



## NOTICE OF PUBLIC HEARING

**CITY OF ALBANY  
PLANNING COMMISSION  
City Council Chambers, 333 Broadalbin Street SW  
Monday, July 16, 2012  
5:15 p.m.**

### AGENDA

1. CALL TO ORDER (Chair Faller)
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. COMMENTS FROM THE PUBLIC
5. APPROVAL OF MINUTES:
  - April 23, 2012 – Joint Work Session
  - April 12, 2012 – Joint City Council/Budget Committee/Planning Commission
  - May 21, 2012 – Planning Commission
6. QUASI-JUDICIAL PUBLIC HEARING

**AN-01-12 & ZC-02-12** - The applicant is requesting the City approve the annexation of two parcels at the north end of Expo Parkway, west of Clover Ridge Road NE. The total area of the parcels to be annexed is approximately 3.5 acres. The parcels are currently developed with one single family dwelling (Tax Lot 702), and a variety of accessory structures and out-buildings. The City is proposing a concurrent zoning map amendment that, if the annexation is approved, would zone the property RM (Residential – Medium Density). If annexed, the development of an expansion of the RV park on the property would require a Conditional Use permit approval.

**CP-01-12 & ZC-01-12** - The City of Albany is initiating a Comprehensive Plan Map and Zoning Map Amendment on one square block area west of Calapooia Street, north of 4<sup>th</sup> Avenue, east of Vine Street/Santiam Canal, and south of 3<sup>rd</sup> Avenue. The block is located within the Monteith Historic District and primarily contains historic residences. In order to help support the health of the historic resources in this block and to reflect the original planning for this area, the City proposes to amend the Comprehensive Plan Map from Village Center to Low Density Residential, and change the zoning of this block from HD to HM. The proposed designations are consistent with a large area of similarly designated properties abutting this block to the south.

7. ACTIVITY UPDATE
8. NEXT PLANNING COMMISSION MEETING DATE: Monday, August 27, 2012
9. ADJOURN

### Rules of Conduct for Public Hearing

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs or other conduct disruptive of the hearing.

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*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7500.*



## CITY OF ALBANY

CAPITAL IMPROVEMENT PROGRAM (CIP)  
JOINT WORK SESSION  
CITY COUNCIL – PLANNING COMMISSION – BUDGET COMMITTEE  
City Hall, Council Chambers  
333 Broadalbin SW  
**Thursday, April 12, 2012**  
6:30 p.m.

### MINUTES

City Council:	Sharon Konopa, Mayor; Dick Olsen, Floyd Collins, Ray Kopczynski, Bill Coburn, Bessie Johnson, Jeff Christman
Budget Committee:	Dick Conolly, Sue Folden, Colleen Keller, Wendy Kirbey, Neil Michael, Will Summers, Michael Thomson
Planning Commission:	David Faller, Kate Foster, Lolly Gibbs, Cordell Post, Kristin Richardson, Dala Rouse, Michael Styler, Larry Tomlin, Dave Wood
Staff Present:	Wes Hare, City Manager; Stewart Taylor, Finance Director; Mark Shepard, Public Works Director; Jeff Blaine, Assistant Public Works Director/City Engineer; Chris Bailey, Operations Manager; Greg Byrne, Community Development Director; Lisa Bennett, Disability Access Coordinator; Ed Hodney, Parks & Recreation Director; John Bradner, Fire Chief; Kate Porsche, Urban Renewal Manager; Ed Boyd, Police Chief; Ed Gallagher, Library Director

### CALL TO ORDER / INTRODUCTION

Wes Hare called the meeting to order at 6:30 p.m. and gave an introduction to the Capital Improvement Program.

### COMMUNITY NEEDS

Greg Byrne gave an overview of the Community Needs section and explained the updates to the South Albany Plan, which he explained will be critical for housing and job development in that region of Albany. The Financial Plan is currently underway.

### ACCESSIBILITY

Lisa Bennett gave an overview of the Accessibility section and discussed the transition plan for future projects with the main focus being corrections at bus stops and curb ramps.

Bessie Johnson asked if we have a plan in place for future projects. Bennett confirmed a plan has been initiated and complaints are currently being addressed.

### PARKS

Ed Hodney gave an overview of the Parks section, and explained he has taken a different approach to the CIP this year. The only projects shown in the CIP are ones in which revenue can be projected. Hodney said the strategy for Parks projects entered into the CIP will be based on being supported by SDCs and grants.

Hodney noted the only project in the Parks portion of the CIP is East Thornton Lake Natural Area, which is in the initial phase of development.

Floyd Collins asked about the shared facilities, such as the gymnasiums in last year's CIP. Hodney stated the City will spend \$800,000 for the use of two facilities.

Ray Kopczynski asked how Parks SDCs will have the \$200,000 proposed by FY 2013/14 if only \$60,000 is being brought in each year. Hodney stated the SDCs had a prior balance they have been building on, so the SDCs will be sufficient for the project.

Dala Rouse asked where the proposed dog parks from last year's CIP were going to be located. Hodney stated the locations are still being determined, but Timber Ridge Park and North Albany Park are the two locations currently being looked at.

Bessie Johnson asked if the SDC funds going to fund the East Thornton Lake Natural Area could be used for any other parks in the city. She would prefer we spent the money on parks already developed. Hodney confirmed the SDC funds could be used for other parks, but only for new projects, not to replace playground equipment already in place.

Sharon Konopa mentioned the East Thornton Lake Natural Area will receive a lot of in-kind help and support from citizens in development of the park.

## **PUBLIC FACILITIES**

John Bradner gave an overview of the Public Facilities section and discussed the progress of projects in process.

Colleen Keller asked why Fire Station 11 Water Reclamation Project is estimated to cost twice as much as Stations 13 and 14. Bradner reported stations 13 and 14 are newer and the projects will take less time to complete.

## **REVITALIZATION**

Kate Porsche gave an overview of the Revitalization section and mentioned that all the original projects of the Urban Renewal Plan are included in the unfunded projects listing.

## **STORMWATER**

Mark Shepard gave an overview of the Stormwater section and mentioned that the stormwater infrastructure is important. Currently the City does not have a dedicated funding source to deal with the upcoming impact new regulations could potentially have on the stormwater system.

## **TRANSPORTATION**

Shepard gave an overview of the Transportation section and mentioned that with the limited funding the Street Fund has, it is going to be difficult to meet the strategic plan goal of having 65 percent of the streets in the City in satisfactory or better condition by fiscal year 2014.

Dala Rouse asked whether a feasibility study had been done on the Main Street Rehabilitation project. Shepard reported the City had completed an internal feasibility study on the project.

Ray Kopczynski asked if the North Albany Road project will coordinate with the Parks East Thornton Lake Natural Area project for street frontage purposes. Shepard replied that the Transportation project would coordinate with the Parks project.

### **WASTEWATER**

Shepard gave an overview of the Wastewater section and mentioned the CIP was based on the rate plan proposed to Council in January. Currently the CIP projects are on a pay-as-you-go basis. Shepard also mentioned two significant projects, Riverfront Interceptor and the Cox Creek Interceptor, are not included in this CIP.

Sharon Konopa asked if the issues associated with the flood that created the Wetlands Integration project on page 68 were something that should have been covered in the original scope of the Wetlands project. Shepard reported the issues are currently being worked through with the contractors.

### **WATER**

Shepard gave an overview of the Water section and mentioned the CIP was based on the rate plan proposed to Council in January. Currently the CIP projects are on a pay-as-you-go basis.

Shepard mentioned the Vine Street Water Treatment Plant Filter Media project cost has increased to \$680,000. The Public Works Department is going to be taking a holistic look at the treatment process at the Vine Street plant to determine what direction to choose going forward.

Ray Kopczynski asked if the revenues made from the hydro operations were used to pay for CIP projects. Shepard reported the hydro revenues only cover the operating costs.

Sharon Konopa asked why the Hill Street projects in the Water section do not coincide with the Transportation projects on the same streets. Shepard said the water lines in the area are in bad shape and the Street fund does not have adequate funding to complete the projects in the same time frame.

### **ADJOURNMENT**

The meeting adjourned at 8:00 p.m.

Respectfully submitted,

Jeff Babbitt  
Senior Accountant

JMB:kw



CITY OF ALBANY  
CITY COUNCIL/PLANNING COMMISSION JOINT WORK SESSION MEETING  
Municipal Court Room  
Monday, April 23, 2012  
5:15 p.m.

**MINUTES**

**CALL TO ORDER**

Mayor Sharon Konopa called the meeting to order at 5:15 p.m.

**ROLL CALL**

City Councilors and Planning Commissioners signed in via a sign-in sheet. [See agenda file.]

Councilors present: Councilors Bill Coburn, Floyd Collins, Ray Kopczynski, Bessie Johnson, Jeff Christman, Dick Olsen

Councilors absent: None

Planning Commissioners present: Commissioners Cordell Post, Michael Styler, Lolly Gibbs, Dala Rouse, Kate Foster

Planning Commissioners absent: Commissioners Larry Tomlin, David Faller, Dave Wood, Glenda Fleming

**BUSINESS FROM THE PUBLIC**

**SOUTH ALBANY AREA PLAN UPDATE**

Joe Dills, a Planner with Otak, Inc., said that his consulting firm is working for the City on this project. He said that the process started in September 2011 and we have reached the  $\frac{3}{4}$  mark and have produced a draft preferred plan. The work that still needs to be done before implementation includes proposals for land-use regulations, transportation analysis, and the funding and financing aspect. There will be some more public involvement and if the schedule is maintained, the plan will be ready for adoption in September 2012. He said that the South Albany Area Plan is almost 2,000 acres. This plan looks at the big picture to assist with working on smaller picture decisions and allows for 50-60 years of possible growth.

Dills discussed the maps that were included in the agenda packet. He said that first map is called Land Use and Neighborhood Framework [page 10] and it captures the fundamental areas of Oak Creek. The next map [page 11] is called Street Framework Concept and it has been discussed a lot. He said that the placement of intersections along Ellingson Road still needs to be decided. This street framework shows the primary set of streets that will ensure good connectivity in South Albany.

Planning Commissioner Dala Rouse asked how the traffic flow will work on Ellingson Road with the roundabouts and the right-ins and right-outs. Dills said that the traffic flows freely on both sides of Ellingson if a person is making a right turn into or out of a neighborhood. There wouldn't be cross left movements where there is a right-in or right-out.

Planning Commissioner Lolly Gibbs asked if there will be a planter strip in the middle of these. Dills said that there will be a median.

Community Development Director Greg Byrne said that the medians would be for pedestrian crossings and for storm water control.

Councilor Ray Kopczynski asked if it would make it a longer distance for pedestrians to cross with the extra turning lanes. Byrne said that the idea is that there won't be turn pockets there and there won't be a deceleration lane. There will be a refuge area for pedestrians in the median.

Councilor Floyd Collins asked if the streets that are on the south side of Ellingson that go to the Urban Growth Boundary (UGB) are being deadheaded with the thought that there may be a UGB expansion. Dills said that they are being deadheaded if there is an expansion and the street framework could be continued.

Councilor Bessie Johnson asked what the area at the end Oak Creek Parkway is. Dills said it is a loop. Rouse asked if there would be parking by the lake. Dills said that there will be public parking at the lakes.

Councilor Dick Olsen asked if this map shows all of the planned streets or just the main streets. Dills said that it shows the main streets. He said that one of the resource layers underneath this set of plan maps is many acres of secondary wetlands. These wetlands are regulated by the State if they meet the criteria.

Dills said that another transportation issue to consider is the railroad. There are three places where the roads would cross the railroad. He said what needs to be considered is how to ensure good access to all of the employment areas. The plan is to do some further analysis of the transportation impacts and then contact ODOT Rail and then bring it back for review. Collins asked if they are at-grade crossings. Dills said that he couldn't say for sure. Byrne said that one of the next steps is detailed work on traffic generation out of an employment area of this size. He said there needs to be an adequate street system to serve the area once it is developed.

Dills said that the Trails Framework Concept map [page 13] grew from the first community workshop. He said that there is a high level of support for trails in the process. The trails that cross Oak Creek might be best to be consolidated with the Lochner crossing. The Transportation System Plan does include an Oak Creek trail that goes along the south side. Dills said that the trails were looked at as a way to integrate into the existing community. Johnson asked what can be done to make the trail go across Oak Creek.

Parks & Recreation Director Ed Hodney said that there are several possibilities including bridge structures, elevating the trails, culverts, and strategically locating those crossings. He said that it is a complex trail system and very wide in some areas.

Dills said that Page 14 is the Land Use Plan. The red squares are village centers; the dark yellow is medium density housing; and the light yellow is lower density housing. He said that the community wanted a number of village centers to serve the local needs of the area. This supports the vision of a walkable Albany. He said that these are pretty small parcels with the largest being four acres on Lochner and Ellingson Road. He said another option is to take two of these parcels to create a six-acre parcel. Byrne said that this reflects existing zoning and there are multiple ownerships.

Dills said that the next map is labeled Community Park – Alternative Sites [Page 15]. He said that the City owns the property labeled #1 on the map. He said that there was some discussion about having an alternative site and that is labeled #2 on the map. The conclusion was to recognize that park site #1 is the most viable and will work well. Gibbs asked if the discussions were still open with GAPS. Byrne said that is correct. Hodney said that with site #1 it would be possible to have a place where all public facilities are congregated. An above ground reservoir, fire station, community park, and school facility could all be around this site.

Planning Manager Heather Hansen said that one of the reasons to do this is if the City has a location, it makes it easier to plan for City facilities and would stimulate private development around it since the infrastructure would be in place.

Dills said that Page 16 is a map of elementary school sites. He said that this map has been coordinated with GAPS. There is demand for at least one elementary school and possibly two over time. The sites are in a central area to serve all of the neighborhoods.

Dills said that the last map [Page 17] is called Lochner Realignment/Land Use. He said this would have been a connection between Lochner Road and Marion Street and would require the acquisition of new land. It proved to be something that can't be done due to the BPA right-of-way lines, the alignment to the correctional facility, and other factors. He said that it doesn't look feasible. Collins asked if this is one of the rail systems that would look at allowing a drop line. Dills said yes. Konopa said that the current residential areas need to be considered as well.

Byrne said that staff and the consultants were able to do some specific mapping which includes the roundabouts, the rail crossings, and the 53<sup>rd</sup> overpass. He said that there are some things that are more difficult to map including trail siting, streets in the industrial areas, and village centers. He suggested coming up with some policy language that will guide future decisions. Hansen said that various departments have been included in the mapping process including Parks & Recreation, Fire, and Public Works; and the departments are considering collocation of public facilities. She said that GAPS was also included in the conversation. The next steps are to purchase property and identify phasing and funding.

Councilor Jeff Christman said that he understands that there will probably be a need for a fire station and reservoir, but he doesn't see these included on the maps. He said that it was mentioned as part of park site #1, and if this is the concept then it should be listed that way instead of having it labeled as a park. Hansen said that it was just discussed in the last few weeks. Christman said that it should be included on the map. Hansen suggested labeling the site "public facility site." Christman said that would work.

Johnson asked if this is a 20-30 year plan. Dills said that it is 20 years worth of planning in regards to the facility needs, but there is more land here than there is 20 years worth of growth. He said it is actually a 50 year plan. Johnson said that there are ten parks on the map. Hodney said that these are not necessarily parks, but instead neighborhood focal points. Dills said that with neighborhood park standards it comes out to about six. Johnson is concerned with the funding side of the projects. It is important that the plan allows for flexibility to make changes to it if needed.

Rouse said that she doesn't support having so many village centers. She would support the larger village center being on the south side of Ellingson Road and Columbus Road. She said that it would be better to have traffic signals instead of traffic circles near village centers. She said that there won't be a lot of people going down Lochner to get to a village center because it is in an industrial area. Collins said that he agrees with Rouse. Rouse suggested one larger village center in this area and then possibly some neighborhood commercial parcels instead of four village centers. Konopa said that these are small acreage parcels for village centers. Kopczynski asked how big the village center in North Albany is. Collins said that he believes it is about 12 acres. Johnson asked how much residential is on Lochner. Konopa said that there is not much. Hansen said that a village center and a neighborhood commercial aren't really that different. Byrne said that the difficulty is that there is a BPA easement that runs diagonally on that site and the walkability would be lost. He said that staff considered several different locations for neighborhood centers. The Lochner location was the one that is central to the vacant residential property.

Johnson asked if the proposed park is the one east of Lochner and above Ellingson. Hodney said that is the preferred location for the park and it is about 27 acres. Johnson said that it makes sense to put a village center in this area since the park is there.

Rouse said that the village center could be put on the other side of Ellingson and use the BPA right-of-way for a parking lot. Dills said that all of these points were looked at. He said that putting a village center north of Ellingson but west of BPA would have some catchment. Byrne said that this is a key point and if the village center is relocated it will change the mapping.

Collins asked, "How do we adopt a concept that will be large enough to act like a village center, but leave the flexibility to the folks who actually site the facilities to determine the best location?" Konopa said that this is where the proper zoning and policy language comes into play. Byrne said that another factor that isn't apparent on the map is that the intersection at Highway 34 and Columbus is going to be a right-in and right-out. Most of the traffic from the interstate will be turning right on Columbus and coming north into Albany.

Planning Commissioner Kate Foster said that she likes the proposed locations; especially the one on the west side. The sites are easy to walk to. Dills said that the idea was to get two small centers serving the neighborhoods. Rouse said that she thinks only one village center will fit this area. Byrne said that when this process was started, he had a strong bias for trying to get a supermarket into this area. He doesn't think it is possible with the property zoned the way it is. Coburn said that it will be driven by market conditions and who wants to develop first.

Dills said that the question for the group is if everyone feels comfortable moving forward with what is on the map for the two locations that have been drawn for the neighborhood centers. Foster said that she would like to see the two neighborhood centers and the proposed trails included on the map to see if there is connectivity to the neighborhood centers. Dills said that they are integrated together. Olsen asked if the trails are going to coincide with the low traffic residential streets or if they be separate. Dills said that it will be a mix.

Rouse said that she only supports one neighborhood center. Hansen said that this is intended to build upon previous planning processes. Dills said that the primary point for having two centers is to provide neighborhood level services to the adjacent neighborhoods. Collins said have each center be five acres and the first developer in gets to pick the site. Dills said that there is flexibility to do this. Foster said that if you only have one center, you will be cutting off half of the population from having a walkable neighborhood center. Dills said that having two centers that are 3-5 acres could be considered and it would be consistent with the community conversations.

Olsen said that it is a good idea to have two centers. Dills asked if the group is comfortable going with two centers that are 3-5 acres in size and the locations would be as drawn on the map. Konopa said that it is better to put the centers in now before homes are built. Collins supports the flexible definition of a neighborhood center that will be 3-5 acres.

Dills asked if the group was okay with the location of the centers. Collins said that this will still need to go through the public hearing process for adoption.

#### ADJOURNMENT

There being no other business, the meeting was adjourned at 7:00 p.m.

Respectfully submitted by,

Diana Eilers  
Administrative Assistant I

Reviewed by,

Heather Hansen  
Planning Manager





APPROVED \_\_\_\_\_

**CITY OF ALBANY  
PLANNING COMMISSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday May 21, 2012  
5:15 p.m.**

**MINUTES**

Planning Commissioners present: David Faller; Dala Rouse; Michael Styler; Lolly Gibbs; Kate Foster; Dave Wood; Cordell Post; Larry Tomlin

Planning Commissioners absent: Kristin Richardson (excused)

Staff present: Heather Hansen, Planning Manager; Mike Leopard, Infrastructure Analyst; Tari Hayes, Administrative Assistant

Others present: Seven others in audience

**CALL TO ORDER**

Chair Faller called the meeting to order at 5:15 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

**ROLL CALL**

COMMENTS FROM THE PUBLIC - None

**APPROVAL OF THE MARCH 19, 2012 MINUTES**

MOTION: Commissioner Rouse moved to approve the minutes as written. Commissioner Post seconded it. Motion **passed** unanimously.

**QUASI-JUDICIAL PUBLIC HEARING: VC-01-12**

Chair Faller opened the public hearing at 5:18 p.m.

DECLARATION: Gibbs reported a site visit.

Hansen summarized the meeting procedures.

**STAFF REPORT:**

Mike Leopard provided an overview of the staff report. The vacation application proposes to vacate a portion of the 32nd Avenue right-of-way east of Pacific Boulevard, north of the YMCA property at 3311 Pacific Boulevard SW. The street is a dead end with no outlet to the east. The street currently serves two properties: the YMCA property to the south; and the Oberto Sausage Company to the north. If vacated, access will not be restricted for either of the lots along the existing street. Public sanitary sewer and water mains lie within the area to be vacated; this will necessitate the retention of a public utility easement.

The area in question is a portion of the 32nd Avenue right-of-way that lies east of Pacific Boulevard. This right-of-way is approximately 450 feet long. The property was sold to the City of Albany by warranty deed in 1963. The

City Council accepted the property as right-of-way by Resolution No. 739. The proposal is to vacate the entire right-of-way except for the westernmost 30 feet that is adjacent to Pacific Boulevard.

The street is a dead end and the only parcels that use this right-of-way for access are those two owned by the YMCA and Oberto Sausage Company. The only street to the east of this right-of-way is a private street (National Way). If vacated, the street will remain as a shared access to the same two parcels. A public utility and access easement will be retained over the entire area to be vacated. Staff reviewed the 5 Vacation criteria in additional detail.

Notice of Public Hearing was mailed on March 9, 2012. The site was posted on March 12. No comments have been received as of 3 p.m. today. Staff recommended a public utility and access easement be retained over the area to be vacated.

**APPLICANT'S TESTIMONY:**

David Reece 321 1<sup>st</sup> Avenue, Suite 3A, Albany – stated he has worked very hard with City staff to come to agreement with vacation process. This request is designed to take into account possible future development.

Rouse asked why the City was the applicant. The City is the applicant in order to move the request through the process quicker. The applicant agrees with the conditions of approval.

**PUBLIC TESTIMONY:** None

**STAFF RESPONSE:** None

Chair Faller closed the public hearing at 5:30 pm.

**PLANNING COMMISSION DISCUSSION:**

Rouse asked if Oberto had responded. There has been no verbal contact with them however they have been contacted as part of the public hearing process.

**PLANNING COMMISSION DECISION:**

Commissioner Post made a motion to approve with conditions. Rouse seconded, motion **passed** 7-0

**ACTIVITY UPDATE:**

The Business Ready Taskforce will have it's second meeting tomorrow, May 22 and will address home occupation.

There is a joint TAC/PAC meeting on June 7 and a joint Planning Commission/City Council meeting in August.

**NEXT MEETING:**

The next meeting of the Planning Commission is TBD.

**ADJOURNMENT:**

Hearing no further business, Commission Chair Faller adjourned the meeting at 5:34 p.m.

Submitted by

Tari Hayes  
Administrative Assistant

Reviewed by

Heather Hansen  
Planning Manager



# Community Development Department

333 Broadalbin Street SW, P.O. Box 490  
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## STAFF REPORT

### Annexation and Zoning Map Amendment

(AN-01-12 and ZC-02-12)

<b><u>HEARING BODIES</u></b>	PLANNING COMMISSION	ALBANY CITY COUNCIL
<b><u>HEARING DATE</u></b>	Monday, July 16, 2012	Wednesday, August 8, 2012
<b><u>HEARING TIME</u></b>	5:15 p.m.	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

### **EXECUTIVE SUMMARY**

The applicant is requesting the City to approve the annexation of two parcels at the north end of Expo Parkway, west of Clover Ridge Road NE. The total area of the parcels to be annexed is approximately 3.5 acres.

The property owner is requesting annexation in order to be eligible to expand the existing recreational vehicle park south of the subject properties. The parcels are currently developed with one single family dwelling (Tax Lot 702), and a variety of accessory structures and out-buildings. The City is proposing a concurrent zoning map amendment that, if the annexation is approved, would zone the property RM (Residential – Medium Density). If annexed, the development of an expansion of the RV park on the property would require a Conditional Use permit approval.

If annexed, funding for any required public infrastructure improvements needed to serve new development on these properties would be the responsibility of the property owners.

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission recommend approval of both the application to annex the subject properties (AN-01-12), and the application to zone the properties RM (ZC-02-12), based on the findings and conclusions in the staff report.

### **GENERAL INFORMATION**

DATE OF REPORT:	July 9, 2012
FILE:	AN-01-12 and ZC-02-12
TYPE OF APPLICATIONS:	Annexation and Zoning of Properties located at 212 and 215 Expo Parkway NE
REVIEW BODIES:	Planning Commission and City Council
STAFF REPORT PREPARED BY:	Mike Leopard, Infrastructure Analyst
PROP. OWNER/APPLICANT:	Wanda Scheler, 125 Expo Parkway NE, Albany, OR 97322

ADDRESS/LOCATION: 212 and 215 Expo Parkway NE; Albany, OR 97322

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-04AC; Tax Lot 701 and 702

CURRENT ZONING: Linn County UGA-UGM-20 (20 acre min.)

TOTAL LAND AREA: 3.5 acres

EXISTING LAND USE: Single-family residence with accessory structures (Tax Lot 702); vacant parcel with accessory structures (Tax Lot 701)

EXISTING COMP PLAN DESIGNATION: RM (Residential - Medium Density)

SURROUNDING ZONING: North: RM (Residential Medium Density)  
South: RM (Residential Medium Density)  
East: RM (Residential Medium Density)  
West: RC (Regional Commercial)

SURROUNDING USES: Single-family residential on north, east, and west; Knox Butte RV park on south.

PROPOSED ZONING: RM (Residential - Medium Density)

### **REASON FOR ANNEXATION**

The applicant has indicated that they plan to use a portion of the subject property for an expansion of the existing Knox Butte RV Park that exists to the south (Tax Lot 1000). The proposed expansion of the RV park will be processed as a Conditional Use in the proposed RM zone. If the proposed annexation is not approved, the RV park expansion will not be allowed and the application(s) submitted for the expansion will be withdrawn.

### **NOTICE INFORMATION.**

On June 25, 2012 a Notice of Public Hearing for this project was mailed to property owners within 300 feet of the subject properties. As of the date this staff report was completed, staff had not received any written comments on this project. The subject property was posted with signs on June 26, 2012.

### **PROCESS**

If the Planning Commission's recommendation is for approval of these applications, the applications will be forwarded to the City Council for a public hearings and decisions. The City Council decisions may be appealed by persons with standing to the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal to LUBA not later than 21 days after the decision becomes final.

If the Planning Commission denies the applications, the decision(s) may be appealed to the City Council.

Within five days of the decisions on the annexation and zoning applications, the Director shall provide written notice of the decisions to the applicant and any other parties entitled to notice. The notice shall state the effective date of the decision, describe the right of appeal, and summarize the reasons for the decision and any conditions of approval, or indicate where such can be reviewed in detail.

## FINDINGS AND CONCLUSIONS

### STAFF ANALYSIS

#### **Annexation File AN-01-12**

On January 11, 2006, the City Council adopted modified procedures for voter-approved annexation in the City of Albany. These procedures are detailed in Article 2 of the City of Albany Development Code (ADC 2.090 – 2.140).

Listed below are findings and conclusions that address the review criteria as specified in the Development Code. Review criteria are listed in *bold italics* and are followed by findings and conclusions.

The following abbreviations are used in these findings:

“ADC” means Albany Development Code, available online (<http://www.cityofalbany.net/commdev/devcode/index.php>) and in the office of the Albany Community Development Department.

“OAR” means Oregon Administrative Rules, available online ([http://www.sos.state.or.us/archives/rules/number\\_index.html](http://www.sos.state.or.us/archives/rules/number_index.html)).

”ORS” means Oregon Revised Statutes, available online (<http://leg.state.or.us/ors/>).

**A. Eligibility Criteria. *The City Council shall determine that property is eligible for annexation based on the following criteria:***

*(a) The property is contiguous to the existing city limits.*

*(b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.*

### FINDINGS OF FACT:

A1. The subject properties are two parcels totaling approximately 3.5 acres, and are completely surrounded by the current city limits. (Staff Report Attachment A)

A2. Plate 1 of the City’s Comprehensive Plan shows the Urban Growth Boundary (UGB). The subject parcel is within the UGB.

### CONCLUSION

A1. This criterion is met because the property proposed for annexation is contiguous with the existing city limits and is within the Albany UGB.

**B. Infrastructure Criteria. *The City shall determine that it is timely to annex property based on the following criteria:***

*(a) An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.*

*(b) As used in this section:*

*i. “Adequate level” means conforms to adopted plans and ordinances.*

*ii. “Urban services” means police, fire, and other City-provided services.*

*iii. “Infrastructure” means sanitary sewer, water, storm drainage, and streets.*

- iv. ***“Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.***

#### FINDINGS OF FACT

- B1. City utility maps show that an 8-inch public water main currently exists in Expo Parkway NE, terminating at the south boundary of the subject parcels. The existing structures on the property are not connected to the public water system, but are served by a private well.
- B2. ADC 12.410 states: All new development, including a single-family residence, must extend and connect to the public water system when service is available within 150 feet of the property. While the dwelling on the property already exists, it can be considered “new” development in the City. Because public water is available to the property, the house should be required to connect to the city’s water system as a condition of annexation.

If the required public water system improvements were already in place along the frontage of the subject property, staff would recommend that the existing dwelling be connected to the water system immediately upon annexation. The timing of the required connection will be tied to future development on the subject parcels. At which time as either of the subject parcels is developed further, the extension of Expo Parkway and the associated public utilities will be required, and the existing dwelling must be connected to public water.

- B3. The City’s *Water Facility Plan* (2004) shows no system deficiencies in this area. An existing system of large diameter water mains along Century Drive NE, Knox Butte Road NE, Clover Ridge Road NE, and Bernard Avenue NE/Somerset Avenue NE, covers the recommended facility plan projects for this area.
- B4. City utility maps show that an 8-inch public sanitary sewer main currently exists in Expo Parkway NE, terminating at the south boundary of the subject parcels. The existing structures on the properties are not connected to the public sewer system, but are served by a private septic system.
- B5. ADC 12.470 states: All new development must extend and connect to the public sewer system when service is available within 300 feet of the property. While the structure on the property already exists, it could be considered “new” development in the City. Because public sanitary sewer is available to the property, the house should be connected to the sewer system as a condition of annexation.

If the required public sanitary sewer system improvements were already in place along the frontage of the subject property, staff would recommend that the existing dwelling be connected to the sewer system immediately upon annexation. The timing of the required connection will be tied to the future development of the subject parcels. At which time as either of the subject parcels is developed further, the extension of Expo Parkway and the associated public utilities will be required, and the existing dwelling must be connected to public sewer. The private septic system must be abandoned according to state and county regulations at the time of the connection.

- B6. The City’s *Wastewater Facility Plan* (1998) indicates that there are no system deficiencies downstream of this site.
- B7. Expo Parkway NE was improved to partial City standards in 1996 in conjunction with the development of the Knox Butte RV park. A 15-inch public storm drainage main exists in Clover Ridge Road along the property’s frontage. Burkhart Creek is the main drainage feature in this area. Storm drainage facilities in Expo Parkway NE collect stormwater from the street and the RV park and carry the runoff to the creek.

- B8. The City's *Storm Drainage Master Plan* (1988) indicates that the subject properties lie entirely within the Burkhart Creek drainage basin. The Plan shows no capacity deficiencies within, adjacent to, or downstream of the subject parcels. The 1988 plan indicates that the main channel of Burkhart Creek is sufficient to carry the 100-year storm flows.
- B9. Property owners are financially responsible for public infrastructure along their frontages or through their properties, as needed for system expansion. Extension of the infrastructure across the frontage or through the property makes the system available to adjacent properties. Then, when the adjoining property connects, that property owner must extend the infrastructure in a similar manner, making the sewer available to the next properties. In this way, each property owner shares proportionately in the cost of extending public infrastructure.
- B10. The subject parcels currently have access to Expo Parkway NE from a private driveway that connects to the north end of the public street. Expo Parkway is classified as a major collector street in Albany's TSP and is partially improved to City standards with curb and gutter and sidewalks on the east side of the street, a travel lane in each direction, and storm drainage improvements.
- B11. The TSP identifies two streets being extended in a north/south direction across this annexation area. When developed, access to the site will be provided by those two streets. The TSP shows Expo Parkway, a major collector street, being extended across the western portion of this annexation area. The extension is listed as project L17 in the TSP. The TSP shows Timber Street, a minor collector street, being extended across the eastern portion of this annexation area. The extension is listed as project L18 in the TSP.

The majority of the required Expo Parkway right-of-way dedication will come from the western parcel (Tax Lot 702) which contains the existing residence. Development of either Tax Lot 701 or Tax Lot 702 will require the right-of-way dedication and construction of street and utility improvements. This ties the two parcels together in terms of future development. In order for Tax Lot 701 to develop, it will be necessary for the owner of Tax Lot 702 to dedicate sufficient right-of-way for the extension of Expo Parkway. In addition, because the existing private septic system on Tax Lot 702 is located in the area of the future Expo Parkway extension, the existing dwelling on the parcel will be required to abandon the private septic system and connect to the public sewer system before the public street improvements can be made.

- B12. Section 12.060 of the Albany Development Code allows the City to impose conditions for the dedication and construction of public street improvements within and adjacent to new development.
- B13. Adequate public water flow for fire protection is currently available in this area. Because the subject property is an existing "island" of unincorporated territory, there are properties on all sides that are currently within the city limits and are being served by the City's Fire Department. In addition, the areas that are not yet within the city limits are served by the Albany Fire Department through a rural fire protection district.
- B14. Because the subject property is an existing "island" of unincorporated territory, there are properties on all sides that are currently being served by the City's Police Department. Police service to this property would be a logical extension of the current patrol boundaries.

## CONCLUSIONS

- B1. Public sanitary sewer, water, and storm drainage facilities extend to the north terminus of Expo Parkway at the south boundary of the subject properties. Future development on the subject properties will require the extension of these public utilities within the extension of Expo Parkway across the subject properties at the time of development.

- B2. Albany's TSP shows two collector roads being extended across this site. Expo Parkway will be extended across the western portion of this site, and Timber Street will be extended across the eastern portion of the site. The roads will be needed to provide with site with access when developed.
- B3. The transportation facilities needed to allow the site to develop can be made available in a timely manner by conditioning a future development on the site to make the improvement.
- B3. Fire service is already provided to this parcel by the City through a fire district, and public water facilities are in place to serve the area. The subject property is within an "island" and is surrounded by properties that are in the city limits. Properties surrounding this site are served by the City's fire and police departments, so the addition of this parcel to the city limits would be a logical extension of the current service boundaries.

### CONDITIONS

- B1. The applicant shall enter into an Annexation Agreement obligating the proposed annexation area to dedicate right-of-way and construct collector street improvements as shown in Albany's Transportation System Plan (TSP) upon development of the property.
- B2. The applicant shall enter into an Annexation Agreement obligating the proposed annexation area to construct public utility improvements within the required public rights-of-way upon development of the property.

***C. Planning Criteria. The City shall determine that adequate planning has occurred based on the following criterion:***

***Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.***

### FINDINGS OF FACT

- C1. This annexation request is for two parcels totaling 3.5-acres. The Comprehensive Plan Map designation for this property is Medium Density Residential (Staff Report Attachment B). The City is proposing a concurrent zone change for the subject property that would result in a City of Albany zoning designation of RM (Residential – Medium Density). This zoning designation would match that of adjacent properties that lie within the city limits. It is anticipated that the properties to the west and to the south that are currently in the County would also be zoned RM when they are annexed.
- C2. Public infrastructure facility plans that deal with this area include: *Water Facility Plan* (2004); *Wastewater Facility Plan* (1998); *Storm Drainage Master Plan* (1988); *Transportation System Plan* (2010).
- C3. Recent work done as part of the City's Periodic Review has resulted in a change to the Comprehensive Plan designation of the area along Clover Ridge Road south of Dunlap Avenue from Low Density Residential to Medium Density Residential.
- C4. The Local Wetlands Inventory for the East I-5 area (1997) and the recent Goal 5 work show no wetlands on this parcel. The Goal 5 natural resources study does indicate that a small sliver of the southwest corner of the property is within the Riparian Corridor overlay (Staff Report Attachment D).



## CONCLUSIONS

C1. This criterion is met because of the information provided in the various studies and plans covering this area.

***D. Reasonableness. The City Council shall determine that the proposed annexation is reasonable.***

## FINDINGS OF FACT

D1. The subject parcels form an existing “island” of unincorporated territory surrounded by the city limits.

D2. City sewer and water facilities are available to the south boundaries of the subject parcels in the Expo Parkway NE right-of-way.

## CONCLUSIONS

D1. The proposed annexation would eliminate an existing island of unincorporated territory.

## STAFF ANALYSIS

### **Zoning Map Amendment File ZC-02-12**

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

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

## FINDINGS OF FACT

1.1 Staff is recommending that the Zoning Map designation of the subject parcel be changed from Linn County UGA-UGM-20 (Urban Growth Management – 20-acre minimum lot size) to City of Albany RM (Residential – Medium Density). (Staff report Attachment C).

1.2 The current Comprehensive Plan designation of the property where the Zoning Map amendment is proposed is Residential – Medium Density.

1.3 The Plan Designation Zoning Matrix in the Development Code (ADC 2.570) shows that the proposed RM zone is consistent with the Residential – Medium Density Comprehensive Plan Map designation.

## CONCLUSION

1.1 This criterion is met because the proposed City zoning designation is compatible with the existing Comprehensive Plan designation on the subject property.

- (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 property where the map amendment is proposed is located west of Clover Ridge Road, at the north terminus of Expo Parkway, approximately 620 feet north of Knox Butte Road.
- 2.2 The property has a single-family residence and a variety of accessory structures on the two parcels.
- 2.3 The property currently has direct access to Expo Parkway via a private driveway.
- 2.4 Expo Parkway is classified as a major collector street in Albany's TSP and is partially improved to City standards with curb and gutter and sidewalks on the east side of the street, two travel lanes, and storm drainage improvements.
- 2.5 The TSP identifies two streets being extended in a north/south direction across this area. When developed, access to the site will be provided by those two streets. The TSP shows Expo Parkway, a major collector street, being extended across the western portion of this area. The extension is listed as project L17 in the TSP. The TSP shows Timber Street, a minor collector street, being extended across the eastern portion of this area. The extension is listed as project L18 in the TSP.

#### CONCLUSIONS

- 2.1 Albany's TSP shows the need for two collector roads to be extended across this site. Expo Parkway will be extended across the western portion of this site, and Timber Street will be extended across the eastern portion of the site. The roads will be needed to provide with site with access when developed, as well as to provide adequate traffic circulation to properties north of Knox Butte Road.
- 2.2 Future development on the subject properties will likely require the dedication of public right-of-way for the needed extensions of Expo Parkway and Timber Street, and the possible construction of one or both of these streets through the site.
- 2.3 This review criterion is met.
- (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 that an 8-inch public sanitary sewer main currently exists in Expo Parkway NE. The existing structures on the property are not connected to the public sewer system, but are served by a private septic system.
- 3.2 The City's *Wastewater Facility Plan* does not show any collection system deficiencies downstream of the subject property.

##### Water

- 3.3 City utility maps show that an 8-inch public water main currently exists in Expo Parkway NE. The existing structures on the property are not connected to the public water system, but are served by a private well.

- 3.4 The City's *Water Facility Plan* (2004) shows no system deficiencies in this area. An existing system of large diameter water mains along Century Drive NE, Knox Butte Road NE, Clover Ridge Road NE, and Bernard Avenue NE/Somerset Avenue NE, covers the recommended facility plan projects for this area.

### Storm Drainage

- 3.5 Expo Parkway NE was improved to partial-width City standards in conjunction with the development of the RV park in 1996. A 12-inch public storm drainage main exists in Expo Parkway. Burkhart Creek (south of the site) is the main drainage feature in this area. Storm drainage facilities in Expo Parkway NE collect stormwater from the road and adjacent parcels and carry the runoff to the creek.
- 3.6 The City's *Storm Drainage Master Plan* (1988) indicates that the subject properties lie entirely within the Burkhart Creek drainage basin. The Plan shows no capacity deficiencies within, adjacent to, or downstream of the subject parcels. The 1988 plan indicates that the main channel of Burkhart Creek is sufficient to carry the 100-year storm flows. It is likely that any future development on the site that is more extensive than a single-family house or duplex would be required to provide on-site detention of storm water.

### Schools

- 3.9 The proposed zoning of the property to RM would allow for multi-family development up to approximately 25 units per acre. The Greater Albany Public School system already serves this area, and a new school has recently been constructed in this vicinity. Any new residential development on the site would be obligated to pay school System Development Charges.

### Police and Fire Protection

- 3.10 The Albany Police Department and Fire Department provide services to all development within the City of Albany. When a property is annexed, these departments will provide service to the property regardless of its zoning designation.
- 3.11 There are adequate public water facilities in this area for firefighting purposes.

### CONCLUSIONS

- 3.1 The public sanitary sewer, water, and storm drainage systems in this area have the capacity to serve future development on the property that would be allowed in the RM zoning district.
- 3.2 This review criterion is met.
- (4) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).*
- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is UGA-UGM-20 (Urban Growth Management – 20-acre minimum lot size). The proposed zoning would result in approximately 3.5 acres of RM (Residential – Medium Density).
- 4.2 The RM zone allows for a variety of uses including multi-family development. The number of dwelling units in a multi-family development is typically determined by the size of the parcel, and the area required for parking, outdoor space, setbacks, etc. Other types of development or redevelopment on the subject property may occur under this zoning designation, as specified in the Albany Development Code. Most

typed of development (more intense than a single-family home or duplex) would require land use review and approval.

- 4.3 There is an existing single-family dwelling on Tax Lot 702. A variety of other accessory structures and out-buildings exist on the two parcels. The applicants plan to expand the existing RV park onto Tax Lot 701.
- (5) *The land use and transportation patterns recommended in any applicable City-contracted or funded land use or transportation plan or study have 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 All public infrastructure is in place in Expo Parkway at the south boundary of the subject properties, and this infrastructure has been constructed based on anticipated zoning, land uses, and transportation patterns for the area.
- 5.2 Future development on either of the subject properties will require the extension of public infrastructure (street, sewer, water, and storm drainage) to the north through the properties. These improvements will be assured by inclusion in the associated Annexation Agreement.

#### CONCLUSION:

- 5.1 With the applicable language in the attached Annexation Agreement (see Staff Report Attachment E), this review criterion is met.

#### (6) RELEVANT GOALS AND POLICIES

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM (Residential – Medium Density) zoning designation best satisfies the Goals and Policies of the Comprehensive Plan. Goals and policies are listed below in ***bold italic*** print, followed by findings of fact and conclusions.

#### GOAL 1: CITIZEN INVOLVEMENT (Chapter 9 – Land Use Planning)

***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.***

- 6.1 The City of Albany's Comprehensive Plan and Development Code provide requirements for citizen involvement in the decision-making process for Zoning Map amendments. Zoning Map amendments are processed as Type IV land use decisions with notice to affected parties, including surrounding property owners and affected government agencies. Public hearings before the Planning Commission and City Council are held. Notice of the public hearings is posted on the subject property. The City's Comprehensive Plan and Development Code, including the processes for citizen involvement, have been acknowledged by the Land Conservation and Development Commission (LCDC) as consistent with statewide planning goals.
- 6.2 People who are notified of the public hearing are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the application is based on the review criteria listed in the Development Code. The purpose of the public hearing is to provide 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.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **VEGETATION AND WILDLIFE HABITAT (Chapter 1 – Natural Resources)**

***Goals:***

1. ***Ensure native vegetation remains an integral part of Albany's environment.***
2. ***Protect and enhance significant wildlife habitat in the urban growth boundary.***
3. ***Balance compact development patterns with natural resource protection.***

***Policy 1: Protect existing vegetation that possesses significant environmental, wildlife and fish habitat, aesthetic qualities, or educational and recreational values, particularly along the Willamette and Calapooia Rivers, their tributaries, and associated floodplains, wetlands, and drainageways.***

***Policy 2: Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage.***

***Policy 3: Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public parks and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.***

- 6.3 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, shows no areas of significant vegetation and/or wildlife habitat on the property.

### **GOAL 5: WETLAND RESOURCES (Chapter 1 – Natural Resources)**

***Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.***

- 6.4 *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the property. The National Wetlands Inventory and the East I-5 Wetlands Inventory and the Goal 5 Natural Resources overlay show no wetlands on the property. A small sliver of riparian corridor overlay exists on the southwest corner of the subject property. Any future development on the property must either avoid the overlay area, or submit for a Natural Resource Impact Review permit and comply with the standards in Article 6 of the Albany Development Code.

## **GOAL 10: HOUSING (Chapter 4 – Housing)**

### *Goals:*

1. *Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.*
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 11: Promote the conservation of existing housing by supporting programs that rehabilitate and upgrade substandard and deteriorating units.*

6.5 The subject property is located in an area that is accessible to employment and public services.

6.6 All city services are available to serve a residential development in this area.

## **GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)**

*Vision: A safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality, and natural and built environments.*

*Policy 1: Develop a transportation system with improved connectivity where "barriers" such as I-5, railroad, waterways, or neighborhoods reduce transportation system efficiency in terms of travel time and travel distance.*

*Policy 2: Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.*

*Policy 3: Identify and remedy unsafe intersection and roadway locations with known safety issues and ensure the multi-modal transportation system is structurally and operationally safe.*

*Policy 4: Minimize conflicts along high volume and/or high speed corridors.*

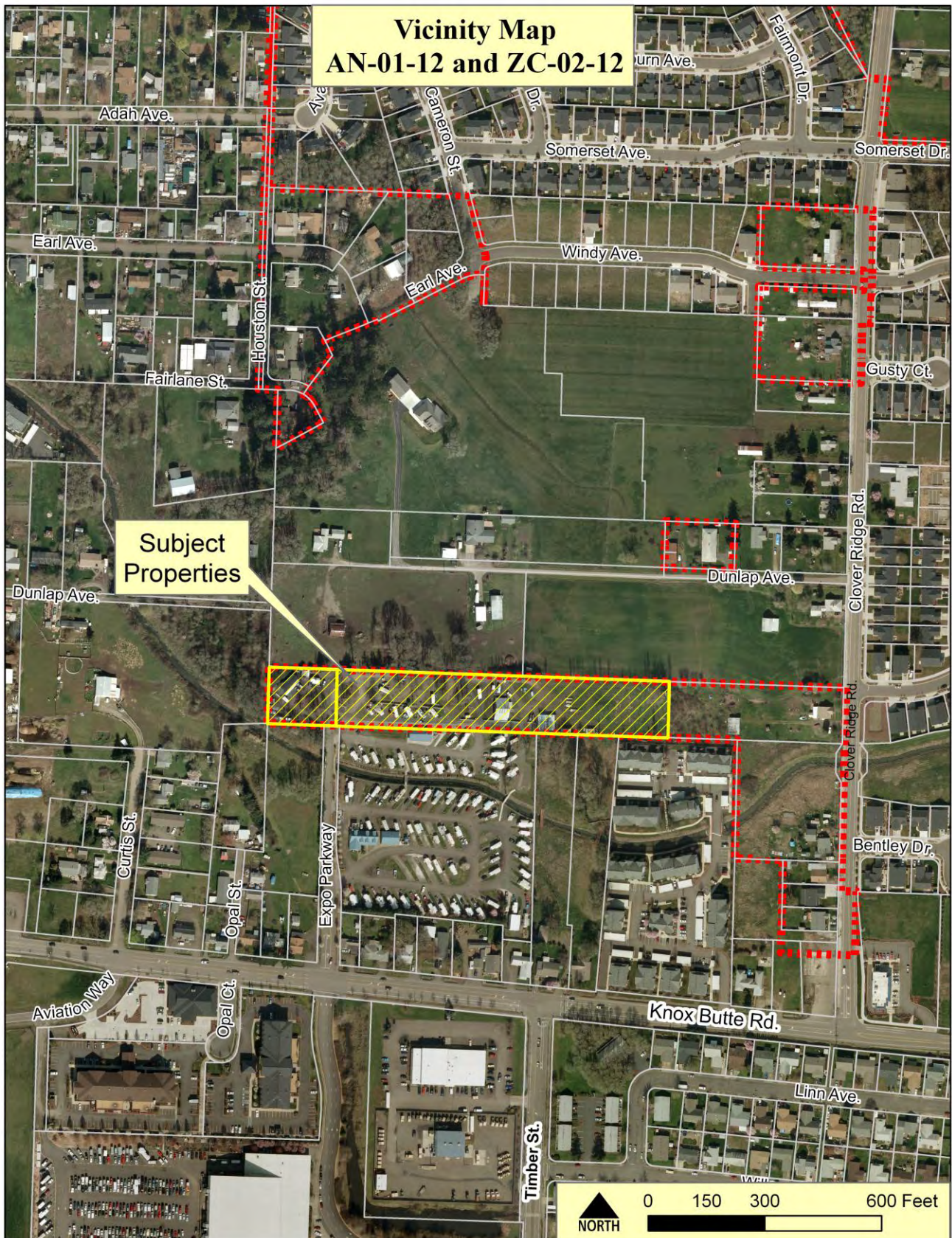
6.7 See the discussion under Zoning Map Amendment Review Criterion (2). The discussion finds that the transportation system is or can be made adequate for allowed development on the property. To avoid repeating the same information here, those findings and conclusions are included here by reference.

## **ATTACHMENTS**

- Attachment A: Vicinity Map
- Attachment B: Comprehensive Plan Map
- Attachment C: Zoning Map
- Attachment D: Natural Resources Map

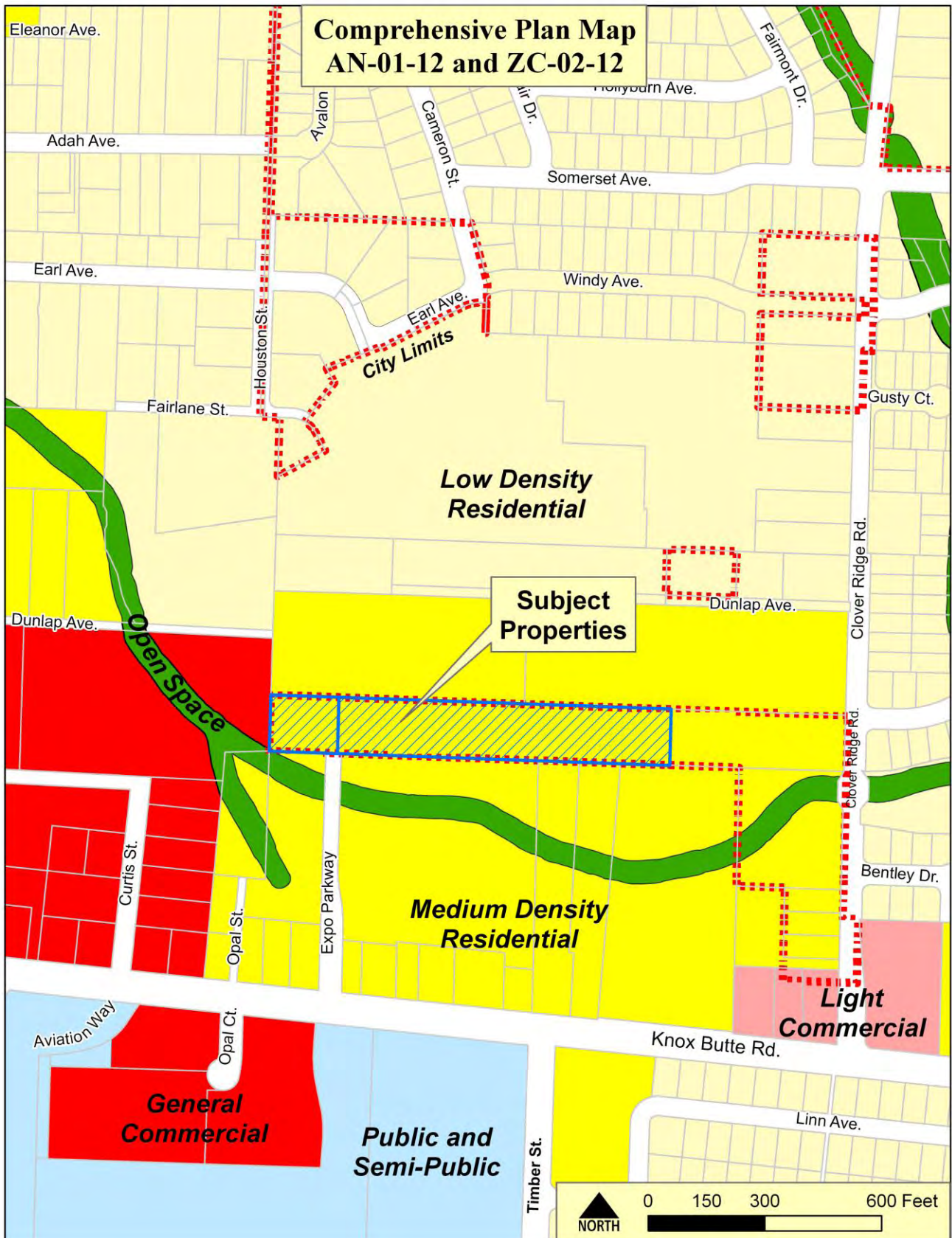


**STAFF REPORT ATTACHMENT A**  
**FILES: AN-01-12 AND ZC-02-12**



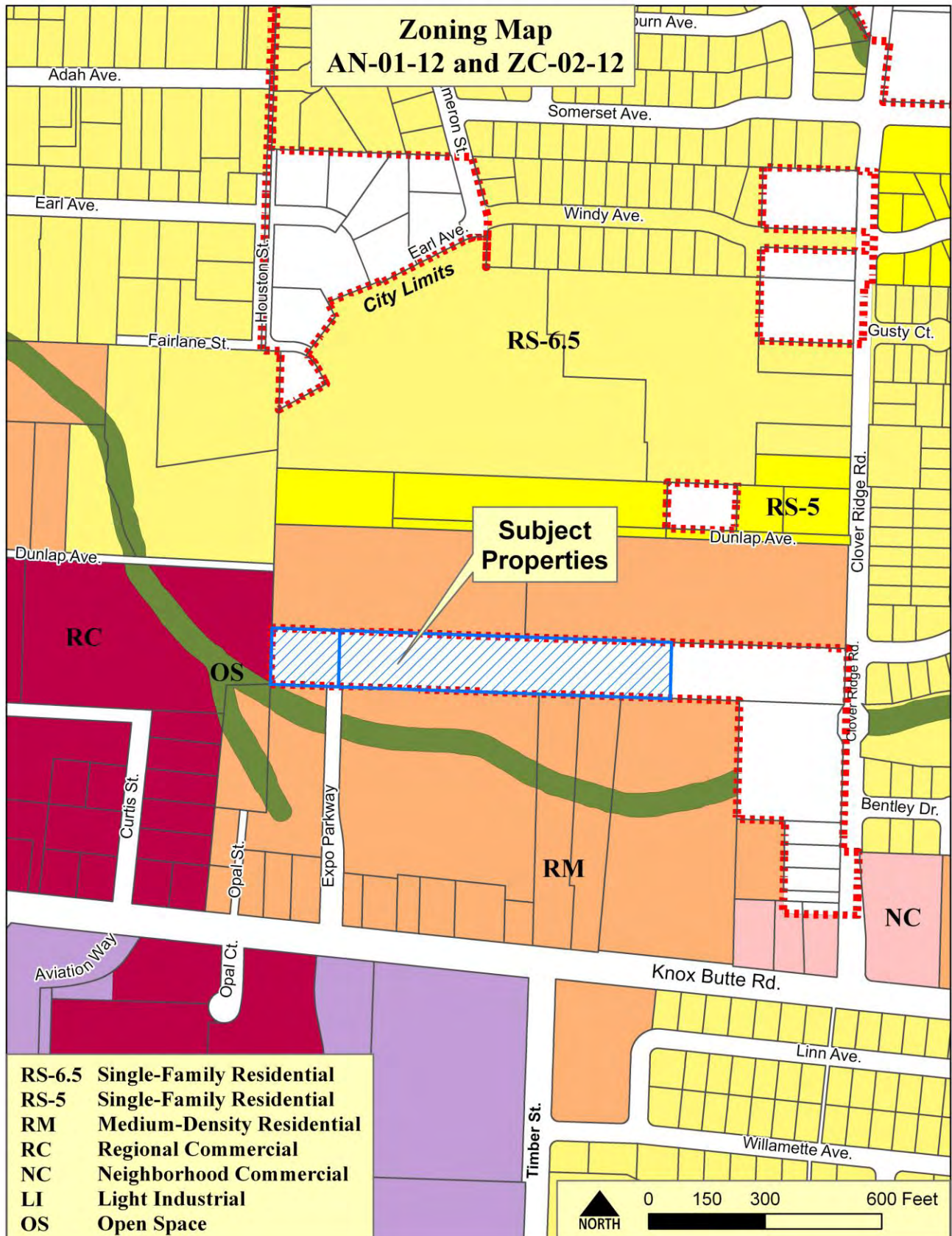


**STAFF REPORT ATTACHMENT B**  
**FILES: AN-01-12 AND ZC-02-12**

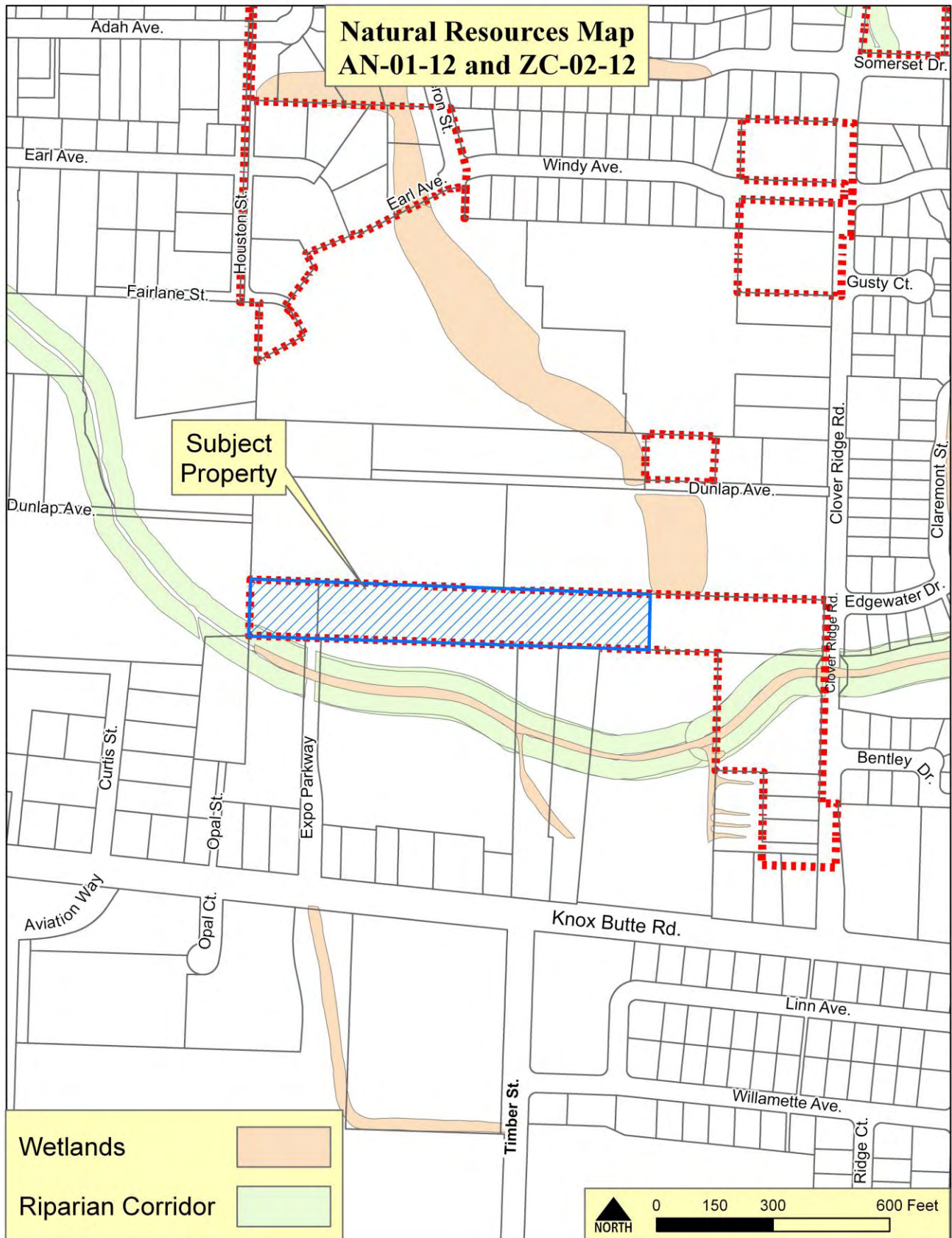




**STAFF REPORT ATTACHMENT C**  
**FILES: AN-01-12 AND ZC-02-12**



**STAFF REPORT ATTACHMENT D**  
**FILES: AN-01-12 AND ZC-02-12**







# Community Development Department

333 Broadalbin Street SW, P.O. Box 490  
Albany, OR 97321

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## STAFF REPORT

### Comprehensive Plan Map and Zoning Map Amendments (CP-01-12 & ZC-01-12)

<b><u>HEARING BODY</u></b>	PLANNING COMMISSION	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Monday, July 16, 2012	Wednesday, August 8, 2012
<b><u>HEARING TIME</u></b>	5:15 p.m.	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

### **EXECUTIVE SUMMARY**

The city of Albany is initiating a Comprehensive Plan Map and Zoning Map Amendment on one square block area west of Calapooia Street, north of 4<sup>th</sup> Avenue, east of Vine Street/Santiam Canal, and south of 3<sup>rd</sup> Avenue. The block is located within the Monteith Historic District and primarily contains historic residences.

Prior to adoption of the Central Albany Land Use and Transportation Study (CALUTS)/Town Center Plan in 1996, this block was zoned R-3 (Multifamily Residential). The Town Center Plan proposed the block be zoned HM (Hackleman-Monteith District) to preserve historic buildings. However, in 1996, the zoning was changed to HD (Historic Downtown District) rather than HM. This inadvertently made all of the existing multifamily residences on the subject block nonconforming because the HD zone is a mixed-use commercial zone, not residential. This means if a duplex or multifamily home was destroyed, it could not be rebuilt since they are no longer an allowed use. The nonconforming status has been an obstacle to selling and refinancing these properties.

In order to help support the health of the historic resources in this block and to reflect the original planning for this area, the City proposes to change the zoning of this block from HD to HM, and to amend the Comprehensive Plan Map from Village Center (VC) to Low Density Residential (LDR). The proposed designations are consistent with a large area of similarly designated properties abutting this block to the south. Rezoning the block from HD to HM will allow legally established duplexes and multifamily residences to be added to the "Special Status" list so that they may be deemed conforming uses.

A Comprehensive Plan map amendment to LDR must be consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and on balance be more supportive of the Plan as a whole than the current designation of VC. The Plan policies also require evaluation of short-and long-term impacts of the proposed change.

The staff analysis concluded the following:

- The proposed amendment substantially supports the Comprehensive Plan's goal and policies;
- The HM zone is intended to preserve Albany's nationally recognized historic neighborhoods;
- While allowing residences above or attached to a business, the HD zone is one of the most restrictive 'village center' designations for residences. New single family, two family and multifamily dwellings are not allowed.
- Neither the HM nor the HD are fully adequate for allowing the existing dwelling units to remain, however on balance, the HM zone is more consistent with existing and intended uses on the block.

- Public need for changing the land on the subject block from Village Center(VC) to Low Density Residential (LDR) has been demonstrated;
- In the short term, the proposed map amendments would have little impact since most of the site is developed with residential dwelling units that are nearly all ‘historic contributing’;
- In the long term, the site could have redeveloped to more intensive commercial uses with some potential for high density residential when attached to a business;

Because of the small amount of land included in this proposal, the amendments will likely have little to no impact in the Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals. Therefore, the staff recommendation is APPROVAL of the Proposed Comprehensive Plan and Zoning Map amendments.

### **GENERAL INFORMATION**

DATE OF REPORT: July 9, 2012

FILES: CP-01-12 and ZC-01-12

TYPE OF APPLICATIONS: (1) Quasi-judicial Comprehensive Plan Map amendment to change 1.39 acres from VC (Village Center) to LDR (Low Density Residential.)

(2) Quasi-judicial Zoning Map amendment to change 1.39 acres from HD (Historic Downtown District) to HM (Hackleman-Monteith District).

REVIEW BODY: Planning Commission and City Council

STAFF REPORT PREPARED BY: David Martineau, Project Planner

PROPERTY OWNERS: (1) 602, 606, 610, & 614 3<sup>rd</sup> Avenue SW: Kevin J. and Pam Ostby; 3630 Riverview Terrace; Needles, CA 92363-4004;

(2) 620, 622, 624, 626, 630, & 640 3<sup>rd</sup> Avenue SW: Ostby Investments, Inc.; 3630 Riverview Terrace; Needles, CA 92363-4004;

(3) 324 Calapooia Street SW: Ostby Investments, Inc.; 3630 Riverview Terrace; Needles, CA 92363-4004;

(4) 334 Calapooia Street SW: Stephen and Bonnie Ball; 9818 Woodbridge Lane; Riverside, CA 92509;

(5) 615 4<sup>th</sup> Avenue SW: Angel R. Guaman; 4815 SW 175<sup>th</sup> Avenue; Aloha, OR 97007;

(6) 625 4<sup>th</sup> Avenue SW: Pacific Power & Light Co.; 825 NE Multnomah Street, Suite 1900; Portland, OR 97232.

APPLICANT: City of Albany, Department of Community Development; 333 Broadalbin Street SW; PO Box 490; Albany, OR 97321

LOCATION: Block 24, City of Albany, which is located west of Calapooia Street, north of 4<sup>th</sup> Avenue, east of Vine Street/Santiam Canal, and south of 3<sup>rd</sup> Avenue.

MAP/TAX LOTS: Linn County Assessor’s Map Nos. 11S-04W-12AA; Tax Lots 800, 900, 1000, 1001, 1002, 1003, 1400, 1500, 1600, and 1800

CURRENT ZONING:	HD (Historic Downtown District)
EXISTING LAND USE:	Single family, two family and multifamily residences. A parcel located on the block's southwest corner contains an electrical power substation.
SURROUNDING ZONING:	North: HD South: HM East: HD West: HM
SURROUNDING USES:	North: Five story apartment building with ground floor commercial space South: Single family residences and duplexes East: Residences and parking lot West: Canal and city water treatment plant
PRIOR HISTORY:	Ordinance 5241 (CP-03-95 and DC-01-95) changed the Comprehensive Plan map designation from High Density Residential to Light Commercial and the Zoning from RM-3 (Residential) to HD (Historic Downtown District).  Ordinance 5543 (CP-01-02) created the Village Center Comprehensive Plan designation and the block changed from Light Commercial to Village Center.  Historic Review (HI-15-06) at 615 4 <sup>th</sup> Avenue SW;  Variance (VR-02-99) and Site Plan Review (SP-40-99) for construction of a duplex and a reduction of required parking, and Historic Review (HI-01-00) for exterior alterations at 334 Calapooia Street SW;  Property Line Adjustment (LA-14-97) and Historic Review (HI-04-98) for exterior alterations at 316 Calapooia Street SW;  Property Line Adjustment (LA-14-97) and Tentative Subdivision (SD-01-11) at 602-614 3 <sup>rd</sup> Avenue SW;  Property Line Adjustment (LA-14-97), Historic Review (HI-06-98) and Tentative Subdivision (SD-01-11) at 620-624 3 <sup>rd</sup> Avenue SW;  Tentative Subdivision (SD-01-11) at 626 3 <sup>rd</sup> Avenue SW;  Historic Review (HI-18-03) and Tentative Subdivision (SD-01-11) at 630 3 <sup>rd</sup> Avenue SW; and  Tentative Subdivision (SD-01-11) at 640 3 <sup>rd</sup> Avenue SW.

### **NOTICE INFORMATION**

A "Measure 56" notice of the public hearings was mailed June 22, 2012 to affected owners of property on the block, in accordance with state law. A Notice of Public Hearing was mailed to surrounding property owners on July 6, 2012. Notice of Public Hearing was posted on the block at two locations on July 9, 2012. The Comprehensive Plan and Zoning Map Amendment staff report was posted on the City's website July 10, 2012. At the time this staff report was completed, no comments had been received.

## APPEALS

Within five days of the City Council’s final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

## STAFF ANALYSIS

### **Comprehensive Plan Map Amendment File CP-01-12**

Section 2.220(3) of the Albany Development Code (ADC) includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

- (1) *The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.*

## FINDINGS OF FACT

- 1.1 Current Plan Designation: The current Comprehensive Plan Map designation of the properties is Village Center (VC). The VC designation “provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a VC will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development. Within the VC Plan designation there will be at least two zones. One is a mixed-use commercial zone, the other is a medium- to high-density residential zone that provides a mix of housing choices,” (Comprehensive Plan, page 9-10).
- 1.2 Requested Designation: The request is to designate 1.39 acres of VC to Low Density Residential (LDR). The LDR Plan designation “identifies areas predominantly suited or used for detached single-family development on lot sizes ranging from 5,000 to 10,000 square feet.”
- 1.3 The Comprehensive Plan defines a goal as, “a general statement indicating a desired end, or the direction the City will follow to achieve that end.”

The Comprehensive Plan describes the City’s obligation in regard to goals as follows: “The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed,” (Comprehensive Plan, page ii).

- 1.4 The Comprehensive Plan (page 2) defines a policy as, “a statement identifying a course of action or City position.”

The Comprehensive Plan describes the City’s obligation in regard to policies as follows: “The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g., shall, require) or more discretionary language (e.g., may, encourage),” (Comprehensive Plan, page iii).

## **Relevant Plan Goals and Policies**

- 1.5 The proposed Plan map amendment to change land from VC to LDR must satisfy long-range interests of the general public as outlined in the Comprehensive Plan's goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed LDR designation is more supportive of the Comprehensive Plan, on balance, than the current VC designation. The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in *italic* print followed by findings of fact and conclusions.

### **GOAL 2: LAND USE PLANNING (Chapter 9 – Land Use Planning)**

*Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:*

- 1. Remains current and responsive to community needs.*
- 2. Retains long-range reliability.*
- 3. Incorporates the most recent and reliable information.*
- 4. Remains consistent with state laws and administrative rules.*

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

*(a) Conformance with goals and policies of the Plan.*

- 1.6 How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under this review criterion.

*(b) Citizen review and comment.*

- 1.7 This Comprehensive Plan Map and Zoning Map Amendment application is processed as a Type IV quasi-judicial land use decision. The City's Development Code requires notification to surrounding property owners that this Comprehensive Plan Map Amendment Application has been received and that there will be public hearings on the application. Signs advertising the public hearing must also be posted on the property [ADC 1.400 and 1.410]. A Notice of Public Hearing was mailed to affected and surrounding property owners and the block was posted with the required signs.

*(c) Applicable Statewide Planning Goals*

- 1.8 How the proposed changes comply with the Statewide Planning Goals is the subject of this section of the report.

*(d) Input from affected governmental units and other agencies.*

- 1.9 ORS 197.610 requires the City to notify the Oregon Department of Land Conservation and Development (DLCDC) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice was provided to DLCDC. Pacific Power is a property owner within the subject area. They have been notified of the proposed amendments.

*(e) Short - and long-term impacts of the proposed change.*

*(f) Demonstration of public need for the change.*

*(g) Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.*

*(h) Any additional information as required by the Planning Commission and City Council.*

- 1.10 The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

## **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

### **Historic and Archaeological Resources (Chapter 2 – Special Areas)**

*Goal: Protect Albany’s historic resources and utilize and enhance those resources for Albany residents and visitors.*

*Policy 3: Within the city limits, maintain historic review ordinances for historic structures and districts which incorporate the following:*

- a. *Except where public safety is jeopardized, allow the demolition of historic structures only when the existing structure cannot be economically rehabilitated or moved, or there is a demonstrated public need for the new use; and the proposed development is compatible with the adjacent properties.*
  - b. *Ensure that exterior alterations of historic structures maintain the historic value of the structure and conform with the Secretary of the Interior’s Standards for Historic Preservation.*
  - c. *Ensure that the design of new construction within historic districts does not detract from the architectural qualities of the district.*
  - d. *Where the original or intended use of a structure is not feasible, encourage compatible adaptive uses of historic structures (i.e. establishment of bed and breakfast operations, specialty shops, restaurants, and professional offices) provided the historic integrity of the structure is maintained.*
- 1.11 The area subject to the Comprehensive Plan map amendment is located within the Monteith National Register Historic District. All of the properties in the subject area, except one – the Pacific Power property (Tax Lot 1800) – contain historic homes. Some of them have been converted to multiple units on the interior. On balance, the historic resources maintain their historic integrity and contribute to the character of the Monteith District.
- 1.12 The Albany Development Code Article 7 Historic Overlay Ordinance provides a means for the City to formally recognize and protect historic and architectural resources. The historic overlay standards require approval for exterior alterations to historic buildings and for relocation or demolition of historic buildings. Demolition is an “extreme and final measure.”
- 1.13 The current Historic Downtown District (HD) of the subject area primarily allows for a range of commercial uses. Residential uses are limited to the upper floors or attached to a business. (The purposes of the HD zone are described in more detail in findings 4.3 in the Zone Map Amendment section of this report.) Adapting the existing historic houses for the uses allowed in the HD zone would be challenging due to the small lots and inability to provide required on-site parking and building code standards. Demolishing the historic dwellings for new commercial or other development would not support the goals of protecting Albany’s historic resources.

## **GOAL 9: ECONOMY (Chapter 3 – Economic Development)**

### **Land Use**

*Goal 1: Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.*

*Policy 1: General: Provide opportunities to develop the full range of commercial, industrial, and professional services to meet the needs of Albany’s residents and others.*

- 1.14 The proposed Comprehensive Plan Map Amendment would change the map designation of 1.39 acres of land from Village Center (VC) to Low Density Residential (LDR). A concurrent Zoning Map Amendment proposes to change the same 1.39 acres of land from Historic Downtown District (HD) to Hackleman-Monteith District (HM). These changes would remove 1.39 acres designated for commercial development,



and will add that amount to the City's inventory of residential land. All lots on the affected block are already developed with a mix of single family, two family and multifamily residences. The remaining lot is owned by Pacific Power and contains a power generation substation.

- 1.15 The current VC designation of the subject block provides the opportunity for a full range mix of uses including retail and residential uses and may include offices, community and personal services, and live-work units. The current zoning of the block is HD which allows a range of commercial uses such as restaurants, offices, indoor entertainment and retail uses through Site Plan Review. Uses allowed through Conditional Use approval include community services, educational and religious institutions.
- 1.16 The HD district is one of nine "Mixed Use Village Center Zoning Districts," as described in Article 5 of the Albany Development Code (ADC). The Central Albany "village center" includes a large area and numerous other commercial mixed-use zoning districts to provide a full range of support commercial and professional services in Central Albany such as CB, (Central Business), LE (Lyon Ellsworth) and WF (Waterfront). The commercial core is primarily located between the Willamette River to the north and 3<sup>rd</sup> Avenue to the south, and Calapooia Street to the west and Baker to the east, and includes the properties along the Highway 20 couplet streets of Lyon and Ellsworth.

The size of the area proposed for a Comprehensive Plan Map and Zoning Map amendment is 1.39 acres. Excluding the power company lot, the lot sizes in the area range from 2,500 square feet to 6,750 square feet and are fully developed with residential units.

***Goal 3: Create village centers that offer housing and employment choices.***

***Commercial Policy 4: Use land use controls and other tools to reserve Village Centers for intended uses.***

- 1.17 The character of each Village Center zone varies based upon historic development patterns, adjacent zones and uses. According to Section 5.020 of the ADC, "medium-density residential development that provides a mix of housing choices is located adjacent to Village Center commercial zones."
- 1.18 The intended use of the HD district is described as follows by Section 5.030(1) of the ADC: "The HD district is intended primarily for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, night life and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses." Lower density, primary residential development that characterizes much of the subject block is not consistent with the intended character of the HD district.

### **Central Albany**

***Goal: Revitalize the Central Albany area so that it will accommodate a significant portion of Albany's future employment and housing needs while retaining its unique historic character, vibrancy and livability.***

***Policy 3: Create a readily identifiable core that is unique and vibrant with a mixture of entertainment, culture, housing, specialty shops, offices and other commercial uses by:***

- a. Promoting the downtown as the center of a variety of commercial, service, entertainment and housing activities.*

- 1.19 Retaining Albany's historic building stock is central to creating Central Albany's identity and was a key element in the 1996 Central Albany Land Use and Transportation Study (CALUTS). It conceptualized the land use elements that would make up the Historic Downtown District and the Hackleman-Monteith District Historic District. These evolved into the HD and HM zoning districts of today. According to the Framework Plan, historic downtown was envisioned to have a dense mixture of uses oriented both horizontally and vertically. High density residential infill was encouraged. As a destination for entertainment in the community, there would be emphasis on theaters, restaurants, nightlife and specialty shops. It would also

serve as a center for emergent businesses, medical/professional offices, and government offices.

- 1.20 The CALUTS study affirmed principal features of the Hackleman-Monteith District which included preservation of historic buildings and landscapes while discouraging the conversion of residences to other uses. Increases to residential density however was encouraged through townhome and apartment infill, accessory rental units and home offices.
- 1.21 When the zoning proposed in the CALUTS Plan was adopted in 1996, the subject block was zoned HD despite the fact that preservation of residential uses was an explicit goal of the HM district and the Plan proposed HM. Nothing in the available record indicates intent on the inconsistency between the Plan and why the area was zoned HD and not HM.

#### **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 that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.***

- 1.22 The Monteith and Hackleman National Register Historic Districts provide diverse neighborhoods. There is diversity in house and lot sizes, price, and architectural style. The residential historic districts play an important role in providing a supply of residentially zoned land adjacent to the downtown commercial districts.
- 1.23 Variables affecting housing needs include age of the household members, income and size together with population growth. The Albany Comprehensive Plan anticipates a population in 2025 of 57,030. About 4,300 housing units will be needed to meet the expected demand.
- 1.24 According to the Comprehensive Plan, there is a surplus of about 2,237 acres of land available within the City and urban growth area to accommodate residential development through 2025. Most of the residential growth is projected to be accommodated with new development in the WF and MUR zones, and redevelopment of upper floors in existing building and infill in the HD and CB zones. An estimated 63 dwelling units will be needed to accommodate projected growth in the HM zone to 2025.

***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.***

- 1.25 The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith Historic Districts. Single Family structures are allowed, however duplexes and multifamily dwellings are not allowed unless they appear on the "Special Status" list. It is less flexible than other residential zones due to its nationally recognized historic nature. Due to its proximity to downtown commercial areas, it is a zone which provides residents easy access to transit, employment sites, shopping, and community services.

***Policy 10: Preserve and enhance Albany's historic housing as a unique and valuable resource.***

- 1.26 The Comprehensive Plan emphasizes the importance of preserving Albany's historic housing and neighborhoods. According to the Plan, "The Monteith, Hackleman, and Downtown Historic Districts have achieved national recognition by being placed on the National Register of Historic Places, the nation's official list of cultural resources worthy of preservation." Most important to this unique and valuable resource is the

architectural quality of the structures in Albany which represent virtually every style and type of house ever built in the Northwest.

### CONCLUSIONS (CRITERION 1, PLAN GOALS AND POLICIES)

The following summarizes the findings and conclusions of the evaluation of the Plan goals.

- 1.1 Goal 2, Land Use Planning. Notification was sent to all affected and surrounding property owners and agencies with jurisdiction. Two public hearings have been scheduled to consider the proposed comprehensive plan and zoning map amendments.
  - 1.2 Goal 5, Natural Resources, Scenic and Historic Areas, and Open Spaces. The subject block is located in the Monteith National Register Historic District and is primarily characterized by historic residences. The Hackleman-Monteith District (HM) zoning was created to preserve Albany's historic buildings and discourage conversion of residential buildings to other uses.
  - 1.3 Goal 9, Economic Development. The 1996 CALUTS plan conceptualized land uses for the Historic Downtown District (HD) and HM districts. Despite the predominance of historic residences on the subject block, the area was zoned HD instead of HM when the CALUTS plan zoning was adopted in 1996. The Village Center comprehensive planning designation was applied to the areas zoned HD and other mixed use zones. This action rendered most residential uses on the block non-conforming. This block was not intended to be used for mixed-use commercial purposes.
  - 1.4 Goal 10, Housing. If the proposed map amendments are approved, 1.39 acres of land currently developed with residential uses and a utility company will be created in the LDR area, and 1.39 acres of mixed-use commercial land will be removed from the inventory.
  - 1.5 On balance, the evidence supports changing the designation of the subject block from VC to LDR, and the zoning from HD to HM.
- (2) ***The requested designation is consistent with any relevant area plans adopted by the City Council.***

### FINDING OF FACT

- 2.1 "Relevant area plans" as used here means land use plans. The 1996 CALUTS conceptualized the land use elements that would make up the Historic Downtown District and the Hackleman-Monteith District. The subject block was located within an area envisioned for residential uses as opposed to mixed commercial uses of the Historic Downtown District.

### CONCLUSION

- 2.1 The requested designation for this block is more consistent with the 1996 CALUTS plan than its current comprehensive plan and zoning map designation.
  - 2.2 This criterion is met.
- (3) ***The requested designation is consistent with the Comprehensive Plan Map pattern.***

### FINDINGS OF FACT

- 3.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning",

provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.

Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, Policy 15 of Goal 14 says, “Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use,” (Comprehensive Plan, page 8-3).

- 3.2 Currently, the land south of the subject block has a Comprehensive Plan designation of Low Density Residential (LDR), which is shown in light yellow on the Plan map that follows (see Figure 1). Properties to the north and east are designated Village Center (VC), and are shown as purple. Land designated for public use is shown in light blue on city-owned property to the west. The subject block serves as a buffer between these two designations. The proposed Plan map amendment would change the designation of 1.39 acres from VC to LDR.
- 3.3 The VC designation “provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a VC will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development. Within the VC Plan designation there will be at least two zones. One is a mixed-use commercial zone, the other is a medium- to high-density residential zone that provides a mix of housing choices,” (Comprehensive Plan, page 9-10).

The LDR designation “Identifies areas predominantly suited or used for detached single-family development on lot sizes ranging from 5,000 to 10,000 square feet. Attached housing with smaller lot sizes is permitted in RS-5 and in planned or cluster developments in other zones,” (Comprehensive Plan, page 9-9).

- 3.4 Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- 3.5 The proposed Comprehensive Plan Map amendment with concurrent zone change to Hackleman-Monteith District (HM) for the block would reflect the existing historic residential units. No additional development is expected on these properties.

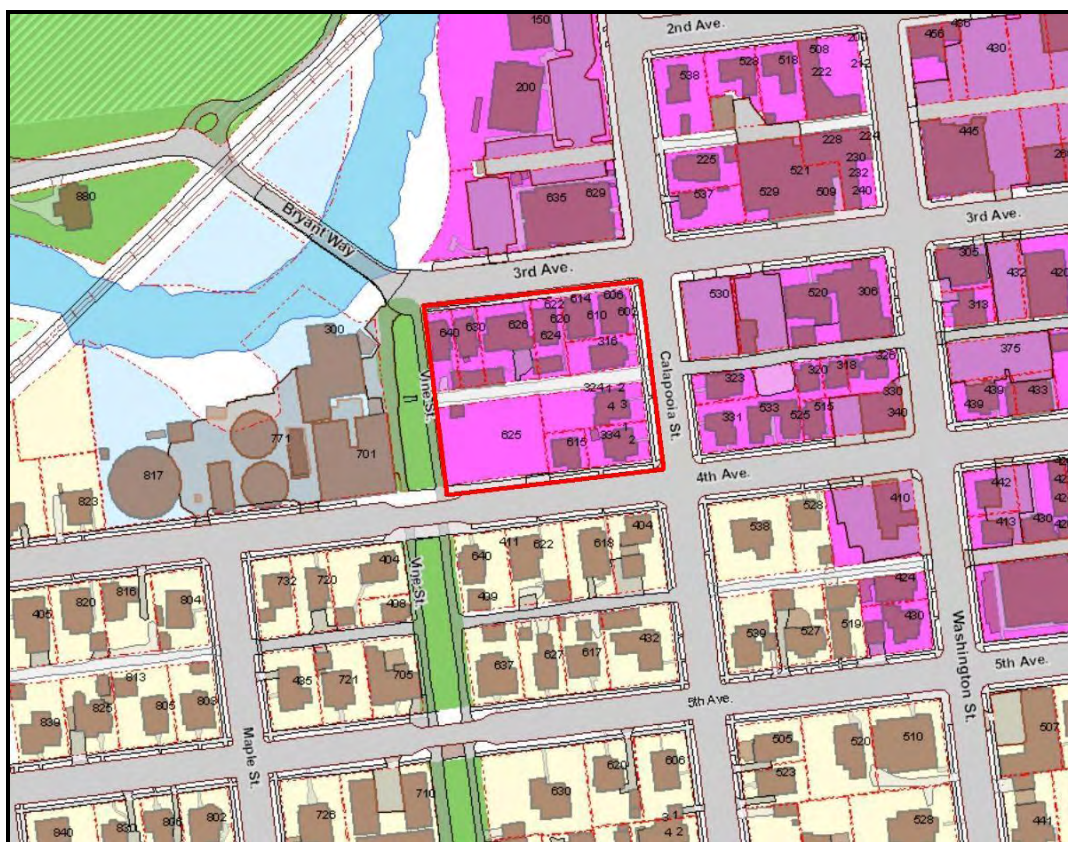


Figure 1: Subject block identified as "Village Center" in the Comprehensive Plan. Properties to the south are designated "Low Density Residential."

## CONCLUSIONS

- 3.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
  - 3.2 The predominant map pattern for this location is VC followed by LDR (see Figure 1).
  - 3.3 The proposal to change the Plan designation with the concurrent zone change to HM will have little effect on the neighborhood since all of the 1.39 acres that are the subject of the proposed Comprehensive Plan/Zone change are presently developed with single family, two family and multifamily dwellings. Pacific Power owns an electrical substation at 625 4<sup>th</sup> Avenue SW (Tax Lot 1800), which is unaffected by these amendments.
  - 3.4 The requested Plan designation is consistent with the Comprehensive Plan map pattern because the site is adjacent to residential development to the south.
  - 3.5 This review criterion is met.
- (4) *The requested designation is consistent with the statewide planning goals.***

## FINDING OF FACT

- 4.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals.

The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

## CONCLUSIONS

- 4.1 The requested LDR designation for this site is consistent with the Statewide Planning Goals.
- 4.2 This criterion is met.

## STAFF ANALYSIS

### **Zoning Map Amendment File ZC-01-12**

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

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

## FINDINGS OF FACT

- 1.1 The city of Albany proposes to change the zoning of 1.39 acres from Historic Downtown (HD) to Hackleman-Monteith District (HM).
- 1.2 The current Comprehensive Plan map designation of the subject site is Village Center (VC). The proposed HM zoning is not consistent with the Low Density Residential (LDR) Plan designation of the site.
- 1.3 The City has applied to change the Comprehensive Plan Map designation from VC to LDR.
- 1.4 The proposed zone change to HM is consistent with the concurrent proposed LDR designation of the property.

## CONCLUSIONS

- 1.1 The City has applied for a concurrent Comprehensive Plan Map amendment to LDR. The proposed HM zoning is consistent with the LDR designation.
- 1.2 This criterion is satisfied.
- (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 site consists of the block bounded by 3<sup>rd</sup> Avenue, 4<sup>th</sup> Avenue, Vine Street, and Calapooia Street. The zone change would change the designation of 1.39 acres of property from HD (Historic Downtown District) to HM (Hackleman-Monteith District).
- 2.2 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.3 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant effect" 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 ADC 5.060 lists the land uses permitted under the current HD zone designation. The most trip intensive uses allowed are for retail sales and service and restaurant uses.
- 2.5 ADC 3.050 lists the land uses permitted under the proposed HM zone designation. This designation generally limits property to single family residential uses. A limited number of additional uses, such as day care facilities, churches, and bed and breakfast establishments are allowed under either a site plan or conditional use process.
- 2.6 Based on Institute of Transportation Engineer's (ITE) trip generation rates, the commercial uses allowed under the HD cone designation have significantly higher trip generation rates than uses allowed under the HM zone designation.
- 2.7 Because uses allowed under the proposed zone designation have lower trip rates than uses allowed under the site's current designation, the zone change would result in a decrease rather than an intensification of possible uses on the site. As a result, the zone change would not have a significant effect on the transportation system.

## CONCLUSIONS

- 2.1 The proposed zone change would change the designation of 1.39 acres from HD to HM.
  - 2.2 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
  - 2.3 Zone changes must be evaluated for a "significant affect" in order to comply with the TPR.
  - 2.4 Based on the schedule of allowed uses contained in ADC 4.050, the reasonable worst case use allowed under the proposed zone designation would generate fewer trips than could occur with development under the current zone designation. The zone change is therefore not expected to have a significant effect on the transportation system.
  - 2.5 This review criterion is met.
- (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)).***

### Sanitary Sewer.

- 3.1 City utility maps show an 8-inch public sanitary sewer main in the alley between 3rd Avenue and 4th Avenue; a 16-inch sewer main in 4th Avenue; and a 12-inch sewer main in Calapooia Street. All properties (except the power substation at the southwest corner of the block) within this block are developed with residential uses and are currently served by the public sewer system.

### Water.

- 3.2 City utility maps show a 12-inch public water main in Vine Street; a 6-inch water main in 3rd Avenue; a 12-inch water main in Calapooia Street along the northern half of the block; a 3-inch water line in Calapooia Street along the southern half of the block; a 12-inch water main in the alley; and a 2-inch water line along the north side of 4th Avenue; and a 20-inch water main along the south side of 4th Avenue. All properties (except

the power substation at the southwest corner of the block) within this block are developed with residential uses and are currently served by the public water system.

#### Storm Drainage.

- 3.3 City utility maps show a 12-inch public storm drain main in Calapooia Street. While 3rd Avenue and 4th Avenue have no piped public storm drainage facilities, these streets are improved to city standards with curb and gutter. The gutters along the streets collect storm water runoff from the streets and adjacent properties and carry the runoff to the storm drainage facilities in Calapooia Street.

#### CONCLUSIONS

- 3.1 The existing public sanitary sewer facilities in this area are capable of accommodating the existing development as well as future development allowed in the proposed zone.
- 3.2 The existing public water facilities in this area are capable of accommodating the existing development as well as future development allowed in the proposed zone.
- 3.3 The existing public storm drainage facilities in this area are capable of accommodating most residential development that could occur in the proposed zone. Any development that may occur which may produce higher levels of storm water runoff would likely be required to provide on-site storm water detention to protect the public system from overloading.
- 3.4 This review criterion is met.
- (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 HD (Historic Downtown District). The proposed zoning is HM (Hackleman-Monteith District).
- 4.2 Prior to being zoned HD, the subject block was zoned R-3 (1989) and RM-3 (1998). Both zoning designations allowed single family outright, duplexes and multifamily either outright or through Site Plan Review according to development codes in effect at the time.

#### Zoning District Purposes

- 4.3 According to Section 5.030(1) of the Albany Development Code, the HD (Historic Downtown District) zoning district is “intended primarily for a dense mixture of uses with an emphasis on entertainment, theaters, restaurants, night life and specialty shops. High-density residential infill on upper floors is encouraged, as is the continued presence of the government center and supporting uses.”
- 4.4 New single family, two family and multifamily units are not permitted in the HD district. Residential care or treatment facilities and dwelling units above or attached to a business are the only residential uses allowed in HD contingent upon Site Plan Review approval. Basic Utilities are allowed through Conditional Use approval in the HD district provided they have no potential visual or off-site impacts. However treatment plants, major power generation facilities, and major overhead power lines that require support structures are prohibited.
- 4.5 The site is not characteristic of HD zoned sites in Albany, due to its existing development of a range of residential uses. Other than an electrical substation on one affected parcel, there are no commercial uses consistent with HD zoning on this block.



- 4.6 According to the Central Albany Land Use & Transportation Study (CALUTS) Town Center Plan and the 2001 Central Albany Revitalization Area (CARA) Urban Renewal Plan, the intent of the Hackleman-Monteith District (HM) district was to “preserve existing single family residences for that use, but not make existing multifamily development non-conforming.” The Plans recognized the fact that there were duplexes and multifamily residences created for that purpose. They were intended to remain conforming uses and not subject to restrictions that would otherwise apply if they were non-conforming uses. Duplexes and multifamily residences that were shown to be legally established in areas previously zoned RM-3 (and certain other zones) at the time the HM zone was established on May 22, 1996, were listed on a “Special Status” list.
- 4.7 According to the Section 3.020(7), “The HM district is intended primarily to preserve the existing single-family residential character of the Hackleman and Monteith National Register Historic Districts. Conversion of single-family residential structures to other uses, including multifamily residential, is not allowed.” A “special status” list was created for dwellings that were legally converted to two family and multifamily units when the area was zoned HM. The multi-unit residences in the subject block may be added to the Special Status list found in ADC 3.085, where they may be deemed conforming to the base zoning district.
- 4.8 Regarding the proposed HM zoning district best satisfying the goals and policies of the Comprehensive Plan, the Findings and Conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on this site were generally supportive of listed Plan policies.
- 4.9 The purpose of the Hackleman-Monteith District zoning district supports many of the Comprehensive Plan goals and policies. The Comprehensive Plan emphasizes the importance of preserving Albany’s historic housing and neighborhoods. According to the Plan, “The Monteith, Hackleman, and Downtown Historic Districts have achieved national recognition by being placed on the National Register of Historic Places, the nation’s official list of cultural resources worthy of preservation,” (Comprehensive Plan, page 2-11). Retention of the HD zone would not support the long-term need to preserve historic homes as valuable assets.

## CONCLUSIONS

- 4.1 The HM zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.
- (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 A primary purpose of the CALUTS Plan was to protect Albany’s three National Register Historic Districts in the Central Albany area, including one historic commercial district and two residential districts.
- 5.2 The Plan proposed the block be zoned HM due to the historic residences.
- 5.3 Albany’s Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.

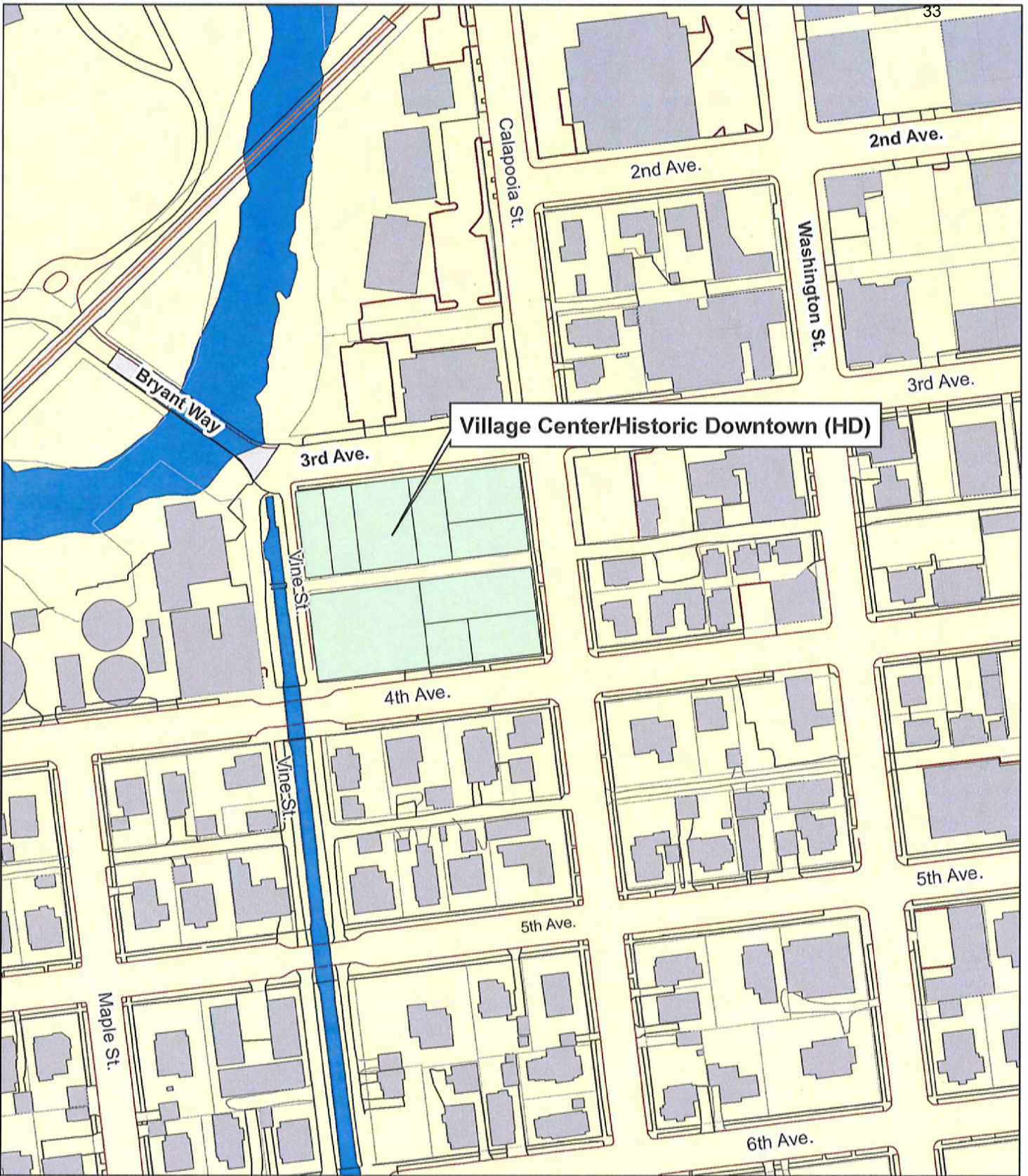
## CONCLUSIONS

- 5.1 The current HD zoning is not consistent with the CALUTS Plan. The HM zone will better protect the historic residential buildings and uses than the HD zone.


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

#### ATTACHMENTS


Location Maps, Background and Description



## Current Comprehensive Plan and Zoning Designation


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 of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchase or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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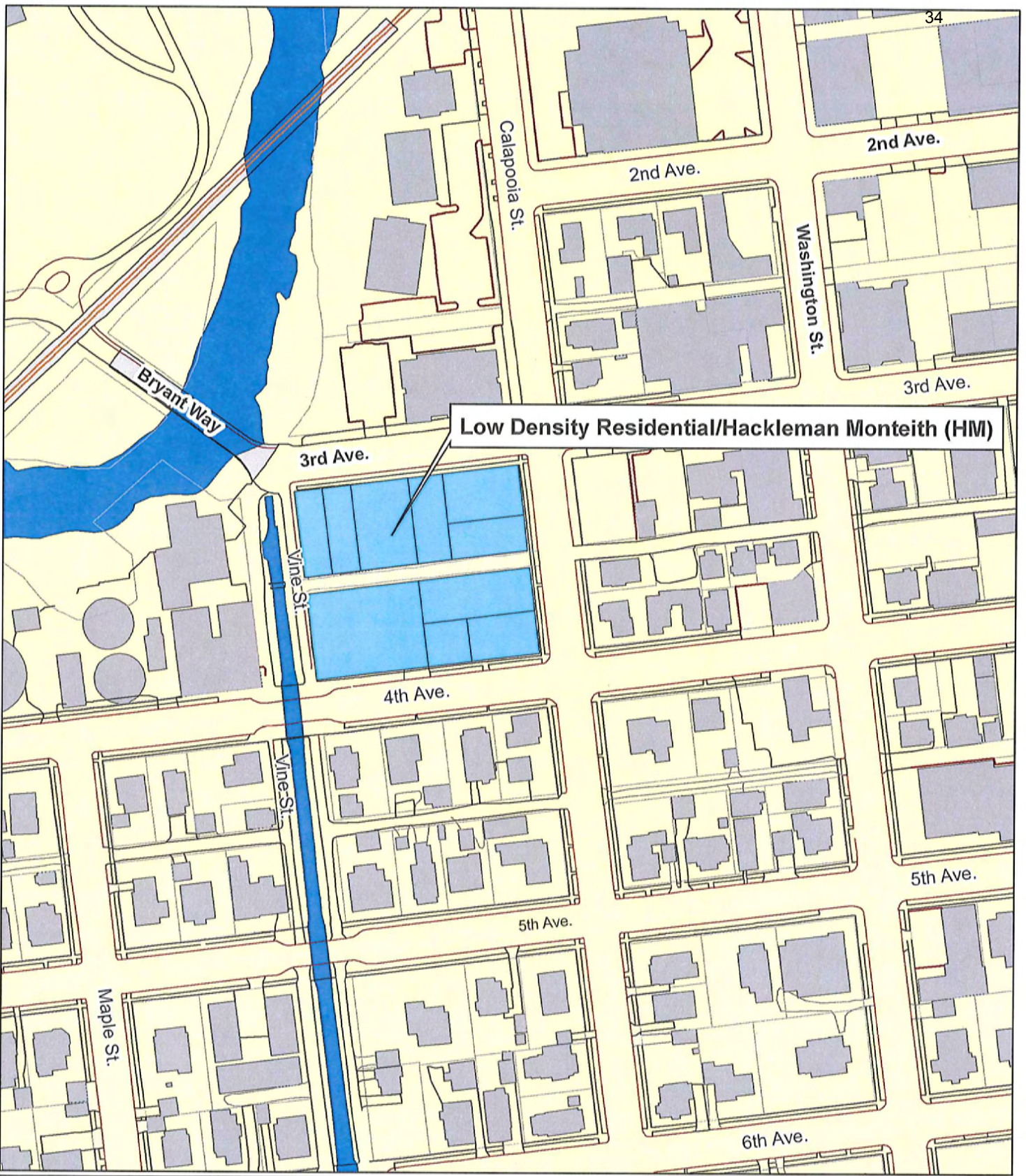
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June 5, 2012

David Martineau, Planning Division


City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550






**Low Density Residential/Hackleman Monteith (HM)**

# Proposed Comprehensive Plan and Zoning Designation

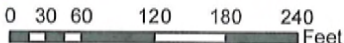


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## Background and Description (CP-01-12 and ZC-01-12)

This Comprehensive Plan Map and Zoning Map Amendment affect the following properties in the city of Albany. Maps are attached.

Site Address	T/R/S Tax Lots
602, 606, 610 & 614 3 <sup>rd</sup> Avenue SW	11S-04W-12AA-1002
620, 622 & 624 3 <sup>rd</sup> Avenue SW	11S-04W-12AA-1001
626 3 <sup>rd</sup> Avenue SW	11S-04W-12AA-1000
630 3 <sup>rd</sup> Avenue SW	11S-04W-12AA-900
640 3 <sup>rd</sup> Avenue SW	11S-04W-12AA-800
324 Calapooia Street SW, Units 1, 2, 3 & 4	11S-04W-12AA-1400
334 Calapooia Street SW, Units 1 & 2	11S-04W-12AA-1500
615 4 <sup>th</sup> Avenue SW	11S-04W-12AA-1600
625 4 <sup>th</sup> Avenue SW	11S-04W-12AA-1800

This block was zoned R-3 (Multi-Family Residential) until 1996, when the zoning became HD (Historic Downtown) in connection with a broader effort to rezone sections of the city under the Central Albany Land Use/Transportation Study (CALUTS) vision. The comprehensive plan designation also changed from Urban Residential (1971) to High Density Residential (1989) to Village Center (1996).

As the result of this zoning action, multi-family residential uses became allowed only through Site Plan Review in 1996 and 2000 versions of the Albany Development Code. By February 2003, multi-family units were no longer allowed in the HD District. Staff research could find no evidence that this comprehensive plan and zone map change was intentional. Given the existing residential uses on these properties that go back many years, our review has lead us to conclude that a rezone of this block would better implement the policies of Albany’s comprehensive plan.

At the direction of the Community Development Director and the Planning Manager, we are initiating a comprehensive plan map and zoning map amendment on behalf of property owners for the one square block area west of Calapooia Street, north of 4<sup>th</sup> Avenue, east of Vine Street/Santiam Canal, and south of 3<sup>rd</sup> Avenue. The comprehensive plan map would be amended from “Village Center” to “Low Density Residential,” and the zoning map from Historic Downtown (HD) to the Hackleman Monteith (HM) District. These designations are consistent with a large area of similarly designated properties abutting this block to the south and west. Records indicate all but three lots in the block are owned by either the Ostby family or Ostby Investments Inc. The other property owners in the vicinity will be notified and invited to testify on the amendment application.

The HM zone allowed duplexes conditionally in 1996, however they were no longer allowed at all by 2000. Multi-family dwellings were not allowed in 1996 or 2000. During the CALUTS process, it was recognized that the new HM zoning would render existing duplexes and multi-family dwellings non-conforming. In response, Section 3.065 of the ADC contains a “Special Status” list that includes duplexes and multi-family dwellings that were zoned HM in either 1996 or 2007. Placement on this list allows structures to be deemed conforming in the event that any building on these properties is substantially destroyed, it can be rebuilt to the same size and density as existed on the property at the time the zone was first created, but will be subject to the regulations of any applicable overlay zone. It was intended that all “legally established” dwellings be included on the list. Those not included

could be added in the future if the property owner supplied evidence such as building permits, utility hook-ups, telephone directories or tax records.

If these amendments are ultimately approved, existing duplexes and multi-family dwellings located on the affected block may be eligible for the "Special Status" list of existing residential uses in ADC 3.085. Determination would be based on evidence that individual property owners must supply.

*--David Martineau, June 5, 2012*