more diversity of options and a greater share of the acreage to be located within the RMA zone.
- 4.14 The subject area is located along a major collector street, which provides bike lanes and at least one bus stop. There are several schools located within less than 0.5 miles of the subject area (see Attachment E.6). The subject area is also served by existing and adequate water, sewer, and stormwater infrastructure. According to the Transportation Systems Plan (TSP), the subject area is within a few blocks of a major employer and Marion Street SE will easily connect future residents to other major employers by using Queen Avenue SW and 34th Avenue SW. The subject area is also directly adjacent to a large industrial and commercial section of the City between Highway 99E and Ferry Street SW. Allowing an increased density of residents in the subject area will support current and future employers in the region and feed vehicular traffic onto appropriately classified streets.
- 4.15 With the exception of detached single-family homes, all of the residential uses allowed in the RM zone are also allowed in the RMA zone. As shown in Attachment E.6, the variety of residential zoning within a half mile radius of the subject area is limited to RM and Residential Single Family (RS). Adding RMA to this area will fill a needed gap in density variety. There would be no loss in variety from the proposed change; only an increase in location, type, and density-related variety. The current zoning pattern in

this neighborhood shows RMA districts typically adjacent to arterial and collector streets and RM and RS zoning districts. The RMA zone is also sometimes clustered with Neighborhood Commercial and Community Commercial zoning districts as shown around Queen Avenue SW. Placing RMA within a RM district, and adjacent to an RS district, is consistent with the existing pattern and is reflective of a transitional or stepped-down land use from areas with higher intensity land uses to lower intensity land uses.

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

- 4.16 The subject area fits this policy by already being a serviced vacant residential lot. The topography is generally flat, and services can be constructed to meet the needs of future development in an economically efficient manner.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

- 4.17 The subject area is served by existing and adequate water, sewer, and stormwater infrastructure. It also fronts Marion Street SE, a major collector, which is designed for the residential density and traffic that the RMA zoning has the potential to create. Multiple schools and parks are in the vicinity of the subject area. Livability in the neighborhood would be enhanced by onsite open space and recreational amenities, as outlined in the design standards of the ADC.

Policy 13: Allow the establishment of bed and breakfast accommodations in existing residential areas when it can be determined the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, and size of structure.

- 4.18 The RMA zone allows for bed and breakfast accommodations through a site plan review rather than a conditional use review. While both zoning districts can allow this use, the reduced level of land use review in the RMA zoning district may provide a higher likelihood of the establishment of this use. The surrounding neighborhood contains a mixture of housing types, including single-family dwellings detached and attached, manufactured homes, apartments, and condominiums. There is also a mixture of businesses, parks, and schools. This level of variety in land use types, architecture styles, and traffic patterns would indicate a bed and breakfast could be compatible with the surrounding neighborhood.

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

- 4.19 The RMA zoning district exactly fits this policy by allowing all three example housing types (accessory apartments, manufactured housing, and attached single-family houses), while specifically prohibiting detached single-family dwellings. The higher allowed density of the RMA zone when compared to the RM zone also provides developers with more flexibility to cluster housing units and provide economically feasible projects in spite of development constraints such as wetlands and setbacks and development requirements such as right-of-way dedication. In this way, properties that may have been too encumbered with site constraints can become attractive for development and result in needed housing types.

Statewide Planning Goal 12: Transportation (Chapter 5)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- 4.20 The subject area has frontage along the west side of Marion Street SE, a paved major collector, with vehicle and bike lanes in both directions and no on-street parking. It is located midway between the stop-controlled intersection at Queen Avenue SW and 34th Avenue SW.

Transportation findings are fully addressed in the response to ADC 2.740(2) above. In summary, the TPR completed by MSS, Inc., dated February 7, 2022, concluded there would be a “small increase” in traffic generation from RM to RMA zoning as defined by ODOT. However, the proposed amendments will not significantly affect an existing or planned transportation facility, and no further analysis is warranted under the TPR, according to the applicant (Attachment D.3).

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

Implementation Strategy 8. Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.

- 4.21 According to the TSP, Figure 6-2, the subject area is within a few blocks of a major employer and Marion Street SE, a major collector, which will easily connect future residents to other major employers by using Queen Avenue SW and 34th Avenue SW. The subject area is also directly adjacent to a large industrial and commercial section of the City between Highway 99E and Ferry Street SW. Locating an RMA zone at the proposed location meets the intent of Implementation Strategy 8.

Conclusions

- 4.1 The RMA zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

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 This proposal is consistent with the existing TSP in the subject area. The properties have multiple access points along Marion Street SE and there are two stubs of Lyon Street SE north and south of the subject area that future developments will be connected to. No changes to the transportation system are proposed as part of this zone change request. The current land use pattern for the subject area is residential and would remain residential as a result of the proposed zone change.

Conclusions

- 5.1 The proposal will not conflict with the transportation system as shown in TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

Overall Conclusion

As proposed and conditioned, the application for a zoning map amendment from RM to RMA satisfies all applicable review criteria outlined in this report.

Options for the Planning Commission

The planning commission has three options with respect to the proposed annexation with zone change:

- Option 1: Recommend the city council approve the request as proposed.
- Option 2: Recommend the city council approve the request with conditions; or
- Option 3: Recommend the city council deny the request.

Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 1 and recommend approval of the zone change as proposed. If the planning commission follows this recommendation, the following motion is suggested:

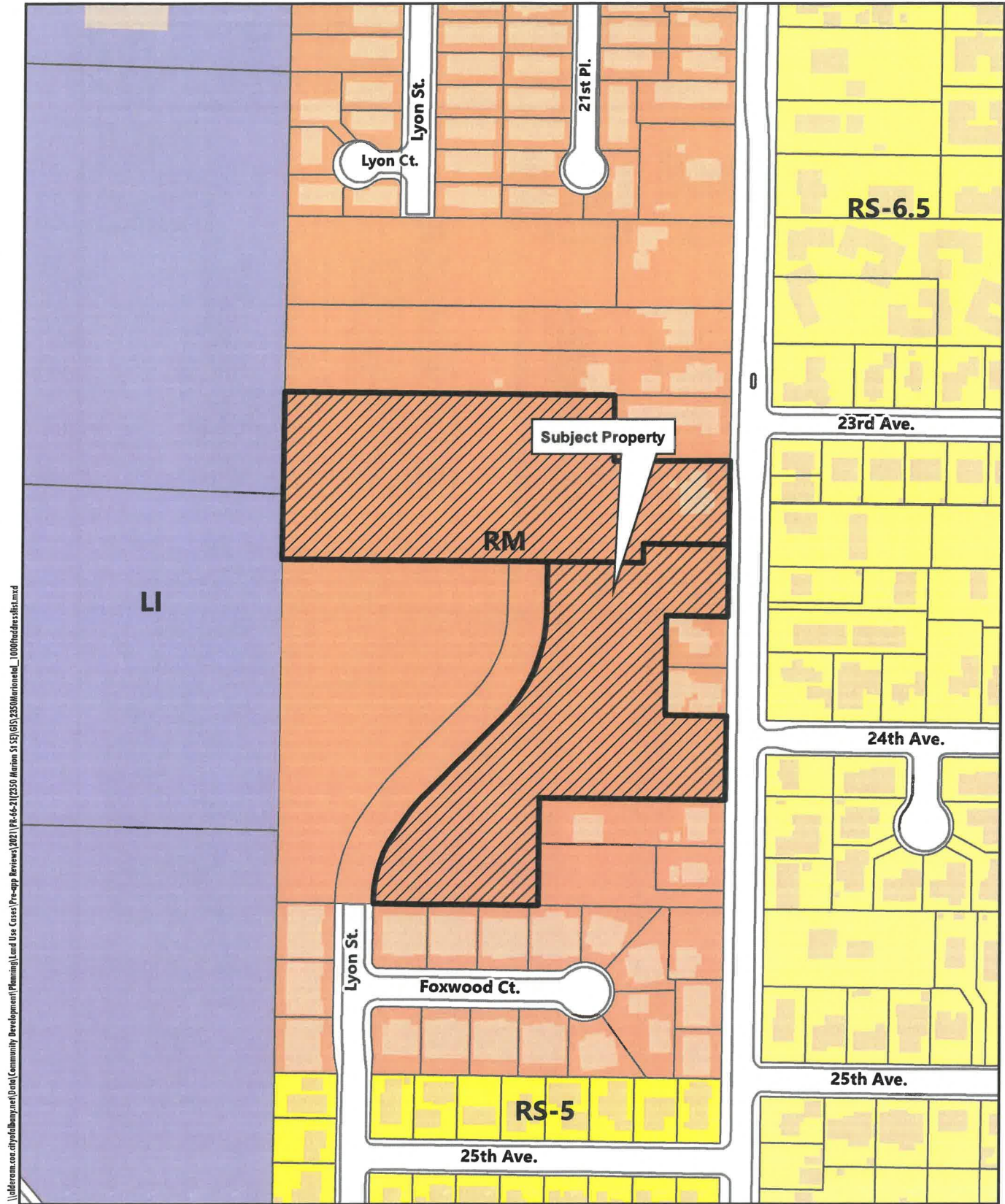
I move that the planning commission recommend that the city council approve the land use application for a zone change from RM to RMA under planning file ZC-02-22, as described in the April 25, 2022, staff report. This motion is based on the findings and conclusions in the staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Preliminary Boundary and Topographic Survey
- C. Legal Description, dated February 16, 2022
- D. Transportation Planning Rule (TPR) Report
- E. Applicant Narrative
- F. 2020 Housing Needs Analysis Figure 6.1

Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
CC	Community Commercial Zoning District
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
HDR	High Density Residential Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LDR	Low Density Residential Comprehensive Plan Designation
LI	Light Industrial Zoning District
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
ODOT	Oregon Department of Transportation
RM	Residential Medium Density Zoning District
RMA	Residential Medium Density Attached Zoning District
ROW	Right of Way
RS-6.5	Residential Single-Family District (minimum average lot size of 6,500 square feet)
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
V/C	Volume to Capacity



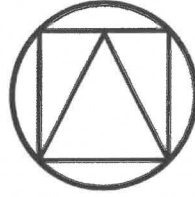
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2350 & 2398 Marion St. SE

Date: 1/12/2022 Map Source: City of Albany

Location / Zoning Map



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EXHIBIT D: Zone Change Legal Boundary

Real property in the County of Linn, State of Oregon, described as follows:

Beginning at a point which is North 88° 42' East 10.35 chains and North 1° 13' West 33.23 chains and North 1° 13' West 939.24 feet distant from the Southwest corner of the Donation Land Claim of Hiram N. Smead, et ux, Claim No. 53, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being on the West boundary line of vacated Cusick Addition to Albany, as originally platted and also being the Northwest corner of B. F. Bishop's land as per the deed recorded in Deed Book 208, Page 679, Deed Records of said county; thence North 88° 42' East 528 feet; thence North 1° 13' West 30 feet; thence North 88° 42' East 125 feet to a point on the West line of the County Road (also known as Marion Street); thence North 1° 13' West 195 feet, more or less, along said road to the Northeast corner of Block 9 of said vacated Cusick Addition to Albany; thence South 88° 42' West 653 feet, more or less, to the said West line of the said vacated Cusick Addition; thence South 1° 13' East 225 feet, more or less, to the point of beginning, all being situated in Linn County, Oregon.

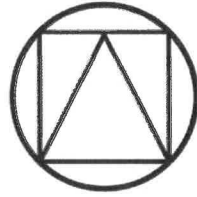
ALSO including the following: Beginning at a point which is North 88° 42' East 10.35 chains and North 1° 13' West 33.23 chains and North 1° 13' West 1188.12 feet distant from the Southwest corner of the Donation Land Claim of Hiram N. Smead, et ux, Claim No. 53, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said point being on the West boundary line of vacated Cusick Addition to Albany, as originally platted and also being in the center line of "I" Street of said plat and also being the Southwest corner of Deed recorded October 19, 1967, in Book 326, Page 724, from said point of beginning; thence North 88° 42' East along the center line of said vacated "I" Street and South line of Deed recorded in Book 326, Page 724, 653 feet to the West line of Marion Street; thence South 25 feet, more or less, to the Northeast corner of that certain tract described in deed recorded March 1, 1972, in Volume 34, Page 568, Microfilm Records; thence South 88° 42' West 653 feet to the West line of vacated Cusick Addition and the Northwest corner of said Deed recorded in Volume 34, Page 568, Microfilm Records; thence North 1° 13' West 25 feet, more or less, to the point of beginning.

EXCEPT THEREFROM: Beginning at the Northeast corner of the above described tract; thence South 88° 40' West 170.0 feet; thence South 1° 27' East 96.0 feet; thence North 88° 40' East 170.0 feet; thence North 1° 27' West 96.0 feet to the point of beginning.

TOGETHER WITH:

An area of land in the Hiram N. Smead Donation Land Claim No. 53, in the Northwest and Northeast Quarters of Section 18, Township 11 South, Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, more particularly described as follows:

Beginning at the Northwest corner of Lot 9, of Foxwood Subdivision; thence North 01°17'50" West 4.45 feet to a 5/8 inch iron rod; thence along the arc of a 172.00 foot radius curve to the right for 107.76 feet to a 5/8 inch iron rod, (Chord bears North 16°39'05" East 106.01 feet); thence North 34°36'00" East 35.17 feet to a 5/8 inch iron rod; thence along the arc of a 172.00 foot radius curve to the right for 26.81 feet to a 5/8 inch iron rod, (Chord bears North 39°03'56" East 26.78 feet); thence North 43°31'52" East 157.77 feet to a 5/8 inch iron rod; thence along the arc of a 228.00 foot radius curve to the left for 177.88 feet to a 5/8 inch iron rod, (chord bears North 21°10'51" East 173.40 feet); thence North 01°10'10" West 72.10 feet to a 5/8 inch iron rod; thence North 88°59'39" East 139.21 feet to a 5/8 inch iron rod; thence North 01°11'48" West 30.32 feet to a 5/8 inch iron rod; thence North 88°59'39" East 125.00 feet to a 5/8 inch iron rod on the Westerly right-of-way of Marion Street; thence along said right-of-way, South 01x017611'48" East 105.25 feet to a 5/8 inch iron rod; thence leaving said right-of-way, South 89°00'21" West 90.35 feet to a 5/8 inch iron rod; thence South 01°06'22" East 144.95 feet to a 5/8 inch iron rod; thence North 89°00'21" East 90.57 feet to a point on aforementioned right-of-way, said point bears North 89°00'21" east 0.41 feet from a 5/8 inch iron rod; thence along said right-of-way, South 01°11'48" East 5.55 feet to a 5/8 inch iron rod; thence continuing along said right-of-way, South 01°10'06" East 117.25 feet to a 5/8 inch iron rod; thence leaving said right-of-way, South 88°59'39" West 270.13 feet to a 5/8 inch iron rod; thence South 01°10'06" East 157.00 feet to a point which bears South 01°10'06" East 1.00 feet from a 5/8 inch iron rod on the North line of Lot 6, of Foxwood Subdivision; thence along the North line of Lots 6, 7, 8, and 9 of said Subdivision, South 88°59'39" West 241.39 feet to the point of beginning.



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EXHIBIT C

Transportation Planning Report

February 16, 2022

Introduction

This Transportation Planning Rule (TPR) analysis is prepared in accordance with Oregon state law for the proposed zone change of the properties at 2350 and 2498 Marion St SE in Albany. A site plan review for a specific development will be requested after the zone change process is completed. OAR 660-12-0060 requires that any zone change application be accompanied by an analysis which reports the change in expected traffic between a reasonable maximum trip generation with the existing zoning to a reasonable maximum trip generation with the proposed zoning. In both cases, only out-right permitted uses are considered. This analysis will compare the peak hour trips of the property developed to the maximum number of three-story apartments with a mix of studio and one-bedroom, two- and three-bedroom and four-bedroom units under the existing RM zoning designation and under the proposed RMA designation. The difference will then be compared to the capacity of the intersection of Queen and Marion as described in the Albany Transportation Systems Plan (TSP). The results will show that the increase in traffic made possible from the zone change is inconsequential to the Albany transportation system.

The 6.3-acre site is located on the western side of Marion St SE and across from the intersections of 23rd Ave SE and 24th Ave SE (See Image 1 on Page 2). The site is currently underdeveloped with one single-family residence taking access directly off Marion St SE at 2350 Marion St SE. The subject property will have direct access onto Marion St SE. Lyon St will also extend north along the western edge of the property and then through it to the north edge of the property.

Analysis

The net acreage of the property is approximately 5.88 acres, or 256,069 square feet (gross acreage minus dedicated right of way for Lyon St). Most apartment complexes provide a mixture of unit options with a range of bedrooms. As a result, for the TRP analysis 24% of the units are studio and one-bedroom, 38-39% are 2 and 3-bedroom, and 38% are 4-bedroom. Using this mix the maximum area of the property used is 255,600 SF for the RM zoning and 256,000 for the RMA zoning as shown in the Maximum Units table below.

Maximum Units

Using Net Acreage	RM			RMA			RM ratio	RMA ratio
	SF/Unit	No. Units	Total SF	SF/Unit	No. Units	Total SF		
Studio & 1-bd units	2000	24	48000	1500	32	48000	24%	24%
2-and 3-bd units	2400	39	93600	1800	52	93600	39%	38%
4+ bd units	3000	38	114000	2200	52	114400	38%	38%
		101	255600		136	256000		

Image 1 Site Map: Boundary of Properties and Access Points to Lyon St and Marion St SE



Trip Generation

Trips generated by the project were forecast using trip generation rates found in the 10th Edition of Trip Generation (ITE, 2017). ITE Land Use Code 220, Multifamily Housing (Low-Rise), was used to forecast traffic under the existing RM zoning and to calculate the trip generation for the proposed RMA zone. The tables below display the rates used for the forecast.

AM Peak Hour (ITE 10th)

Code	Description	Unit of Measure	Trips per Unit
220	Multifamily Housing (Low-Rise)	Units	0.46

	Units	AM Peak Hour Trips
RM	101	46.5
RMA	136	62.6
Additional	35	16.1

PM Peak Hour (ITE 10th)

Code	Description	Unit of Measure	Trips per Unit
220	Multifamily Housing (Low-Rise)	Units	0.56

	Units	PM Peak Hour Trips
RM	101	56.6
RMA	136	76.2
Additional	35	19.6

Daily Trips (ITE 10th)				Units	Daily Trips
Code	Description	Unit of Measure	Daily Rate	RM	739.3
220	Multifamily Housing (Low-Rise)	Units	7.32	RMA	995.5
				Additional	256.2

Intersection Capacity

The nearest intersection facility as identified on Figure 4-3 on the Albany TSP is Queen Ave and Marion St. This intersection has no identified deficiency. TSP Figure 4-1 labels the Queen Ave and Marion St intersection as “8” and shows a level of service “B” and level of service standard “D”. This level of service meets the required operational standard.

The difference in peak and daily trips will next be compared to the capacity of the intersection of Queen and Marion as described in the Albany Transportation Plan. The results will show that the increase in traffic made possible from the zone change is inconsequential to the Albany transportation system.

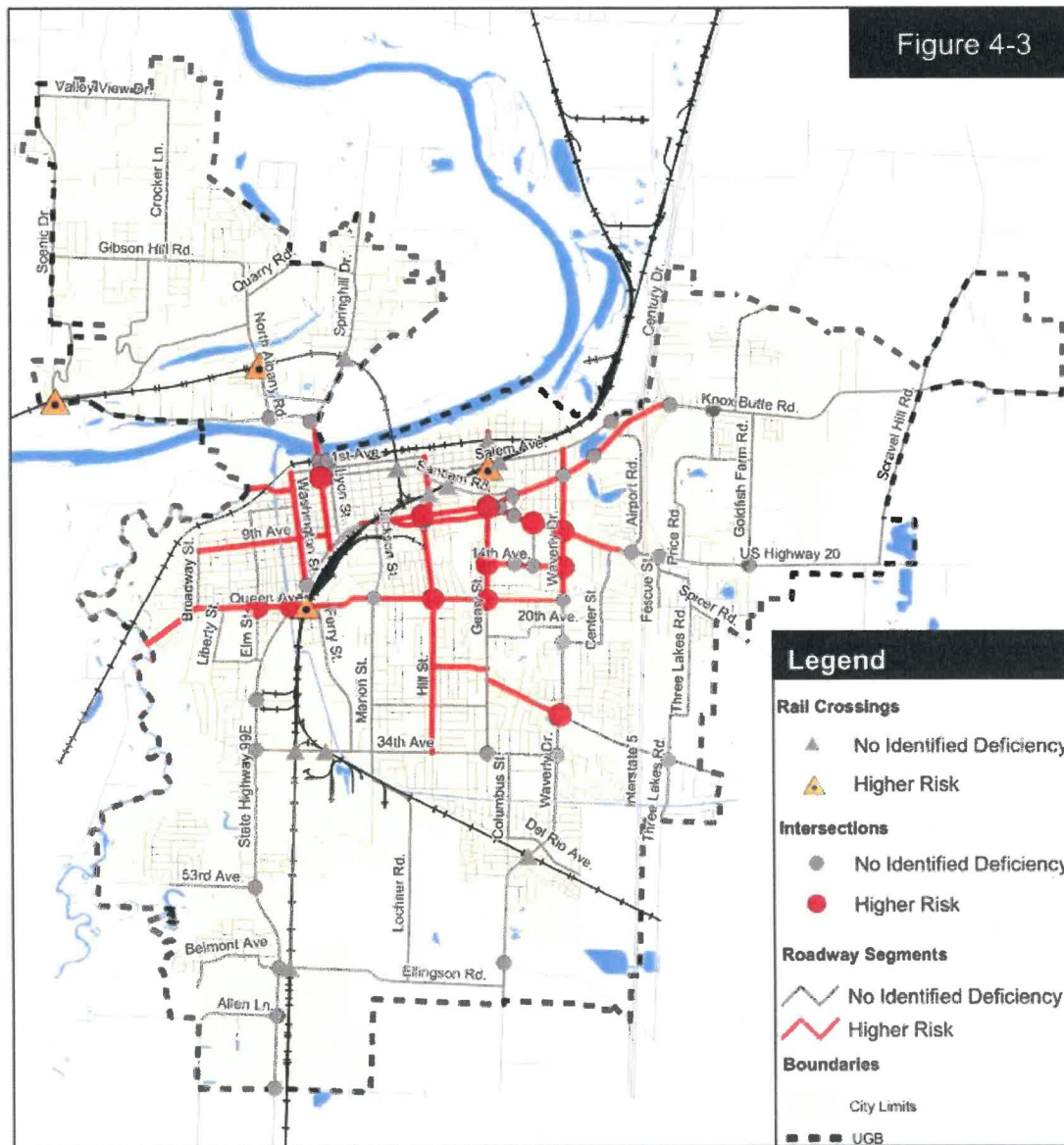
Results

The tables above show the trip generation for the site under the existing and proposed zone designations, as well as the difference in peak hour trips between the two. Maximum development under the RM zone produces 56.6 PM peak hour trips (46.5 AM). Maximum development under the RMA zone produces 76.2 PM peak hour trips (62.6 AM). The difference between existing and proposed zoning designations at PM peak hour is 19.6 additional trips (16.1 at AM peak hour).

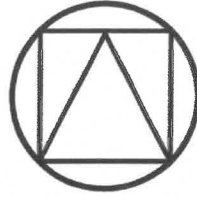
Because the difference in peak hour trip generation is too small to be significant, the daily trip rate is analyzed instead. Maximum development under the RM zone produces 739.3 daily trips. Maximum development under the RMA zone produces 995.5 trips. The difference in daily trips between existing and proposed zoning designations is 256.2 trips. Since the result is below the ODOT standard of 400 daily trips of incremental difference, a Transportation Impact Analysis is not required.

As described in the analysis above, the intersection of Marion St SE and Queen Ave has no identified deficiency. Further, this intersection is operating at level of service B (the operational standard is D or better) and has a volume / capacity ratio of 0.61 (up to 0.85 is considered acceptable operations). Thus, the small increase in traffic resulting from the proposed zone change will have little or no impact on the intersection. See the attached Figures 4-1 and 4-3, taken from the Albany TSP.





City of Albany, Oregon
Albany Transportation System Plan
Existing Facilities with Higher Safety Risk



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February 16, 2022

To: Planning Division
Community Development
333 Broadalbin St NW
Albany, OR 97321

From: MSS Engineering
215 NW 4th St
Corvallis, OR 97330
541-753-1320

ZONING MAP AMENDMENT

PLANNING APPLICATION NARRATIVE



Attachments

Exhibit A – Neighborhood Meeting Mailed Notice

Exhibit B – Existing Conditions Map

Exhibit C – Transportation Planning Report

Exhibit D – Zone Change Metes & Bounds Description

Overview

This narrative is prepared for the proposed zone change application for two properties, “Parcel 1” at **2350 Marion St SE (11S03W18BA00601)** and “Parcel 2” **2398 Marion St SE (11S03W18BA00700)**. It is intended to demonstrate compliance with the applicable review criteria in the Albany Development Code (ADC 2.740). The proposal is to change the zoning of the properties from Residential Medium Density (RM) to Residential Medium Density Attached (RMA). The zone change is proposed under the quasi-judicial procedure. No change to the comprehensive plan designation is proposed. Below is a list of the applicable review criteria, followed by a response which indicates compliance.

There are two properties. Parcels 1 and 2 are contiguous with a total gross acreage of 6.3 acres.

City of Albany Criteria and Applicant Findings

Albany Development Code 1.140

- 6. Report. A report documenting the results of any neighborhood meeting is required to be submitted with the application.**

RESPONSE: A neighborhood meeting was not mandatory for this zone change application, however, the applicant chose to hold one to capture neighbor concerns. The meeting was held virtually on February 3, 2022 at 5:30. Notice of the meeting was provided to neighbors within 300 feet of the subject properties as required by ADC 1.140. Albany planning staff provided the list of neighbor names and addresses and reviewed the notice prior to it being mailed out. Information was presented using GoToMeeting and a PowerPoint presentation. Two members of the public attended, Sandra Sather and Chrystal Nishimura, along with Nikki Cross, Planner III City of Albany, and Linsey McLane-Godwin (presenter) and Peter Seaders, both of MSS, Inc. No other people contacted the applicant.

Concerns expressed at the meeting consisted of potential increases to property taxes, property boundary disputes and solar access infringement. Peter Seaders commented that property taxes will probably not be affected by a zone change, but encouraged property owners to reach out to Linn County Assessor’s office with any questions. He also explained that future development will adhere to Albany Development Code regarding solar access. The property boundary dispute is related to three properties (2410 and 2422 Marion St SE and 2398 Marion St SE). The property owner of 2398 Marion St SE has had the property boundary surveyed and verified with the current deeds of all three property boundaries. No evidence contradicting the surveyed boundary or the deeded property descriptions has been provided as of the writing of this report. The property owner of 2398 Marion St SE will continue working with the owners of 2410 and 2422 Marion St SE.

Chrystal Nishimura asked how wetlands could be developed when she understood that they were undevelopable. Peter explained the joint state and federal wetland permit application process and that if there were wetlands on the properties these agencies would determine whether or not the wetlands could be disturbed and if mitigation of that disturbance would be required.

Albany Development Code 2.740

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.*

RESPONSE: The Comprehensive Plan map designation for the entire subject area is “Residential – Medium Density”. According to the Corvallis Comprehensive Plan “*MEDIUM DENSITY RESIDENTIAL (MDR): Identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review.*” As provided by the “Plan Designation Zoning Matrix”, the Medium Density Residential plan designation includes both Residential Medium Density (RM) and Residential Medium Density Attached (RMA) zones. The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area.

2. *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

RESPONSE: The subject area fronts along Marion St. SE, a Major Collector. Collector streets are the intermediate functional class of a city street, and are designed to carry traffic between local streets and arterial streets. The local street serving the subject area is Lyon Rd SE, however only portions of this road have been constructed and the two sections do not currently connect. Right of way has been dedicated for a future extension of Lyon Rd SE along the western property line of Parcel 2. Future development within Parcel 1 will require dedication of additional right of way for Lyon Rd SE. A bus stop is located along Marion St SE and is within approximately 0.35 miles of the subject area.

A Transportation Planning Report (TPR) completed by MSS, Inc., dated February 7, 2022 (Exhibit C), concluded there would be a “small increase” in traffic generation from RM to RMA zoning as defined by ODOT. The net acreage of the property is approximately 5.88 acres, or 256,069 square feet (gross acreage minus dedicated right of way for Lyon St). Most apartment complexes provide a mixture of unit options with a range of bedrooms. As a result, for the TPR analysis 24% of the units are studio & one-bedroom, 38% are 2 and 3-bedroom, and 38% are 4-bedroom. This Transportation Planning Rule (TPR) analysis is prepared in accordance with Oregon state law for the proposed zone change of the properties at 2350 and 2498 Marion St SE in Albany. A site plan review for a specific development will be requested after the zone change process is completed. OAR 660-12-0060 requires that any zone change application be accompanied by an analysis which reports the change in expected traffic between a reasonable maximum trip generation with the existing zoning to a reasonable maximum trip generation with the proposed zoning.

The Transportation Systems Plan identified no significant intersection, roadway or railroad crossing deficiencies for Marion St SE.

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.*

RESPONSE: Water service to the subject area is provided from a 12" water main in the Marion St SE right of way in addition to an 8" water main that will be located within the new portion of Lyon St adjacent to the subject area. Sewer service to the subject area is provided from an 8" sewer mainline in the Marion St SE right of way. Private sewer laterals are serving each of the properties. If the sizes of the private laterals are insufficient to service a future development proposal under the new RMA designation, larger laterals can be installed and connected to the existing 8" sewer mainline in the Marion St SE. No sewer line or stormwater line will be installed in the new portion of Lyon St adjacent to the subject area. Stormwater service is provided by an 18" stormwater mainline within the Marion St SE right of way. Along the western property line of the subject area is a 54" stormwater mainline. Franchise utilities including power, natural gas and cable are all present in the right of way of Marion St SE. See the attached existing conditions drawing (Exhibit B) for the locations of existing utilities.

If developed to maximum density under the proposed RMA zone designation, which is 35 units per gross acre, the subject area could fit 220 units (6.3 acres x 35 units). Due to the dedication of right-of-way, setbacks, parking requirements and other development standards, however, it will not be possible to develop this many units. Using the net acreage (5.88 acres; 256,069 square feet) and the minimum lot area for studio apartment units (1,500 square feet in the RMA zone) it may be possible to create a 170 unit apartment complex. This number of units is also likely an over estimate, because it also does not take into account setbacks, parking requirements, other development standards or the reality that an apartment complex would certainly include a mixture of studio, 1, 2, 3 and 4 bedroom units. Neither of these housing unit estimates is enough to generate any measurable impact on the schools, police or fire protection services. Any future apartment complex or development with other types of housing units would likely include less than 170 units due to the above listed site and design constraints.

Schools in the area are Sunrise Elementary School, Lafayette Elementary School and Calapooia Middle School and are within less than a half mile of the subject properties. The Greater Albany Public School District sold the land identified as "Parcel 2" to the current property owner and was made aware of the proposed redevelopment intent. The School District did not express concern for the proposal or increase in housing units.

4. *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

RESPONSE: According to Table 2.760-1 of the ADC, both the RM and RMA zoning districts are compatible with the Comprehensive Plan designation of Residential – Medium Density. Both are medium density residential zones. The main differences between the two zoning districts are

that the RMA zone allows attached single-family dwellings, offers a higher density, allows a few uses (daycare facility, residential care or treatment facility, and bed & breakfast) with a site plan review instead of a conditional use review and does not allow kennels or self-serve storage.

Goal 2: Land Use Planning. The Comprehensive Plan general requirements for the Medium Density Residential designation “Identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review.”

RESPONSE: The Medium Density Residential Comprehensive Plan designation is intended for zones that allow up to 35 units per acre. As a result, the RMA zone fits within this category. The intent and purpose of the RMA zoning district is as follows:

“The RMA District is intended primarily for medium- to high-density urban residential development. All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre.” (underline added)

Goal 10: Housing (Chapter 4 – Housing)

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

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

Policy 1. Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

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

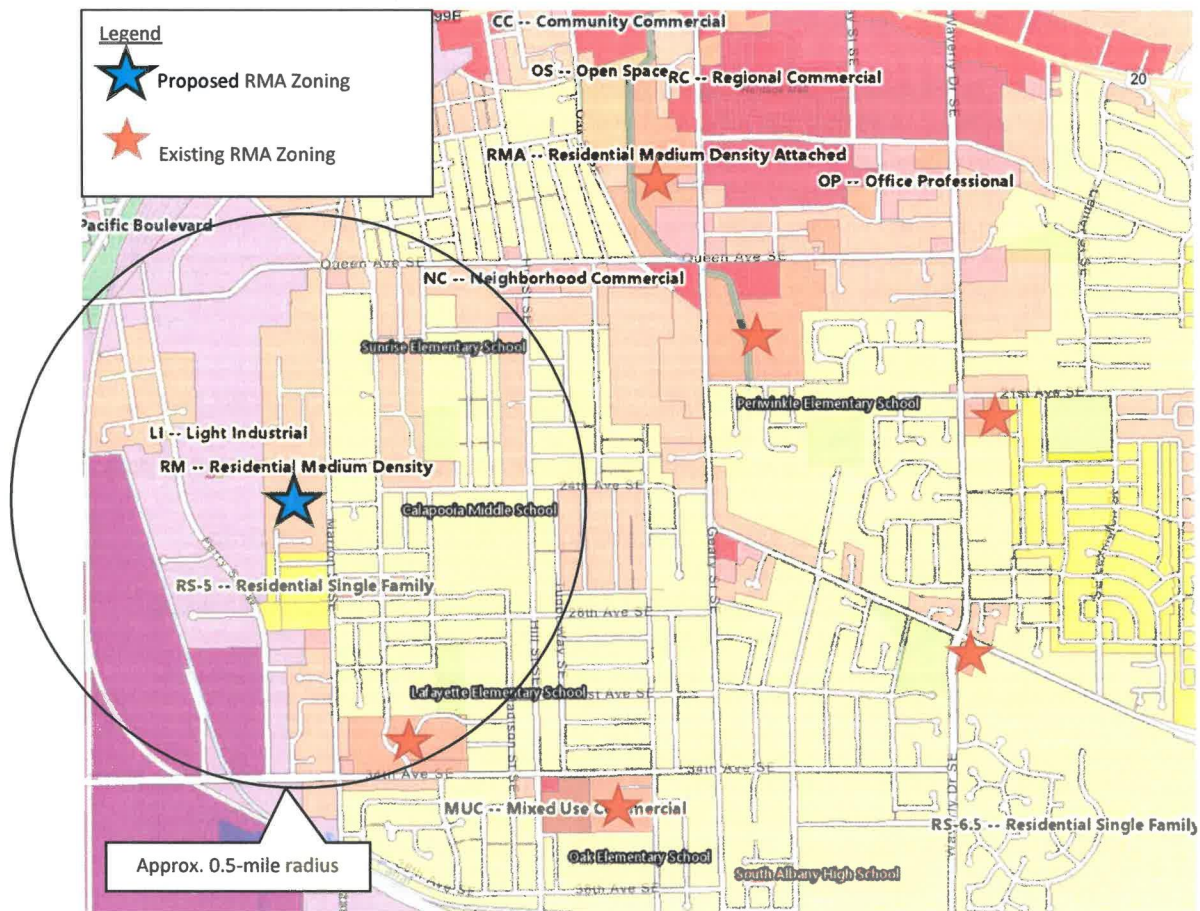
Policy 3: Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.

RESPONSE: The most recent update of the City’s Housing Needs Analysis (HNA) occurred in 2020 to stay current with population trends, income, and land availability forecast to Year 2040. The HNA acknowledges a disconnect in terminology between the HNA and the city’s zoning for “medium density” housing. The HNA identifies zones that allow more than 18 units an acre as “high density” zoning districts¹ and groups the RM, RMA and HD zones within this category. In contrast, the city’s RM and RMA zones allow 25 and 35 units an acre respectively and are called “medium density” zoning districts. According to HNA Figure 6.4, there will likely be a surplus of “high density” housing units by 2040. However, according to HNA Figure 6.1 “1A: State Methodology” column, almost 90% of these units will be provided by the RM zone. In contrast, only 7.5% of these units will be provided by the RMA zone. More specifically, HNA Figure 6.1

¹ See *City of Albany 2020 Housing Needs Analysis*, page 31.

shows that there are only approximately 7 acres of buildable acres in the RMA zone compared to approximately 108 acres of buildable acres in the RM zone. While there is no apparent need for creating more “high density” zoning as a whole, there is a need within this group for more diversity of options and a greater share of the acreage to be located within the RMA zone.

Map 1. Proposed and Existing RMA Zoning Districts



The subject area is located along a major collector street, which provides bike lanes and at least one bus stop. There are several schools located within less than 0.5 miles of the subject area. The subject area is also served by existing and adequate water, sewer and stormwater infrastructure. According to the TSP, Figure 6-2, the subject area is within a few blocks of a major employer and Marion St SE will easily connect future residents to other major employers by using Queen Ave and 34th Ave. The subject area is also directly adjacent to a large industrial and commercial section of the city between Highway 99E and Ferry St SW. Allowing an

increased density of residents in the subject area will support current and future employers in the region and feed vehicular traffic onto appropriately classified streets.

With the exception of detached single-family homes, all of the residential uses allowed in the RM zone are also allowed in the RMA zone. As shown on Map 1, the variety of residential zoning within a half mile radius of the subject area is limited to RM and Residential Single Family (RS). Adding RMA to this area will fill a needed gap in density variety. There would be no loss in variety from the proposed change; only an increase in location, type, and density-related variety. The current zoning pattern in this neighborhood shows RMA districts typically adjacent to Arterial and Collector streets and RM and RS zoning districts. The RMA zone is also sometimes clustered with Neighborhood Commercial and Community Commercial zoning districts as shown around Queen Ave SW. Placing RMA within a RM district and adjacent to an RS district is consistent with the existing pattern and is reflective of a transitional or stepped-down land use from areas with higher intensity land uses to lower intensity land uses.

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

RESPONSE: The subject area fits this policy by already being a serviced vacant residential lot. The topography is generally flat and services can be constructed to meet the needs of future development in an economically efficient manner.

Policy 7. Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

RESPONSE: The subject area is served by existing and adequate water, sewer and stormwater infrastructure. It also fronts Marion St SE, a Major Collector, which is designed for the residential density and traffic that the RMA zoning has the potential to create. Multiple schools and parks are in the vicinity of the subject area. Livability in the neighborhood would be enhanced by onsite open space and recreational amenities, as outlined in the design standards of the Albany Development Code.

Policy 13. Allow the establishment of bed and breakfast accommodations in existing residential areas when it can be determined the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, and size of structure.

RESPONSE: The RMA zone allows for bed and breakfast accommodations through a site plan review rather than a conditional use review. While both zoning districts can allow this use, the reduced level of land use review in the RMA zoning district may provide a higher likelihood of the establishment of this use. The surrounding neighborhood contains a mixture of housing types, including single-family dwellings detached and attached, manufactured homes,

apartments and condominiums. There is also a mixture of businesses, parks and schools. This level of variety in land use types, architecture styles and traffic patterns would indicate that a bed and breakfast could be compatible with the surrounding neighborhood.

Policy 16. Encourage the development of a range of affordable housing in a range of types and appropriate sizes to meet Albany’s housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses.

RESPONSE: The RMA zoning district exactly fits this policy by allowing all three example housing types (accessory apartments, manufactured housing, and attached single-family houses), while specifically prohibiting detached single-family dwellings. The higher allowed density of the RMA zone when compared to the RM zone also provides developers with more flexibility to cluster housing units and provide economically feasible projects in spite of development constraints such as wetlands and setbacks and development requirements such as right of way dedication. In this way, properties that may have been too encumbered with site constraints can become attractive for development and result in needed housing types.

GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)

Goal 1. Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2. Provide a safe transportation system.

RESPONSE: The subject area has frontage along the west side of Marion ST SE, a paved Major Collector, with vehicle and bike lanes in both directions and no on-street parking. It is located midway between the stop-controlled intersection at Queen Ave SW and 34th Ave SW.

Transportation findings are fully addressed in the response to ADC 2.740(2) above. In summary, the TPR completed by MSS, Inc., dated February 7, 2022, concluded there would be a “small increase” in traffic generation from RM to RMA zoning as defined by ODOT. However, the proposed amendments will not significantly affect an existing or planned transportation facility, and no further analysis is warranted under the TPR, according to the applicant (Exhibit C).

GOAL 14: URBANIZATION (Chapter 8 – Urbanization)

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

Policy 13. Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.

Implementation Strategy 8. Provide for medium- or high-density development adjacent to streets designated and designed as arterials and collectors or, if compatible, adjacent to major employment centers and ensure that traffic does not negatively impact the surrounding area.

RESPONSE: According to the TSP, Figure 6-2, the subject area is within a few blocks of a major employer and Marion St SE, a Major Collector, which will easily connect future residents to other major employers by using Queen Ave and 34th Ave. The subject area is also directly adjacent to a large industrial and commercial section of the city between Highway 99E and Ferry St SW. Locating an RMA zone at the proposed location meets the intent of Implementation Strategy 8.

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.*

RESPONSE: This proposal is consistent with the existing transportation system plan in the subject area. The properties have multiple access points along Marion St SE and there are two stubs of Lyon St SE north and south of the subject area that future developments will be connected to. No changes to the transportation system are proposed as part of this zone change request. The current land use pattern for the subject area is residential and would remain residential as a result of the proposed zone change.

FIGURE 6.1: ESTIMATED RESIDENTIAL BUILDABLE LANDS CAPACITY BY ACREAGE AND NO. OF UNITS (2019)

	Effective Units/Gross Acre	Total		1A: State Methodology		1B: 1A plus 50% nonsign wetlands		2A: 1A plus SFHA outside floodway		2B: 2A plus 50% nonsign wetlands	
		# of Taxlots	Acres in Taxlots	Buildable Acres	Units	Buildable Acres	Units	Buildable Acres	Units	Buildable Acres	Units
In City Limits Total		16,757	5,843	1,399	8,214	1,327	7,773	1,620	9,354	1,533	8,841
LE	0.0	59	14	1	-	1	-	1	-	1	-
NC	0.0	22	4	0	2	0	2	0	2	0	2
OP	0.0	11	7	4	3	4	3	4	3	4	3
ES	0.5	68	17	0	-	0	-	0	-	0	-
RR	3.6	717	588	173	579	173	579	250	817	249	815
RS-10	3.6	2,185	1,182	482	1,593	469	1,554	508	1,673	496	1,633
MS	3.8	54	18	2	4	2	4	2	4	2	4
RS-6.5	4.6	7,997	2,359	377	1,649	346	1,508	433	1,889	397	1,720
WF	5.0	62	15	3	7	3	7	3	7	3	7
HM	5.1	982	151	2	13	2	13	2	13	2	13
RS-5 (detached)	5.1	1,478	392	121	675	103	593	141	773	117	659
Low Density Totals		13,635	4,747	1,165	4,525	1,104	4,263	1,345	5,181	1,272	4,856
RS-5 (attached)	9.0	369	98	30	271	26	232	35	316	29	264
RM (<1acre)	10.0	2,060	401	41	367	40	356	48	433	48	428
MUC	11.9	43	97	41	529	41	527	56	666	55	664
WF (<1acre)	13.3	45	5	3	40	3	40	3	40	3	40
MUR	12.2	106	16	1	11	1	11	1	11	1	11
CB	18.0	86	17	3	45	3	45	3	45	3	45
DMU	18.0	41	9	1	8	1	8	1	8	1	8
Medium Density Totals		2,750	643	120	1,271	115	1,219	146	1,519	140	1,460
HD	20.0	122	22	4	66	4	66	4	67	4	67
RM	22.0	100	318	105	2,171	98	2,043	118	2,402	111	2,274
RMA	26.0	150	113	7	181	7	181	7	184	7	184
High Density Totals		372	453	115	2,418	108	2,290	128	2,653	121	2,525
Outside City Limits Total		483	1,918	1,279	6,454	1,113	5,546	1,348	6,769	1,170	5,809
LDR	4.6	46	137	10	41	10	41	14	60	14	59
URR	4.6	428	1,712	1,205	5,415	1,051	4,706	1,270	5,711	1,104	4,951
Village Center	10.0	1	28	28	276	25	250	28	276	25	250
MDR	20.0	8	41	36	722	27	549	36	722	27	549
TOTAL UGB CAPACITY		17,240	7,761	2,679	14,668	2,440	13,319	2,968	16,123	2,703	14,650

Source: Angelo Planning Group

- Looking at Scenarios 1A (state methodology) and 1B, there is a total estimated remaining capacity of between 7,700 and 8,200 units of different types in the City limits and between roughly 13,300 and 14,600 units within the full study area (City and UGB) depending on the impact of non-significant wetlands.
- Most of the remaining buildable acreage is in low-density residential zones or Plan designations. At a total capacity of 9,000 to 10,000 housing units, this is roughly 75 percent of the total unit capacity.
- Though there are many fewer buildable high-density acres, they can still accommodate around 1,900 units in the City limits, and another 550 to 725 in the UGB assuming land is developed with residential uses at projected densities of 20 to 26 units an acre. This is nearly 20 percent of the total unit capacity.
- There is less available acreage in medium-density zones (defined as supporting density between eight and 18 units/acre), though the bulk of the mixed-use zoned land falls in this category. In total, the capacity of these zones represents nine percent of the total unit capacity.