



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/23/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Albany Plan Amendment
DLCD File Number 002-13

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, January 08, 2014

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: David Martineau, City of Albany
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronic ☐ mailed

DATE
STAMP

DEPT OF
DEC 20 2013
LAND CONSERVATION
AND DEVELOPMENT
For Office Use Only

Jurisdiction: **Albany**

Local file number: **ZC-03-13**

Date of Adoption: **12/11/2013**

Date Mailed: **12/16/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/11/2013

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Zoning Map Amendment to reconfigure the size and location of Residential Medium Density (RM), Single Family Residential (RS-5), and Mixed Use Commercial (MUC) zoning on one parcel in anticipation of future residential and mixed-use development. The entire property is approximately 106 acres, but the reconfiguration of the zoning boundaries for the RM, RS-5 and MUC zones only affects approximately 1 acre of land.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **RM, RS-5 and MUC**

to: **RM, RS-5 and MUC**

Location: **16150 Columbus Street SE; 11S-03W-29; Tax Lot 300**

Acres Involved: **1**

Specify Density: Previous: **no change**

New: **no change**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 002-13 (20014) [17719]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Melissa Anderson, Project Planner**

Phone: **(541) 704-2319** Extension:

Address: **PO Box 490**

Fax Number: **541-917-7598**

City: **Albany, OR**

Zip: **97321-**

E-mail Address:

melissa.anderson@cityofalbany.net

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

ORDINANCE NO. 5829

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 6150 COLUMBUS STREET SE.

WHEREAS, the Albany Planning Commission held a public hearing on November 18, 2013, on the proposed map amendment and recommended approval with conditions to revise the map and legal descriptions based on evidence presented in the staff report and testimony presented at the public hearing for City of Albany Planning File ZC-03-13; and

WHEREAS, the applicant revised the proposed zoning map and legal descriptions and these are included as Exhibits A and B to the attached Ordinance; and

WHEREAS, the Albany City Council held a public hearing on the same application on December 11, 2013, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated; and

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

Section 1: The Zoning Map designation of the areas described in Exhibits A and B of this Ordinance is hereby amended to reconfigure the size and location of the existing RM (Residential Medium Density), RS-5 (Residential Single Family), and MUC (Mixed Use Commercial) zoning districts.

Section 2: A copy of the map showing the amendment to the Zoning Map, attached as Ordinance Exhibit A, shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 3: A copy of the legal description of the affected property, attached as Ordinance Exhibit B, shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Section 4: The Findings of Fact and Conclusions included in the Staff Report, attached as Ordinance Exhibit C, are hereby adopted in support of this decision.

Section 5: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: Dec 11, 2013

Approved by the Mayor: Dec 11, 2013

Effective Date: Dec 11, 2013


Mayor

ATTEST:

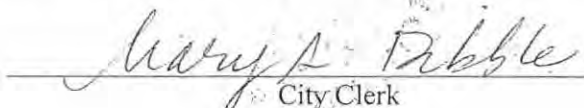

City Clerk

EXHIBIT A

COLUMBUS STREET PROPERTY

SEC. 20 & 29, T. 11 S., R. 3 W., W.M.
CITY OF ALBANY
LINN COUNTY, OREGON



VICINITY MAP

Owner/Developer:

TRI-COUNTY INVESTMENTS

17933 NW EVERGREEN PARKWAY SUITE 300
BEAVERTON, OREGON 97006



EXISTING ZONE BOUNDARIES



PROPOSED ZONE BOUNDARIES



MULTITECH ENGINEERING EXEMPT FROM
LIABILITY IF NOT STAMPED APPROVED
NOT FOR
CONSTRUCTION
UNLESS STAMPED
APPROVED



NO CHANGES, MODIFICATIONS OR
REPRODUCTIONS TO BE MADE TO
THESE DRAWINGS WITHOUT WRITTEN
AUTHORIZATION FROM THE DESIGN
ENGINEER.
DIMENSIONS & NOTES TAKE
PRECEDENCE OVER GRAPHICAL
REPRESENTATION.

DESIGNED BY: M.D.S.
DRAWN BY: M.D.S.
CHECKED BY: M.D.S.
DATE: OCT. 10, 13
SCALE: AS SHOWN
AS-BUILT: _____

**COLUMBUS STREET
PROPERTY**

**PRELIMINARY
PLAN**

Project Number
5784
Sheet Number
1 of 1

Zone RS-5

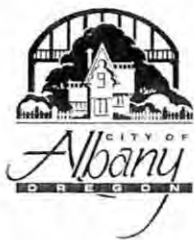
Beginning at a point being 231.72 feet South 53°30'33" West from Donation Land Claim number 55 and the quarter corner of sections 20 and 29, of Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon; thence 240.35 feet along a 330.00 foot radius curve to the right (the chord of which bears South 62°05'08" West 235.07 feet); thence 239.91 feet along a 930.00 foot radius curve to the right (the chord of which bears North 89°39'32" West 239.24 feet); thence South 43°42'36" West 225.03 feet; thence South 46°17'24" East 20.60 feet; thence South 43°42'36" West 113.00 feet; thence North 46°17'24" West 1040.41 feet; thence North 00°21'27" East 433.78 feet; thence North 44°48'39" East 169.91 feet; thence North 62°45'37" East 225.44 feet; thence South 86°41'19" East 166.16 feet; thence South 53°22'55" East 162.17 feet; thence South 72°22'12" West 72.50 feet; thence South 55°11'21" West 82.61 feet; thence North 89°29'57" West 205.00 feet; thence South 00°21'27" West 372.93 feet; thence South 46°17'24" East 709.64 feet; thence 77.41 feet along a 130.00 foot radius curve to the right (the chord of which bears North 88°24'14" East 76.27 feet); thence 341.83 feet along a 870.00 foot radius curve to the left (the chord of which bears South 85°47'35" East 339.63 feet); thence 196.65 feet along a 270.00 foot radius curve to the left (the chord of which bears North 62°05'08" East 192.33 feet); thence South 48°46'47" East 60.00 feet to the point of beginning and containing 11.084 acres plus or minus.

Zone RM

Beginning at a point being 558.73 feet South 04°30'10" West from Donation Land Claim number 55 and the quarter corner of sections 20 and 29, of Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon; thence South 00°23'53" West 52.00 feet; South 00°23'40" West 663.78 feet; thence North 46°17'24" West 1111.08 feet; thence North 43°42'36" 113.00 feet; thence North 46°17'24" West 20.60 feet; thence North 43°42'36" East 225.03 feet; thence 117.46 feet along a 930.00 foot radius curve to the left (the chord of which bears South 85°53'13" East 117.38 feet; thence South 00°23'40" West 196.32 feet; thence South 46°17'24" 40.20 feet; thence South 89°36'20" East 237.25 feet; thence South 00°23'40" West 100.00 feet; thence South 89°36'20" East 182.87 feet; thence 39.27 feet along a 25.00 foot radius curve to the left (the chord of which bears North 45°23'46" East 35.35 feet to the point of beginning and containing 8.279 acres plus or minus.

Zone MUC

Beginning at a point being 189.30 feet South $12^{\circ}35'47''$ West from Donation Land Claim number 55 and the quarter corner of sections 20 and 29, of Township 11 South, Range 3 West, of the Willamette Meridian, City of Albany, Linn County, Oregon; thence South $00^{\circ}23'53''$ West 372.27 feet; thence 39.27 feet along a 25.00 foot radius curve to the right (the chord of which bears South $45^{\circ}23'46''$ West 35.35 feet); thence North $89^{\circ}36'20''$ West 182.87 feet; thence North $00^{\circ}23'40''$ East 100.00 feet; thence North $89^{\circ}36'20''$ West 237.25 feet; thence North $46^{\circ}17'24''$ West 40.20 feet; thence North $00^{\circ}23'40''$ 196.32 feet; thence 122.45 feet along a 930.00 foot radius curve to the left (the chord of which bears North $86^{\circ}43'22''$ East 122.36 feet); thence 240.35 feet along a 330.00 foot radius curve to the left (the chord of which bears North $62^{\circ}05'08''$ East 235.07 feet); thence South $72^{\circ}03'44''$ East 152.42 feet to the point of beginning and containing 3.456 acres plus or minus.



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT Zoning Map Amendment (ZC-03-13)

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, December 11, 2013
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

SUMMARY

The site is zoned RS-5 (Residential Single Family), RM (Residential Medium Density), MUC (Mixed Use Commercial) and OS (Open Space). The subject property is approximately 106 acres total; however, the rezone affects only one acre of land in order to refine the boundary between the RM, RS-5 and MUC zoning districts; the OS zone is not affected by the proposed zone change. The RM and MUC zoning districts are consistent with the Comprehensive Plan map designation of Village Center, and the RS-5 zone is consistent with the Comprehensive Plan map designation of Urban Residential Reserve. The subject property was part of the South Albany Area Plan, located on the northwest corner of Columbus Street and Ellingson Road, at 6150 Columbus Street SE, Albany.

The criteria for amending the zoning map are found in Albany Development Code (ADC) 2.740, and these criteria are addressed in detail in this staff report. The proposed zoning map amendment is consistent with the City's Comprehensive Plan goals, policies and map designations, and the vision for the South Albany Area Plan. However, the proposed zoning map included a thin section of RM zone located between the MUC and RS-5 zoning districts. This thin section of RM zone is unnecessary because medium density residential uses are allowed in the MUC zone as well. Therefore, the Planning Commission recommended that this remnant section of RM zone be eliminated in order to provide clear zoning boundaries for future subdivisions and development.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended the City Council **APPROVE** the proposed zoning map amendment with the following **CONDITIONS**:

- 4.1 The applicant shall modify the proposed zoning map by shifting the MUC zoning district north to abut the RS-5 zoning district in order to eliminate the thin section of RM zone located between these two zoning districts.
- 4.2 The applicant shall provide legal descriptions for the RS-5, RM and MUC zoning districts to reflect the modification to the zoning map boundaries.

The applicant has met both of these conditions and the revised zoning map and legal descriptions are included as Exhibits A and B to the adopting Ordinance.

GENERAL INFORMATION

DATE OF REPORT: November 7, 2013
FILE: ZC-03-13

TYPE OF APPLICATION:	Quasi-Judicial Zoning Map Amendment (Type IV) to reconfigure the size and location of existing Residential Medium Density (RM), Single Family Residential (RS-5), and Mixed Use Commercial (MUC) zoning on one parcel.
REVIEW BODIES:	Planning Commission and City Council
PROPERTY OWNER/ APPLICANT:	Tri-County Investments LLC; 17933 NW Evergreen Parkway, Ste. 300; Beaverton, OR 97006-7438
AUTHORIZED AGENT:	Sean Keys; Tri-County Investments LLC; 17933 NW Evergreen Parkway, Ste. 300; Beaverton, OR 97006-7438
ENGINEER:	Mark Grenz; Multi/Tech Engineering; 1155 13 th Street SE; Salem, OR 97302; (503) 363-9227
ADDRESS/LOCATION:	6150 Columbus Street SE
MAP/TAX LOTS:	Linn County Assessor's Map No. 11S-03W-29; Tax Lot 300
ZONING:	Residential Single Family (RS-5); Residential Medium Density (RM); Mixed Use Commercial (MUC); Open Space (OS); Significant Wetland Overlay (/SW); Floodplain Overlay (/FP); and Riparian Corridor Overlay (/RC)
COMP PLAN DESIGNATION:	Urban Residential Reserve (URR); Village Center (VC); and Open Space (OS)
ACRES	106 acres
EXISTING LAND USE:	Henshaw Farm
NEIGHBORHOOD:	South Albany
SURROUNDING ZONING:	North: RS-6.5 (Residential Single Family) and RM (Residential Medium Density); OS (Open Space); Linn County-UGM 20 (Urban Growth Management, 20-acre minimum) South: Linn County-EFU (Exclusive Farm Use) West: Linn County-UGM 20 (Urban Growth Management, 20-acre minimum) and EFU East: OS and Linn County- UGM 20 (Urban Growth Management, 20-acre minimum) and UGM 5 (Urban Growth Management, 5 acre minimum)
SURROUNDING USES:	North: Oak Creek; Single Family homes and the Mennonite complex South: Farmland West: Farmland East: Single Family homes and farmland

PRIOR HISTORY:

AN-06-04: Annexation of approximately 110 acres into the City of Albany with the majority zoned RS-5 and the remainder zoned OS. Approved by the voters on May 18, 2005 and on July 13, 2005, the Albany City Council approved the annexation (ORD 5623).

SD-14-05 - Subdivision Tentative Plat to divide 109± acres of an 181± acre parcel of land into 429 residential single-family lots and a 5-acre park site. The subdivision was to be constructed in phases. A portion of the land to be divided is in a 100-year floodplain. The remainder acreage is outside the City's Urban Growth Boundary

SP-48-05 - Site Plan Review to remove eight trees that have trunks larger than 8-inches in diameter.

PRIOR HISTORY CONT. :

CP-04-12: Change designation from URR to VC for a site of approximately 10 acres on Columbus St. across from Seven Mile Lane (portion of Linn County Assessor's map #11S03W29, tax lot 300).

ZC-07-12: Change zoning from Residential Single-family (RS-5) to Mixed Use Commercial for a 3-acre site on Columbus St. across from Seven Mile Lane and change the zoning from RS-5 to RM for approximately 27 acres (portion of Linn County Assessor's map #11S03W29, tax lot 300).

SP-17-13: Administrative map amendment to refine the boundaries of the Open Space (OS) zoning district and OS comprehensive plan designation to the RS-5 zoning district and the Urban Residential Reserve plan map designation based on a wetland delineation that was approved by DSL.

NOTICE INFORMATION

A notice of the proposed zoning map amendment was sent to the Department of Land Conservation and Development on October 11, 2013, at least 35 days prior to the first evidentiary hearing on November 18, 2013.

A Notice of Public Hearing was mailed to surrounding property owners on October 25, 2013. The Notice of Public Hearing was posted on the subject property at two locations on November 5, 2013. The Zoning Map Amendment staff report was posted on the City's website November 8, 2013. 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 this application, the Community Development Director will provide written notice of the decision 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

Zoning Map Amendment File ZC-03-13

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. Note: Findings and conclusions submitted by the applicant can be found in the attachments.

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

FINDINGS OF FACT

1.1 The site is located on the northwest corner of Columbus Street and Ellingson Road, and the address is 6150 Columbus Street SE, Albany. The site was part of the South Albany Area Plan, and is zoned RS-5 (Residential Single Family), RM (Residential Medium Density), MUC (Mixed Use Commercial) and OS (Open Space). The subject property is approximately 106 acres total; however, the rezone affects only one acre of land in order to refine the boundary between the RM, RS-5 and MUC zoning districts; the OS zone is not affected by the proposed zone change. A map of the existing and proposed zoning boundaries is included in the attachments. A comparison of the existing and proposed land area for each zoning district affected by the proposal is listed below:

<u>Existing Zoning:</u>	<u>Proposed Zoning:</u>
RM = 20.58 acres	RM = 20.24 acres
RS-5 = 43.96 acres	RS-5 = 43.78 acres
MUC = 2.84 acres	MUC = 3.36 acres

1.2 The net effect of the proposed zone change compared with the existing zoning will be:

- A reduction of 0.34 acres in the area of the site zoned RM.
- A reduction of 0.18 acres in the area of the site zoned RS-5.
- An increase of 0.52 acres in the area of the site zoned MUC.

1.3 The current Comprehensive Plan map designations of the land areas proposed for a rezone are Urban Residential Reserve (URR) and Village Center. According to the Plan Designation Zoning Matrix table found in ADC 2.760, the RM and MUC zoning districts are consistent with the Comprehensive Plan map designation of Village Center, and the RS-5 zone is consistent with the Comprehensive Plan map designation of URR. The proposed adjustment to the zoning district boundaries will remain consistent with the URR and Village Center Comprehensive Plan map designations.

CONCLUSIONS

1.1 The proposed rezone impacts only a small portion of the subject property in order to refine the boundary between the RM, RS-5 and MUC zoning districts; the OS zone is not affected by the proposed zone change.

1.2 The proposed zoning district boundaries for the RM, RS-5 and MUC will remain consistent with the Comprehensive Plan designations of URR and Village Center.

1.3 This criterion is met without conditions.

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

FINDINGS OF FACT

2.1 The site is located on the northwest corner of Columbus Street and Ellingson Road. The site was part of the South Albany Area Plan, and is zoned RS-5, RM, Open-Space, and MUC. The proposal would adjust the boundaries of the MUC zoned portion of the site and change the zoning for a portion of the site zoned RS-5 and RM.

- 2.2 The net effect in terms of zoning as compared to current conditions would be:
- A reduction of 0.34 acres in the area of the site zoned RM.
 - A reduction of 0.18 acres in the area of the site zoned RS-5.
 - An increase of 0.52 acres in the area of the site zoned MUC.
- 2.3 The developer did not submit a Traffic Impact Analysis with the zone change application.
- 2.4 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.5 The basic TPR question posed by this zone change is whether the 0.52 acres of MUC being created would generate more net vehicle trips and have a greater affect on the street system than if that same area were to be developed under its current RM and RS-5 zone designation.
- 2.6 Based on Albany’s Development Code, the 0.34 acres of RM zoning being removed could have been developed with 8 multi-family dwelling units. Based on ITE trip generation rates those units would have resulted in 5 PM peak hour trips. The 0.18 acres of RS-5 zoning being removed could have been developed with one single family home. Based on ITE trip generation rates single family homes generate 1 PM peak hour trip. Taken together, the RM and RS-5 zoning being removed could have generated 6 PM peak hour trips.
- 2.7 The 0.52 acres of MUC zoning being created can be developed with 5 multi-family units and approximately 3,000 s.f. of neighborhood retail uses. Based on ITE trip generation rates the 5 multi-family units would generate 3 PM peak hour trips. Based on ITE trip generation rates for Specialty Retail the 3,000 s.f. of commercial uses would (assuming a 50% pass-by factor) generate 4 PM peak hour trips. Taken together, the residential and commercial uses allowed under the MUC zone designation could generate 7 net PM peak hour trips. That is one more PM peak hour trip than could be generated by development under the current zoning.
- 2.8 The SAAP included an evaluation of the transportation system in the area at year 2030 (Albany’s TSP horizon year). The system was found to have reserve capacity at year 2030. The addition of the one additional PM peak hour trip would have an insignificant additional impact on the transportation system.

CONCLUSIONS

- 2.1 The proposed zone change would remove 0.34 acres of RM and 0.18 acres of RS-5 zoning, and add 0.52 acres of MUC zoning.
- 2.2 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant affect”. The proposed zone change would result in one additional PM peak hour trip on the transportation system when compared to what could occur under the current zoning.
- 2.3 The SAAP included an evaluation of the transportation system in the area at year 2030 (Albany’s TSP horizon year). The system was found to have reserve capacity at year 2030. The addition of the one additional PM peak hour trip would have an insignificant additional impact on the transportation system.
- 2.4 Because the street system can accommodate development of the site under the requested zone designation the change does not result in a significant affect for purposes of the TPR.
- 2.5 This criterion is met without conditions.

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

Sanitary Sewer

- 3.1 City utility maps show a 16-inch public water main along the northernmost 950 feet of the subject property's Columbus Street frontage.
- 3.2 Future development on the subject property will require the extension of public sanitary sewer facilities along the property's frontages, as well as internal to the site, as needed to provide adequate service to the property, and to facilitate the further extension of the sewer to surrounding properties.

Water

- 3.3 City utility maps show a 12-inch public sanitary sewer main along the northernmost 300 feet of the subject property's Columbus Street frontage.
- 3.4 Future development on the subject property will require the extension of public water facilities along the property's frontages, as well as internal to the site, as needed to provide adequate service to the property, and to facilitate the further extension of the water system to surrounding properties.

Storm Drainage

- 3.5 City utility maps show that Columbus Street is not improved to city standards, as it does not include curb and gutter, sidewalks, or piped storm drainage facilities. Storm water runoff from the street and surrounding property is collected in roadside ditches and is carried to Oak Creek near the north border of the subject property.
- 3.6 Future development on the subject property will require the installation of public storm drainage facilities associated with public street improvements along the property's frontages, as well as internal to the site. These storm drainage facilities must be designed to accommodate anticipated storm water runoff from proposed development.

Police and Fire Protection

- 3.7 The Albany Police Department and Fire Department serve the property. No adverse impact is expected to result from this zoning map amendment.

CONCLUSIONS

- 3.1 Existing public utilities (sanitary sewer, water, and storm drainage) do not currently exist along the full lengths of the frontages of the site, nor within the subject property. When a future development proposal is submitted to the City for approval, the required public utilities will be determined based on the needs of the development and the requirements of the utility systems as specified in the respective facility plans.
- 3.2 It is not anticipated that the proposed zone changes will result in significant changes in the required public utilities for the subject property.
- 3.3 Because the public utilities that will serve the site will be constructed based on the proposed future uses on the subject property, the anticipated services will be able to accommodate the area without adverse impact on the affected service area.

3.4 This review criterion is met without conditions.

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

FINDINGS OF FACT

4.1 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-5, RM and MUC zoning districts “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in ***bold italic*** print.

4.2 ***Citizen Involvement (Goal 1): Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.***

Policies:

1. ***Establish a Citizen Involvement Committee to assist Albany’s citizens with land use issues and periodically review citizen involvement procedures and practices.***
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.***
3. ***Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.***
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.***

This application is reviewed according to the public review Quasi-Judicial Type IV process. Notice of the proposal was provided to property owners and public agencies. The published notice identified the applicable criteria. A public hearing to consider the request are being held by the Planning Commission and City Council. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

4.3 ***Land Use Planning (Goal 2):*** The current Comprehensive Plan map designations of the land areas proposed for a rezone are Urban Residential Reserve (URR) and Village Center. According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix.’ This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation,” (p. 9-12).

Based on this matrix, the current RS-5 and RM zoning is consistent with the URR Plan designation of the site and the current MUC zoning is consistent with the Village Center Plan designation. The proposed adjustment to the zoning district boundaries will remain consistent with the URR and Village Center Comprehensive Plan map designations. No zone change is proposed for the OS zoning **district**, which encompasses a portion of the subject property.

4.4 ***Urbanization (Goal 14): Achieve stable land use growth which results in a desirable and efficient land use***

pattern.

Policy 3: South Albany's overall land use pattern of residential, employment, and open space areas shall be generally consistent with the Organizational Framework (see Figure 1).

The subject property is located within the urban growth boundary, city limits of Albany and within the South Albany Area Plan (SAAP) study area. The intent of the SAAP is to encourage a welcoming community with thriving employment centers. The applicant's request is to allow a slightly larger MUC zoning district for a portion of the site by reducing a small portion of the RS-5 and RM zoned land. The land area impacted is approximately one acre of the 106 acre site. The overall layout and allowed uses within the site will remain the same. The proposed zone change will remain consistent with the Organization Framework as outlined in Figure 1 of the South Albany Area Plan. The subject property will continue to have the potential to provide a live/work community for the South Albany area.

- 4.5 ***Policy 11: Neighborhood Centers will be located at the intersection of Lochner and Ellingson, west of the intersection of Columbus and Seven Mile Lane, and in the Mennonite Village generally as shown on the Land Use Plan (Figure 5).***

The subject property is located on the northwest corner of Columbus Street and Ellingson Road. A portion of the site located south of Ellingson Road. The subject property is also within the general location of the Mennonite Village. The proposed rezone will increase the MUC zone by .52 acres, which is consistent with the existing Village Center Comprehensive Plan Map designation. The MUC zoned portion of the subject property is intended to be a Neighborhood Center with the potential for new mixed use that provide a mix of commercial, office, entertainment and medium-to high density residential uses that are integrated in the neighborhood with easy access to the existing transportation system.

- 4.6 ***Policy 13: The City shall allow flexibility in the size and exact location of lands zoned MUC. The South Albany Lane Use Concept indicates the general size and location of the Neighborhood Centers and future MUC zones. Flexibility is permitted consistent with the following:***

- a. ***Location – An applicant may request a “shifting” of the Neighborhood Center boundaries (MUC zoning) from those shown on the Land Use Concept for the purpose of accommodating site specific design factors (wetlands, trees, road locations), provided, the design of a pedestrian-oriented center is not compromised.***
- b. ***Size – An applicant may request an increase in the land area up to a maximum of 10 acres for Neighborhood Centers, for developments that include food stores and vertical mixed use.***

The subject property was zoned RM, RS-5, OS, and MUC, through the South Albany Area Plan. The vision for subject property is to allow a wide range of development types within the site to become a Neighborhood Center that accommodates housing, recreation and employment as well. The zone change is to adjust the boundaries within the site as designated through the South Albany Area Plan.

The applicant is requesting a “Shifting” in the Neighborhood Center boundaries as adopted on the South Albany Area Plan. The shifting of the boundary of the MUC zone will allow 3.36 acres to be developed as mixed-use by reducing the RM and RS-5 zone by less than an acre. The MUC zoning designation offers a broad mix of employment uses and housing opportunities, including retail, restaurants, and multi-family housing. The shifting of the boundary is illustrated on the site plan (see attachments) and itemized below.

Existing Zoning	Proposed Zoning	Net Difference
RM=20.58 acres	RM=20.24 acres	RM zone reduced by 0.34 acres
RS-5=43.96 acres	RS-5=43.78 acres	RS-5 zone reduced by 0.18 acres
MUC=2.84 acres	MUC=3.36 acres	MUC zone increased by 0.52 acres

- 4.7 *Policy 17: Comprehensive Plan and Zoning Map designations shall implement the Land Use Plan (see Figure 5), and be consistent with the following table.*

SAAP Land Use Concept	Comprehensive Plan Map Designation	Zone Map Designation*
Low Density Residential	Low Density Residential	RS-5, RS-6.5, RS-10
Medium Density Residential	Village Center <i>at the Lochner and Columbus centers</i>	RM
	Medium Density Residential <i>elsewhere</i>	RM, RS-5
Neighborhood Center	Village Center <i>at the Lochner and Columbus centers</i>	MUC
	Medium Density Residential <i>at Mennonite Village</i>	NC
Regional Commercial	General Residential	RC
Neighborhood Commercial	Light Commercial	NC
Industrial Park	Light Commercial	IP
Light Industrial	Light Industrial	LI
Heavy Industrial	Heavy Industrial	HI
Community Park	Low Density Residential	RS-5
Open Space	Open Space	OS

The subject property is designated as a Neighborhood Center within the South Albany Area Plan. The applicant's request is to adjust the boundaries of the MUC zoned portion of the site, as shown on the site plan. The MUC portion of the subject property is designated as "Village Center" as identified on the South Albany Area Plan. The MUC zone is consistent with this Village Center Comprehensive Plan designation and the plan map designation boundary will not be affected by this proposal. MUC zone and Comprehensive Plan designation implement the Land-Use Plan as outlined in the SAAP.

- 4.8 The proposed zoning map includes a thin section of RM zone located between the MUC and RS-5 zoning districts. This thin section of RM zone is unnecessary because medium density residential uses are allowed in the MUC zone as well. This remnant section of RM zone should be eliminated in order to provide clear zoning boundaries for future subdivisions and development.

CONCLUSIONS

- 4.1 Citizens and other affected groups and agencies have been notified and been allowed to participate in every phase of the planning process.
- 4.2 The proposed adjustment to the zoning district boundaries will remain consistent with the URR and Village Center Comprehensive Plan map designations; the plan map designation boundaries will not be affected by this proposal.
- 4.3 The proposed zone change will remain consistent with the Organization Framework as outlined in Figure 1 of the South Albany Area Plan.
- 4.4 The proposed zone change will maintain the Neighborhood Center land use designation for the area located at the intersection of Lochner and Ellingson, west of the intersection of Columbus and Seven Mile Lane.
- 4.5 The proposed shifting of the MUC zoning boundaries is consistent with the Land Use Concept of the South Albany Area Plan.

- 4.6 The proposed zoning map includes a thin section of RM zone located between the MUC and RS-5 zoning districts, and this should be eliminated by shifting the MUC zoning district north to abut the RS-5 zoning district.
- 4.7 This criterion can be met with conditions of approval.

CONDITIONS

- 4.1 The applicant shall modify the proposed zoning map by shifting the MUC zoning district north to abut the RS-5 zoning district in order to eliminate the thin section of RM zone located between these two zoning districts.
- 4.2 The applicant shall provide legal descriptions for the RS-5, RM and MUC zoning districts to reflect the modification to the zoning map boundaries.

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

FINDINGS OF FACT

- 5.1 The subject property is located within the adopted South Albany Area Plan (SAAP) area.
- 5.2 The proposed zoning district boundaries do generally comply with the land use and street pattern established by the SAAP.

CONCLUSIONS

- 5.1 The proposed application follows the adopted SAAP plan for the area.
- 5.2 This criterion is met without conditions.

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CITY OF ALBANY

**COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division**

333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144

RETURN SERVICE REQUESTED

DEC 20 2013

DLCD
Attn: PLAN AMENDMENT SPEC.
635 CAPITOL STREET NE
SUITE 150
SALEM, OR 97301-2540