



COMMUNITY DEVELOPMENT

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

Staff Report

Annexation with Zoning Map Amendment

AN-01-23 and ZC-03-23

September 25, 2023

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, October 2, 2023, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted at the Albany City Council Chambers

Virtual: At 5:15 p.m., join the meeting using the link below:

<https://council.cityofalbany.net/groups/plc/zoom>

Phone: 1-253-215-8782; meeting id: 837-8633-4863; passcode: 464432

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

Review Body: **City Council**

Hearing Date and Time: **Wednesday, October 25, 2023, at 6:00 p.m.**

Hearing Location: This hearing will be conducted at the Albany City Council Chambers

Virtual:

To comment/testify, please email cdaa@cityofalbany.net with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

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

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

Summary

This application is a request to annex a 9.08-acre tract of land consisting of three parcels, located south of 53rd Avenue SW, concurrently with a Zone Map Amendment from Linn County's Urban Growth Management/Urban Growth Area – 20-acre (UGA/UGM-20) zoning designation to Albany's Residential Single Dwelling Unit (RS-6.5) and Open Space (OP) zoning designations upon annexation (Attachment A). The Comprehensive Plan map designations of the subject properties are Low Density Residential (LDR) and Open Space (OS). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed RS-6.5 zoning designation is consistent with the Comprehensive Plan designation of the site (Attachment B).

The subject property is eligible for annexation as it is contiguous to the city limits, located within the Albany Urban Growth Boundary (UGB), and can be served by public services.

With the annexation, the subject property will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will be published prior to the city council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in ADC 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

As shown in this report, the proposal satisfies all applicable review criteria; therefore, the staff recommendation for the proposal is to grant APPROVAL.

Application Information

Proposal:	Annexation with concurrent Zone Map Amendment from UGA/UGM-20 to RS-6.5 and OS.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	Jennifer Cepello, project planner
Property Owners/Applicants:	1) Melinda Martin; 34550 Hwy 99E, Tangent, OR 97389 2) Tammy & Scott Laffin; 1897 53rd Avenue SW, Albany, OR 97321
Address/Location:	1) Unassigned; located on the south side of 53rd Avenue; next to 1770 53rd Avenue SW 2) 1894 53rd Avenue SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-04W-24C Tax Lots 600, 700, and 1100
Zoning:	Linn County Zone: Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	Residential Low Density and Open Space
Acres:	9.08 acres
Existing Land Use:	Bare land / Single dwelling unit
Neighborhood:	South Albany
Surrounding Zoning:	North: Residential Single Dwelling Unit (RS-6.5) South: Urban Growth Area-Urban Growth Management-20 Acre Minimum (UGA-UGM-20) East: RS-6.5 West: RS-6.5
Surrounding Uses:	North: Single dwelling unit South: Open space/agricultural East: Single dwelling unit West: Single dwelling unit
Prior History:	The existing residence at 1894 53rd Avenue SW was built in 1970.

Review Process and Appeals

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

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

Public Notice

Public notice was provided in accordance with Type IV legislative and quasi-judicial procedures. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on August 11, 2023, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and ADC 1.250(4) and 1.260(2).

A public notice was mailed to surrounding property owners within 300 feet of the subject property on September 11, 2023, in accordance with ADC 1.250(3) and ADC 1.260(2). A public notice was posted on the property on September 13, 2023, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on September 14, 2023, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on September 25, 2023, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had not received any written comments regarding the proposed project.

Analysis of Development Code Criteria

The ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Annexation (ADC 2.110)

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

Criteria 1

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

- (a) The property is contiguous to the existing city limits; and***
- (b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

Findings of Fact

- 1.1 The proposed annexation consists of two properties; a 0.30-acre property located at 1894 53rd Avenue SW; and an 8.78-acre tract located on the south side of 53rd Avenue SW directly east of 1580 53rd Avenue SW. The subject properties are identified on Linn County Assessor's Map No. 11S-04W-24C as Tax Lots 600, 700, and 1100 (Attachment A).
- 1.2 The subject properties are each contiguous to the current city limits on at least two sides: to the north and east of tax lots 600 and 700; and to the north, west, and south of tax lot 1100. The property is currently designated as Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).
- 1.3 The subject property is located within the Albany Urban Growth Boundary (UGB) and designated on the Comprehensive Plan Map designation as Low Density Residential (LDR) and Open Space (OS) (Attachment B).

Conclusions

- 1.1 The subject property is contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject property is eligible for annexation and these criteria are satisfied.

Criteria 2

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

- (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

- 2.1 Fire: Adequate public water for fire protection is currently available for this area. There are properties on two sides currently being served by the City’s Fire Services. Fire service to this property would be a logical expansion of the current service boundaries. With the annexation, the subject property will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 Police: There are properties on two sides currently being served by the City’s Police Services. Police service to this property would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show a 15-inch public sanitary sewer main in 53rd Avenue. The public sanitary sewer system is available to the subject properties with service laterals extended to the properties.
- 2.4 ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line. Tax lot 600 & 700 will need to connect to public sanitary sewer at the time of development.
- 2.5 AMC 15.30.010 states that a connection charge shall be due and payable when accessing the City’s sanitary sewers from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the sanitary sewer has not been paid by the property owner or predecessor thereof.
- 2.6 City records show no previous sewer assessment has been paid for the subject property, so a connection charge for the existing public sanitary sewer main in 53rd Avenue will be due prior to the issuance of development permits.
- 2.7 Water: City utility maps show a 12-inch public water main in 53rd Avenue. The public water system is available to subject properties with water services extended to the properties.
- 2.8 ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main. Tax lot 600 & 700 will need to connect to public water system at the time of development.
- 2.9 A connection charge shall be due and payable when accessing the City’s water distribution facilities from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the water facilities has not been paid by the property owner or predecessor thereof (AMC 15.30.010).
- 2.10 City records show no previous water assessment has been paid for the subject property, so a connection charge for the existing public water main in 53rd Avenue will be due prior to the issuance of development permits.

- 2.11 Storm Drainage: City utility maps show 10-inch public storm drainage facilities in 53rd Avenue along subject property frontage. 53rd Avenue is currently improved to City standards with curb and gutter.
- 2.12 It is the property owner's responsibility to ensure that any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. Private drainage systems crossing multiple lots will require reciprocal use and maintenance easements and must be shown on the final plat. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.
- 2.13 Single-family residences typically have their roof drains connected to the adjacent curb and gutter or storm drain lateral.
- 2.14 A connection charge shall be due and payable when accessing the City's storm drains from or for the benefit of any real property against which no assessment has previously been levied or for which the cost of constructing the storm drains has not been paid by the property owner or predecessor thereof.
- 2.15 City records show no previous storm drainage assessment has been paid for the subject property, so a connection charge for the existing public storm drainage system in 53rd Avenue will be due before the City will approve the annexation.
- 2.16 Transportation Infrastructure: The proposed annexation area is located on the south side of 53rd Avenue just east of Deer Run Street.
- 2.17 Fifty-third Avenue is classified as a major collector street and is improved to city standards along the site's frontage. Improvements include curb, gutter and sidewalk; a vehicle travel lane in each direction; and on street bike lanes.
- 2.18 Albany's Transportation System Plan (TSP) assumed this site would be annexed into the city and developed with residential uses consistent with the proposed zoning designation. The TSP does not identify any street improvements internal to this site.

Conclusions

- 2.1 Police and Fire services are currently available to serve the property proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.
- 2.3 Connection charges will be due for all existing public infrastructure along the subject property's 53rd Avenue frontage.
- 2.4 The area proposed for annexation adjoins a major collector street improved to City standards.
- 2.5 Albany's TSP was developed with the assumption that these sites would develop with residential uses and does not identify any transportation related improvements occurring within the interior of the sites.
- 2.6 The transportation system can support development of the site.
- 2.7 This criterion is satisfied.

Criteria 3

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**

- 3.1 Public infrastructure facility plans in this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.2 The proposed annexation consists of two properties; a 0.30-acre property located at 1894 53rd Avenue SW; and an 8.78-acre tract located on the south side of 53rd Avenue SW directly east of 1580 53rd Avenue SW.
- 3.3 The Comprehensive Plan Map designation for the subject property is Low Density Residential (LDR) and Open Space. The request includes the application of the City's zoning designation of RS-6.5, which is consistent with the LDR plan map designation and the City's zoning designation of OS which is consistent with the OS plan map designation.
- 3.4 Public facilities that would be required to serve future development on the subject property are available at or near the site. As a condition of approval, connection charges for sanitary sewer, water, and storm drainage will be due prior to the issuance of development permits.
- 3.5 As discussed under Criterion 2 (above), an adequate level of urban services and infrastructure are available to serve the subject property; those findings are included here by reference.

Conclusions

- 3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.2 Low-density residential development under the proposed RS-6.5 zoning is consistent with the Comprehensive Plan.
- 3.3 The preservation of open space under the proposed OP zoning is consistent with the Comprehensive Plan.
- 3.4 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering this area.

Condition:

- Condition 1: Prior to the issuance of a development, the subject property shall pay all connection charges for sanitary sewer, water, and storm drainage.

Criteria 4

Reasonableness: The city council shall determine that the proposed annexation is reasonable.

Findings of Fact

- 4.1 The subject property abuts the existing city limits, and the property proposed for annexation lies within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the property proposed for annexation.
- 4.3 The annexation is requested by the property owners (Attachment E).
- 4.4 The proposed annexation is consistent with the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is located within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all of the following criteria are met.

Criterion 1

The proposed base zone is consistent with the Comprehensive Plan Map Designation for the entire subject area unless a Plan map amendment has also been applied for.

Findings of Fact

- 1.1 The proposed annexation consists of two properties; a 0.30-acre property located at 1894 53rd Avenue SW; and an 8.78-acre tract located on the south side of 53rd Avenue SW directly east of 1580 53rd Avenue SW. The parcels are identified on Linn County Assessor's Map No. 11S-04W-24C as Tax Lots 600, 700, and 1100 (Attachment A).
- 1.2 The subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).
- 1.3 The proposal is for a zoning map amendment from Linn County's UGA-UGM-20 to the Albany's Single Dwelling Unit Residential (RS-6.5) and Open Space (OS) zones upon annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the property is Low Density Residential (LDR) and Open Space (OS).
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-6.5 zoning district is consistent with the LDR Comprehensive Plan Map Designation.

Conclusion

- 1.1 The proposed RS-6.5 and OS zones are consistent with the Comprehensive Plan Map Designations and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

Criterion 2

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

Findings of Fact

- 2.1 This criterion is addressed under Criterion Two of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support residential development of the unimproved tract and the existing development of the improved property under the proposed RS-6.5 and OS zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-6.5 and OS zoning districts.
- 2.2 This criterion is satisfied.

Criterion 3

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

Findings of Fact

- 3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential residential development of the site, as permitted under the proposed RS-6.5 zoning district.

- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.
- 3.4 The proposed zoning of the property to RS-6.5 would allow for single dwelling development up to six units per acre. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published. Any new residential development on the site may be obligated to pay school system development charges to support the school system infrastructure and services.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RS-6.5 zoning district.
- 3.2 This criterion is satisfied.

Criterion 4

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

Findings of Fact

- 4.1 The current zone of the subject properties is Linn County's UGA-UGM-20, and the proposed zone for the properties is Albany's RS-6.5 and OS zoning districts.
- 4.2 According to ADC 3.020(3), the RS-6.5 zoning district is "*intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.*" The intent and purpose of the RS-6.5 zone is consistent with LDR Comprehensive Plan Map Designation.
- 4.3 According to the ADC 6.020, the OS zoning district is "*intended for the continuation and preservation of existing agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural area, flood conveyance, and uses that do not involve the construction of structures other than minor accessory facilities required to conduct the principal use.*" The intent and purpose of the OS zone is consistent with OS Comprehensive Plan Map Designation.
- 4.4 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-6.5 and OS zoning designation "best satisfies" the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

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

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

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

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

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

- 4.5 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject site and affected government agencies. Notice of the public hearings was also posted on the

subject property and published in the Albany Democrat Herald. People who are notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.

At the public hearing, the application is reviewed based on all criteria relevant to the proposal. The public hearing provides the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

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

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

- 4.6 According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix’. This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation”. The LDR Comprehensive Plan Map Designation includes the RS-6.5 zoning district and the OS Comprehensive Plan Map Designation includes the OS zoning district.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (Chapter 1)

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

Policy 1: Protect and enhance wetlands adopted as significant in the Local Wetland Inventory.

Policy 2: Prohibit development within significant wetlands except for planned public utilities and infrastructure.

Policy 3: Within the city limits, wetlands within a floodway or significant riparian corridor shall receive protection and any development proposed shall not degrade the resource.

- 4.7 According to the City’s Local Wetland Inventory and National Wetland Inventory the subject properties contain significant wetlands and/or are located within the riparian corridor overlay.
- 4.8 According to FEMA FIRM Panel No. 410430526G, dated September 29, 2010, portions of the subject properties are located within the mapped floodway, of the Special Flood Hazard Area.
- 4.9 Tax lots 600 and 700 contain significant wetlands, riparian corridor, floodway, and floodplain. Each of the two tax lots contain over half an acre that is not located within a Goal 5 protected area which could be developed in accordance with the RS-6.5 zoning district. The proposed zone change will not impact the protected Goal 5 portions of the properties.
- 4.10 Portions of tax lots 600 and 700 are located within the Open Space Comprehensive Plan Map designation. The applicant proposes to zone the portions of the properties located within the Open Space Comprehensive Plan map designation as Open Space (OS). The ADC contains standards which limit the amount and types of development that may occur within the OS zoning district.
- 4.11 Tax Lot 1100 is located within the riparian corridor and is partially located within the mapped floodway. The property is currently developed with a single dwelling unit. The submitted application does not indicate any additional development is proposed upon the subject property.

Statewide Planning Goal 10: Housing (Chapter 4)

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

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

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

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

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

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

- 4.12 As discussed under Annexation Criterion 2, the subject property is located in an area accessible to employment and public services. All City services are available to serve residential development on the subject property; those findings and conclusions are included here by reference.
- 4.13 The proposed zone amendments from UGA-UGM-20 to RS-6.5 and OS is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-6.5 is a compatible zoning district for the LDR Comprehensive Plan Map designation and OS is the compatible zoning district for the OS Comprehensive Plan Map designation. Therefore, the zoning map amendment from UGA-UGM-20 to RS-6.5 and OS is consistent with applicable housing policies of the Comprehensive Plan.
- 4.14 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within city limits and the Urban Growth Boundary to 2040. As proposed, the zone designation of RS-6.5 would increase the amount of buildable land supply for development of low-density residential housing.

Statewide Planning Goal 14: Urbanization (Chapter 8)

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

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.15 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject property is located within the Urban Growth Boundary.
- 4.16 Public facilities that would be required to serve future development on the subject property are available at or near the site. Connection charges for sanitary sewer, water, and storm drainage will be due when development occurs.
- 4.17 The proposed RS-6.5 and OS zones will ensure that development potential is known, and the property is subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and City services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.

- 4.18 The proposed annexation consists of three properties. The property at 1894 53rd Avenue SW is currently developed; the tract consisting of two parcels are currently vacant and is located in an area accessible to public services. All City services are available to serve residential development on the subject properties. Development of the tract supports the efficient use of land and existing infrastructure.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendment adheres to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendment to RS-6.5 and OS is compatible with the Low Density Residential and Open Space Comprehensive Plan Map designations respectfully.
- 4.3 Goal 5, Open Spaces – Wetlands. The subject properties are located within inventoried significant wetlands, riparian corridors, mapped floodway and floodplain. The submitted application does not indicate any development will occur within the Goal 5 protected areas. The proposed zoning map amendment to OS will make the proposed land use consistent with the intent of the open spaces and natural resources policies of the Comprehensive Plan.
- 4.4 Goal 10, Housing. The RS-6.5 zoning district is intended primarily for low density residential urban development. The proposed zoning map amendment to RS-6.5 will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
- 4.5 Goal 14, Urbanization. The proposed RS-6.5 zone is consistent with policies contained in the Comprehensive Plan. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.
- 4.6 The intent and purpose of the proposed RS-6.5 zoning district best satisfies the goals and policies of the Comprehensive Plan.
- 4.7 This criterion is satisfied.

Criterion 5

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

Findings of Fact and Conclusion

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP. The TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:
- a. A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - b. The City has an acknowledged Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
 - c. The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject properties comply with these criteria as follows:

- a. Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject properties as Low Density Residential and Open Space. The proposed zoning amendment would not change the comprehensive plan map designation and the RS-6.5 and OS zoning districts are implementing zones for the Low-Density Residential designation and Open Space Comprehensive Plan map designations.

- b. The Albany TSP assumed this site would be annexed into the city and developed with low-density residential uses within the LDR portions of the properties. The proposed RS-6.5 zone is compatible with the long-range plan for low-density residential uses.
 - c. The subject property has been in the City's UGB since the time of adoption of the Comprehensive Plan and was not exempted from the Transportation Planning Rule. The City can find that all three (3) of these requirements are met.
- 5.3 The subject property adjoins 53rd Avenue and is classified as a major collector and improved to City standards along the frontage of the properties.

Conclusions

- 5.1 The proposed zone amendments to RS-6.5 and OS will not modify the transportation pattern envisioned by the TSP.
- 5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment from Linn County zone UGA-UGM-20 to Albany Single Dwelling Unit Residential (RS-6.5) and Open Space (OS) zones satisfies all applicable review criteria outlined in this report.

Conditions

- Condition 1: Prior to the issuance of a development permit, the subject property shall pay all connection charges for sanitary sewer, water, and storm drainage.
- Condition 2: At the time of annexation, the subject property shall be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). into the Albany Fire District.

Options for the Planning Commission

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

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

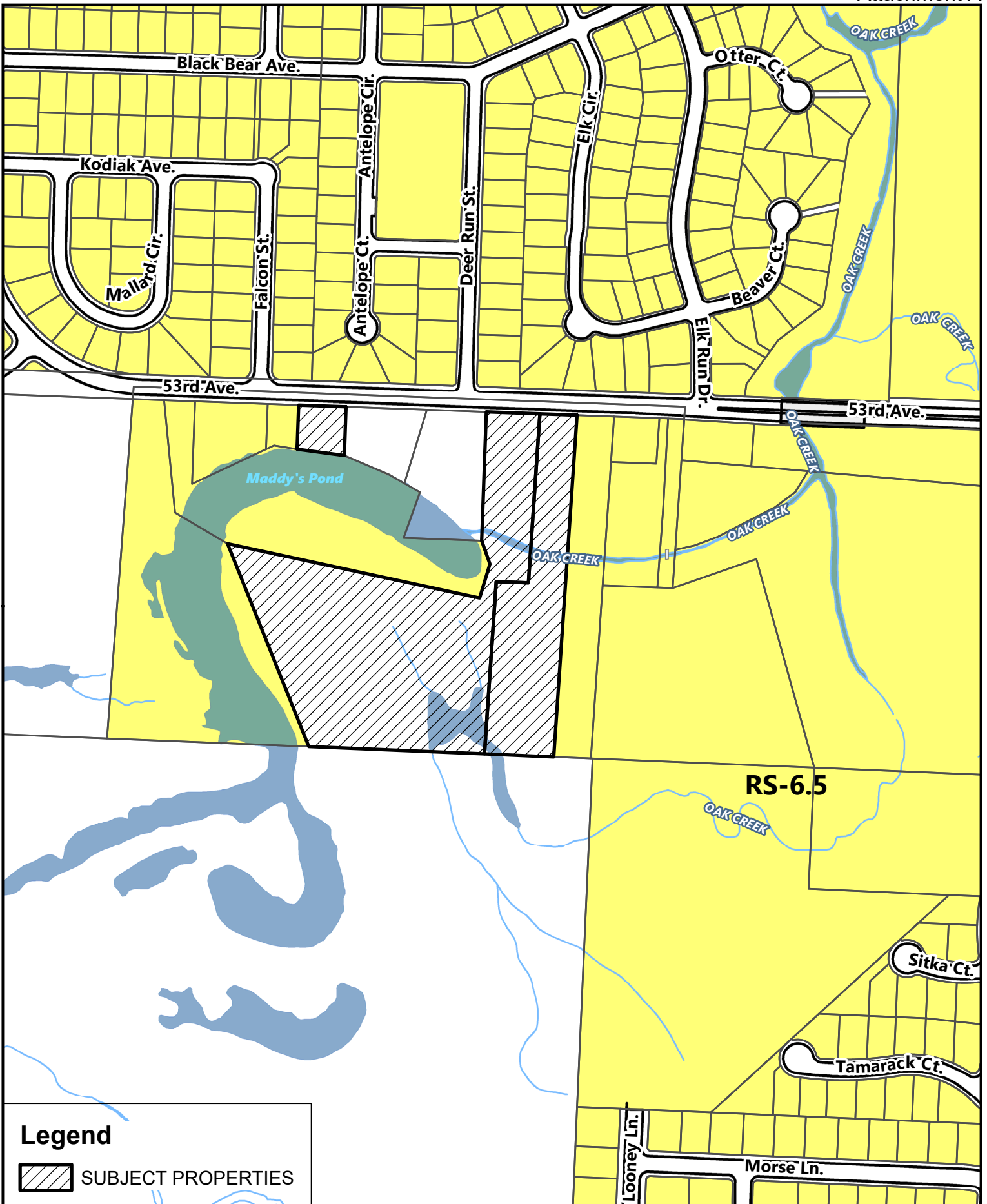
Motion

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

I move that the planning commission recommend that the city council approve the land use application for annexation with concurrent rezone to RS-6.5 and OS under planning files AN-01-23 and ZC-03-23, as described in the September 25, 2023, staff report. This motion is based on the findings and conclusions in the staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

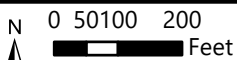
- A. Location Map
- B. Comprehensive Plan Map
- C. Annexation Site Plan
- D. Narrative



G:\Community Development\Planning\Land Use Cases\2023\Amexation (AN)_AH-01-23(1)_SA4W24C_00700\Project Review\Location Map.mxd

Legend

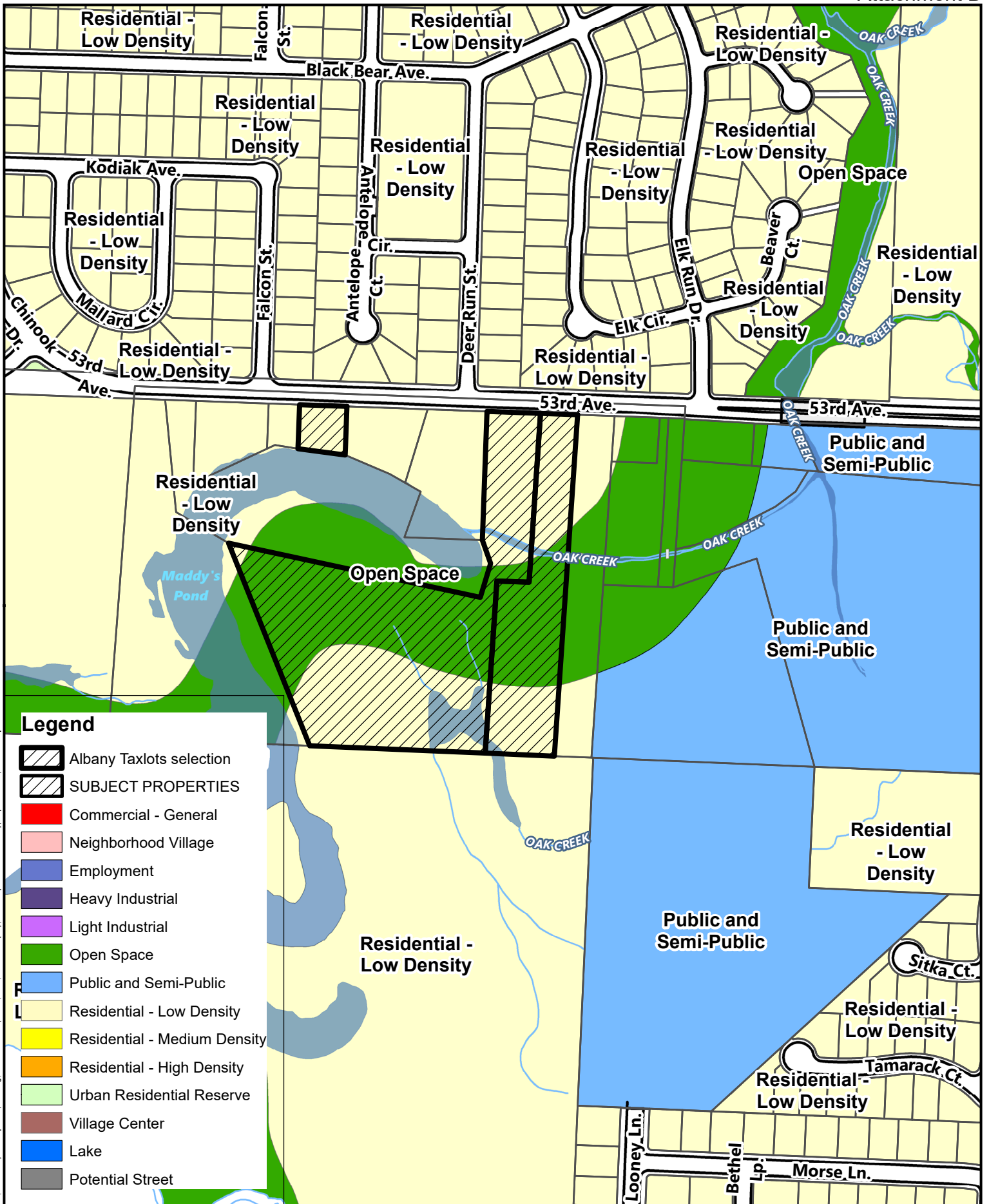
 SUBJECT PROPERTIES



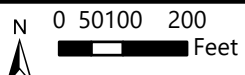
Unassigned 53rd Ave SW & 1894 53rd Ave. SW

Date: 6/12/2023 Map Source: City of Albany

Location Map



G:\Community Development\Planning\Land Use Cases\2023\Annexation (AN)\AN-01-23(1)\S04W24C 00700\Project Review\Location Map.mxd



Unassigned 53rd Ave SW & 1894 53rd Ave. SW

Date: 9/25/2023 Map Source: City of Albany

Location Map

SEE MAP 11 4W 24CB

SEE MAP 11 4W 24CA

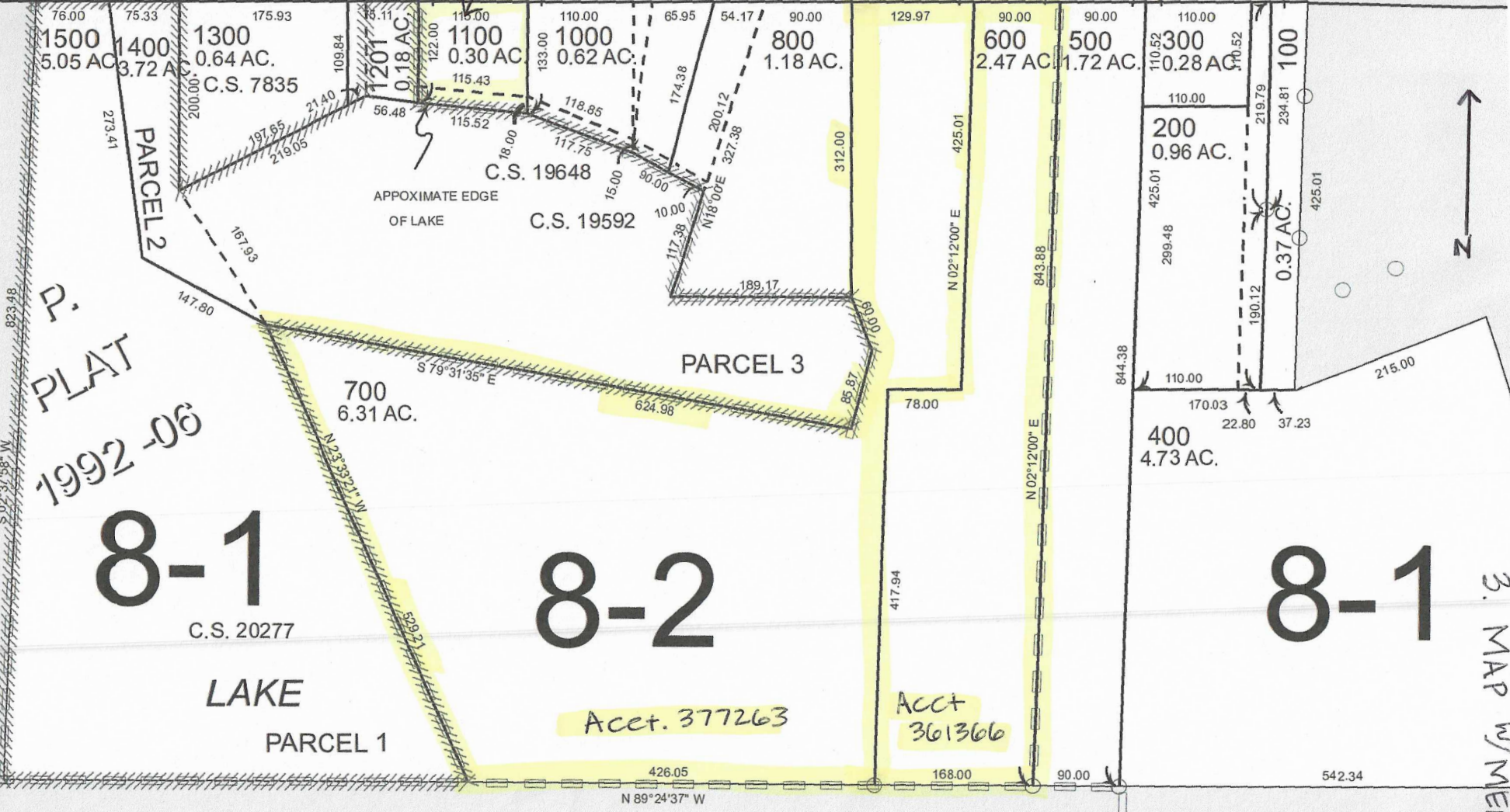
S 89°38'00" E 1483.27' FROM NE COR. OF LOT 1, RANCHO RIO RALPHO SUB.

S 00°44'00" E 1780.42' & N 89°38'00" W 1958.33' FROM THE COR. ROBERT E HARMON, D.L.C. 73

C.R. 135

53RD AVE

(VOL.9, PG.485 RD. RECORDS)



Acct 150454

Acct. 377263

Acct 361366

8-1

8-2

8-1

P. PLAT 1992-06

LAKE

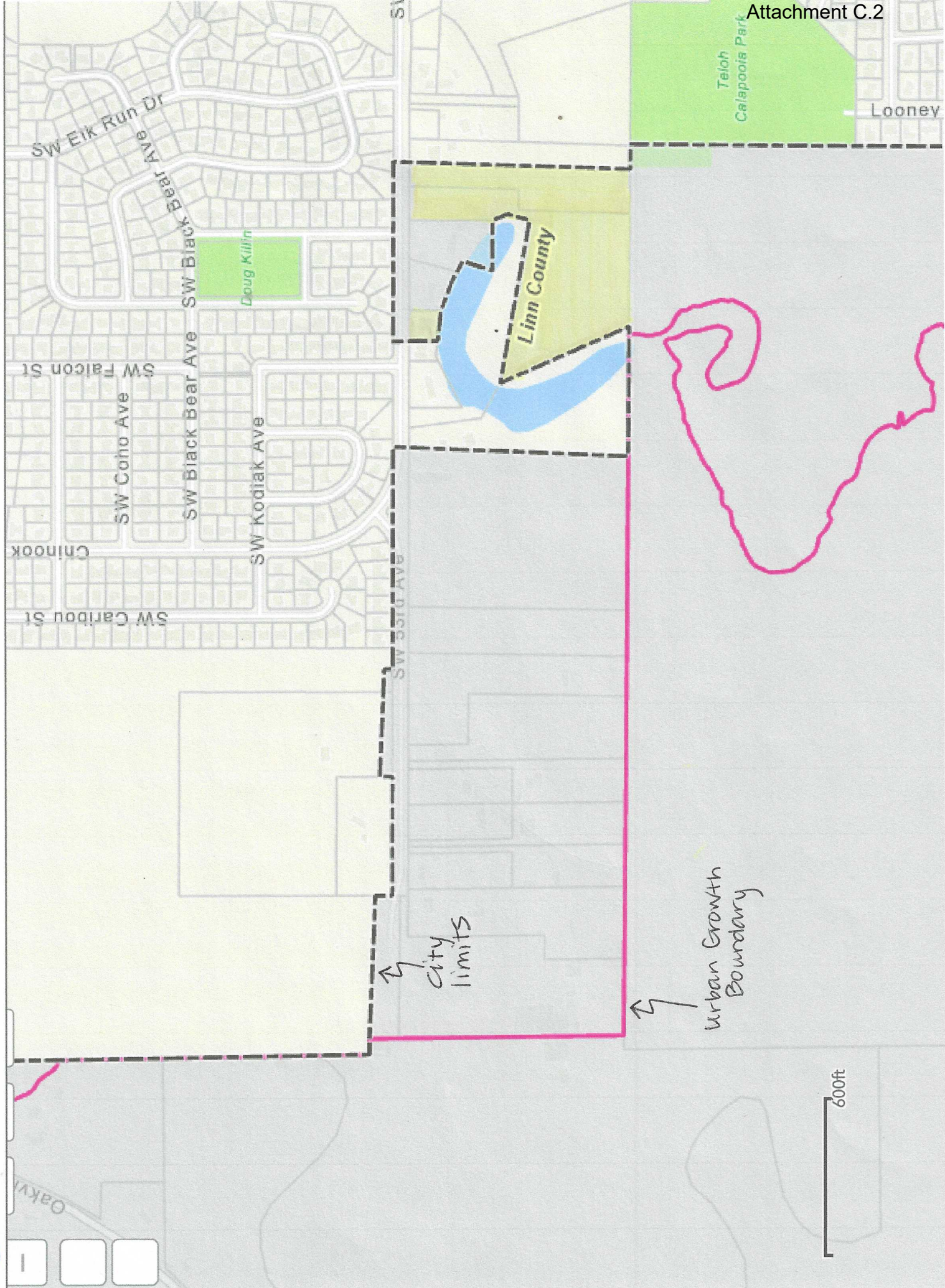
PARCEL 1

PARCEL 3

3. MAP w/ MEASUREMENTS

SEE MAP 11 4W 24

SEE MAP 11 4W 25





COMMUNITY DEVELOPMENT

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

PLANNING APPLICATION

APPLICANT/OWNER & AUTHORIZING SIGNATURES

To be included with ALL City of Albany planning submittalsSend completed application and checklist(s) to cd.customerservice@cityofalbany.net.

- | | | |
|---|---|--|
| <input type="checkbox"/> Adjustment (AD)
<input type="checkbox"/> Alternative Setback
<input type="checkbox"/> Annexation (AN)
<input type="checkbox"/> Comprehensive Plan Amendment (CP)
<input type="checkbox"/> Map Amendment
<input type="checkbox"/> Map Amendment; concurrent w/zoning
<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Conditional Use, circle one: Type II or III
<input type="checkbox"/> Existing Building: expand or modify
<input type="checkbox"/> New Construction
<input type="checkbox"/> Home Business (Type III only)
<input type="checkbox"/> Development Code Text Amendment (DC)
<input type="checkbox"/> Floodplain Development Permit (FP)
<input type="checkbox"/> Historic Review (HI)
<input type="checkbox"/> Exterior Alteration – residential, not visible from street (Type I)
<input type="checkbox"/> Exterior Alteration – all commercial and residential visible from street (Type III)
<input type="checkbox"/> New Construction (Type III or I-I)
<input type="checkbox"/> Demolition or Moving (Type III)
<input type="checkbox"/> Substitute Materials (Type III)
<input type="checkbox"/> Interpretation of Code (CI) | <input type="checkbox"/> Quasi-Judicial (Type II)
<input type="checkbox"/> Legislative (Type IV)
<input type="checkbox"/> Land Division (check all that apply)
<input type="checkbox"/> Partition (PA)
<input type="checkbox"/> Tentative Plat (Type I-I)
<input type="checkbox"/> Tentative Plat PD or CD (Type III)
<input type="checkbox"/> Final Plat (Type I)
<input type="checkbox"/> Subdivision (SD)
<input type="checkbox"/> Tentative Plat (Type I-I)
<input type="checkbox"/> Tentative Plat PD or CD (Type III)
<input type="checkbox"/> Final Plat (Type I)
<input type="checkbox"/> Tentative Re-plat Type I-L (RL)
<input type="checkbox"/> Modification to Approved Site Plan or Conditional Use
<input type="checkbox"/> Natural Resource Boundary Refinement (NR)
<input type="checkbox"/> Natural Resource Impact Review (NR)
<input type="checkbox"/> Non-Conforming Use (MN)
<input type="checkbox"/> Planned Development (PD)
<input type="checkbox"/> Preliminary (Type III)
<input type="checkbox"/> Final (Type I)
<input type="checkbox"/> Property Line Adjustment (LA)
<input type="checkbox"/> Site Plan Review (SP)
<input type="checkbox"/> Accessory Building
<input type="checkbox"/> Change of Use, Temporary or Minor Developments | <input type="checkbox"/> Manufactured Home Park
<input type="checkbox"/> Modify Existing Development
<input type="checkbox"/> Parking Area Expansion (only)
<input type="checkbox"/> New Construction
<input type="checkbox"/> Tree Felling
<input type="checkbox"/> Temporary Placement (TP)
<input type="checkbox"/> Urban Growth Boundary (UGB)
<input type="checkbox"/> Vacation (VC)
<input type="checkbox"/> Public Street or Alley
<input type="checkbox"/> Public Easements
<input type="checkbox"/> Variance (VR)
<input type="checkbox"/> Major Variance (Type II)
<input type="checkbox"/> Minor Variance (Type I-L)
<input type="checkbox"/> Willamette Greenway Use (WG)
<input type="checkbox"/> Zoning Map Amendment (ZC)
<input type="checkbox"/> Quasi-Judicial (Type IV)
<input type="checkbox"/> Legislative (Type IV)
<input type="checkbox"/> Other Required (check all that apply)
<input type="checkbox"/> Design Standards
<input type="checkbox"/> Hillside Development
<input type="checkbox"/> Mitigation
<input type="checkbox"/> Parking/Parking Lot
<input type="checkbox"/> Traffic Report
<input type="checkbox"/> Other _____ |
|---|---|--|

Location/Description of Subject Property(s)

Site Address(es): 1984 SW 53rd - Albany, tax lot 377263, tax lot 361366

Assessor's Map No(s): _____ Tax Lot No(s): _____

Comprehensive Plan designation: _____ Zoning designation: _____

Size of Subject Property(s): _____ Related Land Use Cases: NoneProject Description: City annexation only
3 separate tax lots in Linn County

-
- Historic Overlay
-
- Natural Resource Overlay District
-
- Floodplain or Floodway Overlay

cd.cityofalbany.net



Applicant Information (must be signed)

Name: Scott Laffin Signature: _____
 Mailing Address: 1984 53rd Ave SW Date: 5-17-23
 City: Albany State: OR Zip: 97321
 Phone #: _____ Fax #: _____ Email: scottlaffin13@yahoo.com

File #(s): _____ Date Fee & Application Received: _____
 Pre-App File #(s): _____ Pre-App Meeting Date: _____
 Amount Paid: _____ Received By: _____

Property Owner Information (must be signed)

Same as Applicant

Name: Scott & Tammy Laffin Signature: Tammy Laffin
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

Authorized Agent or Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____
 Relationship to property owner(s): _____

Electronic Plans Representative (if different from applicant)

IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

Other Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

Applicant Information (must be signed)

Name: Melinda Martin Signature: MMartin
 Mailing Address: 34550 Hwy. 99E Date: 5-17-23
 City: Tangent State: OR Zip: 97389
 Phone #: 541 979 1070 Fax #: _____ Email: delivery@peak.org

File #(s): _____ Date Fee & Application Received: _____
 Pre-App File #(s): _____ Pre-App Meeting Date: _____
 Amount Paid: _____ Received By: _____

Property Owner Information (must be signed)

Same as Applicant

Name: Melinda Martin Signature: MMartin
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

Authorized Agent or Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____
 Relationship to property owner(s): _____

Electronic Plans Representative (if different from applicant)

IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

Other Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____
 Name: _____ Signature: _____
 Mailing Address: _____ Date: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____ Fax #: _____
 Email: _____

ANNEXATION APPLICATION REVIEW CRITERIA / WRITTEN RESPONSE

Submitted to: City of Albany
Planning Division
P O Box 490
Albany OR 97321

Applicants/Property Owners:

Melinda Martin, 34550 Hwy. 99E, Tangent OR 97389
Scott & Tammy Laffin, 1984 53rd Ave SW, Albany OR 97321

Permit Number AN-0001-23
Site Locations: SW 53rd Avenue
Site Sizes : Approx total 9.1 acres, 3 separate tax lots
Existing land use: Residential, open space
Current zoning: Residential Low-Density
Comprehensive Plan Designation: Urban Growth Boundary
Surrounding zoning: North RS 6.5, South RS 6.5, East RS 6.5, West RS 6.5
Surrounding uses: In-city residential

Eligibility Criteria (ADS 2.110)

1. All three subject properties have frontage on 53rd Avenue and are surrounded by existing City lots. Criterion met.
2. All three subject properties are within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan. Criterion met.

Timeliness Criteria

1. Subject properties with current home and future development will meet the goals, policies and implementation methods of the Albany Comprehensive Plan. Criterion met.
2. The proposed annexation reduces a current island of non-city properties; all surrounding properties border on City. Criterion met.

ZONING AMENDMENT APPLICATION

REVIEW CRITERIA

WRITTEN RESPONSE

Submitted to: City of Albany

Planning Division

P O Box 490

Albany OR 97321

Applicants/Property Owners:

Melinda Martin, 34550 Hwy. 99E, Tangent OR 97389

Scott & Tammy Laffin, 1984 53rd Ave SW, Albany OR 97321

Permit Number AN-0001-23

Site Locations: SW 53rd Avenue

Site Sizes : Approx total 9.1 acres, 3 separate tax lots

Existing land use: Residential, open space

Current zoning: Residential Low-Density

Comprehensive Plan Designation: Urban Growth Boundary

Surrounding zoning: North RS 6.5, South RS 6.5, East RS 6.5, West RS 6.5

Surrounding uses: In-city residential

Review Criteria (ADS 2.740)

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

Response: The Land Use Plan of the Comprehensive Plan designates the property Residential-Low Density and Open Space .

Finding: The proposed base zones, RS-6.5 and Open Space are consistent with the Comprehensive Plan map designation for the three subject tax lots.

2. CRITERIA: Existing or anticipated transportation facilities are adequate for use permitted under the proposed zone designations.

Response: These three subject properties have frontage on 53rd Avenue. This street is fully improved and is listed as an arterial of the Albany Transportation System Plan.

Finding: Existing transportation facilities are adequate for uses permitted under the proposed zoning designation.

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

Response: All three subject properties have water, storm sewer, and sanitary sewer stub-outs installed to the property lines.

Finding: Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development with the subject area without adverse impact on the affected service area.

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

Response: The Albany Development Code states “the RS-6.5 District is intended primarily for low-to moderate-density single-family development. The average minimum detached single-family lot size is 6500 square feet.

Response: These three properties are adjacent to properties already zoned RS-6.5.

Finding: The intent and purpose of the proposed zoning best satisfies the goals and policies of the Comprehensive Plan.

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

Response: The proposed zoning is compatible and consistent with the Comprehensive Plan.

Finding: The proposed zoning is compatible and consistent with the Albany Transportation Plan.