



NOTICE OF PUBLIC HEARING

CITY OF ALBANY
PLANNING COMMISSION
City Council Chambers, 333 Broadalbin Street SW
Monday, November 19, 2012
5:15 p.m.

AGENDA

1. CALL TO ORDER (Chair Faller)
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. COMMENTS FROM THE PUBLIC
5. APPROVAL OF MINUTES:
 - November 5, 2012 Planning Commission Meeting

6. CONSOLIDATED LEGISLATIVE PUBLIC HEARING

The proposed action is the adoption of the South Albany Area Plan. This is a legislative action. In this instance, however only, five parcels are affected by the map amendment aspects of the proposed plan. The City, therefore, has elected to give the notice that would customarily be given in a quasi-judicial proceeding (adjacent property owners within 300 feet) and to conduct the hearing with all the rights and procedural safeguards ordinarily afforded affected property owners in a quasi-judicial hearing.

CP-04-12, DC-06-12 & ZC-07-12

The South Albany Area Plan is the culmination of a 1.5-year project that presents the community vision for South Albany, which in summary is to create vibrant neighborhoods that appeal to residents and businesses. It provides the specific direction, tools, and best management practices necessary to implement this vision.

Albany Comprehensive Plan (File CP-04-12)

Text: Adopt the SAAP as a supporting document and add new *South Albany* section to the Comprehensive Plan with goals and policies specific to the area.

Map: Amendments to the Plan designation as follows:

- From Urban Residential Reserve (URR) to Industrial-Light (IL) for two sites totaling roughly 64-acres north and east of the existing large vacant Industrial Park site that straddles Ellingson Rd. to provide more flexibility for future employment.
- From URR and Low Density Residential to Village Center for two sites - a roughly 30-acre site at the nw corner of Ellingson Rd. and Lochner Rd. and a roughly 10-acre site on Columbus across from Seven Mile Lane - to allow for a neighborhood center surrounded by medium density residential.
- From IL to URR for roughly 0.6 acres of Industrial Park property that will be separated from the parent parcel when the new 53rd Ave-Ellingson Rd alignment is constructed.

Albany Zoning Map (File ZC-07-12)

- A portion of the 104-acre "Henshaw Farms" property on the west side of Columbus St. would be rezoned from RS-5 Residential Single-Family to Mixed Use Commercial (3 acres) and RM, Residential Medium Density (approximately 27 acres).
- From Industrial Park to RM for the 0.6 acre site as described in bullet 3 under "Map".

Albany Development Code (File DC-06-12)

- Supplemental development standards are proposed to guide development around Oak Creek and allow for transfer of density to protect natural resources (affects Articles 3, 8, 11 and 22).

Rules of Conduct for Public Hearing

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

7. ACTIVITY UPDATE

8. NEXT PLANNING COMMISSION MEETING DATES:

- Tuesday, November 27, 2012 – 2nd SAAP Amendments (if needed)
- Monday, December 3, 2012 – City Open House for Boards and Commissions

9. ADJOURN

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



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

MINUTES

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

Planning Commissioners absent: Cordell Post; Kristin Richardson (All Excused)

Staff present: David Martineau, Lead Current Planner; Tari Hayes, Administrative Assistant; Kevin Hamilton, Public Works, Construction Management Supervisor

Others present: 2 others in audience

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None

APPROVAL OF THE MINUTES:

- August 1, 2012 Joint City Council/Planning Commission Work Session – w/Public Works Storm Water
- September 24, 2012 Planning Commission Meeting
- October 15, 2012 Planning Commission Meeting

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

NEW BUSINESS:

Kevin Hamilton, City of Albany Construction Management Supervisor, addressed the Commission regarding their endorsement of a grant application for the construction of the proposed bicycle and pedestrian path, which connects to the Albany Multimodal Transit Station. The proposed path will connect the multimodal transit station to the Hackleman district at Swanson Park. The Commission's endorsement will be submitted with a grant application to ODOT for funding to allow construction of the proposed path. Current funding availability is not sufficient to cover construction and engineering costs. The proposed construction is directly in support of the Comprehensive Plan's Transportation Development goal, which is to create a safe, diversified, and efficient transportation system that serves the needs of anticipated growth while protecting and enhancing Albany's economy, neighborhood quality and natural environments. Among several transportation goals is ensuring mobility for all members of the community and providing alternative to automobile travel. The Commission discussed the location and construction of the path. Hamilton shared that this will be a well lit path.

Commissioner Gibbs made a motion for support of the application and signature of a letter stating such, Rouse seconded the motion. **The motion passed unanimously.**

CONSOLIDATED QUASI-JUDICIAL PUBLIC HEARING: ZC-06-12

Chair Faller opened the public hearing at 5:28 p.m.

DECLARATIONS:

Gibbs completed a site visit; many Commissioners stated that they have driven by the site often.

Martineau summarized the meeting procedures.

STAFF REPORT:

Martineau provided an overview of the staff report. The applicants are Roger & Terry Wylie, the location is 1055 Queen Ave. SW. The application is for the rezoning of one 8,475 sq. ft. parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM). The applicants are seeking this change in order to change the status of their existing multifamily dwelling to an allowed use subject to Site Plan Review.

According to the Comprehensive Plan, the preferred land use designation for the subject property is Medium Density Residential (MDR). More MDR-designated property lies to the west of this site and east of Elm Street, south of Queen. There are areas designated Low Density Residential and Light Commercial as well as Public/Semi Public where West Albany and Memorial schools are located.

Without a business below or attached, multifamily residential uses are not allowed in the existing NC zone.

Built in 1949, the building was originally used for offices. Over time, previous property owners replaced some of the office space with apartment units. In 2003, the Assessor's office noted that the building had offices on the main floor together with two apartments on the upper floor. In 2006, a Site Plan Review (SP-13-06) to convert the remaining office space into an apartment was denied because the property was zoned Neighborhood Commercial (NC), and three or more residential units were not allowed unless the units were attached to a business.

The new owners of record (the Wylies) indicate that the building contained four dwelling units and no offices at the time they purchased the building. No permit copies or records regarding these apartments appear in the City's records. However without a business, multifamily uses are not permitted in the NC zone, therefore the building is no longer conforming.

According to Section 2.740 of the Albany Development Code, the requested designation for a quasi-judicial zoning map amendment meets all of the following tests:

- 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.* The existing zone, Neighborhood Commercial, and the proposed zone, Residential Medium Density are both compatible with the Comprehensive Plan designation of Medium Density Residential. This criterion is satisfied.
- 2) *Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.* According to the City's traffic analyst Ron Irish, Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development. Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule states that if a "significant affect" occurs, it must be mitigated if the proposed zone change diminishes or degrades a transportation facility.

The most intense use that could reasonably be expected to occur on the site under the current NC zone designation would be to retain the residential uses on the second floor of the existing structure, and convert the lower floor to commercial uses. Using a pass-by factor for half the commercial trips and adding back the

residential trips would result in 53.19 net trips per day, and 3.91 net peak pm traffic hour trips on the street system. The most intense use reasonably expected under the proposed RM zoning is continuation of the existing residential four-plex. A four-plex can be expected to generate 26.60 vehicle trips per day, of which 2.48 would occur during the peak pm traffic hour, according to the ITE Manual. Based on reasonable uses allowed on the site, the RM scenario resulted in fewer PM peak hour trips than NC. Therefore, this criterion is met without conditions.

- 3) *Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.* City utility maps show an 8” public sanitary sewer main along the back (or north) property line; 10” public water main in Queen Avenue, and a 10” public storm drainage main also in Queen Avenue. Infrastructure Analyst Mike Leopard pointed out that existing development on the site currently exceeds lot coverage standards for either the NC or the RM zone. It’s unlikely that additional impervious surface could be developed on the property, so an increase in storm water runoff as the result of the zone change is not expected. This review criterion is met.

- 4) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.* According to the Albany Development Code, the NC district is intended primarily for small areas of retail establishments serving nearby residents’ frequent needs in convenient locations. These include offices, small scale convenience-oriented stores and some conditional uses. Single family and two family dwellings and residential care or treatment facilities are allowed through Site Plan Review.

The RM district is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. These two goals have been identified as being most relevant to the proposed amendment.

GOAL 2: Requires cities to establish a land use planning process and policy framework as a basis for all decisions and actions. When considering changes in zoning designation, we must determine which zoning designations are compatible with comprehensive plan designations. The comprehensive plan has a matrix that lists compatible zoning districts. If a request is made to rezone a piece of property and the requested zoning is not compatible with the comprehensive plan designation, either the proposed zone change is denied or a comprehensive plan amendment is required.

GOAL 10: The Residential Medium Density and Neighborhood Commercial zones are both compatible with the Medium Density Residential comprehensive plan designation. The RM district is intended primarily for medium density residential urban development. This zone change request helps fulfill a need for more medium density housing in the city.

On balance, the RM zoning district best satisfies the applicable goals and policies of the Albany Comprehensive Plan. Therefore this criterion has been met.

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

Albany’s Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment. This criterion is met.

The proposed amendment will remain consistent with the City's Comprehensive Plan goals and policies; the proposed amendment will not affect implementation of the Statewide Planning Goals; therefore, staff recommends APPROVAL of the proposed Zoning Map amendment.

Rouse asked if there was any approval on the building permits for the residential conversions. There are no building permits on record for that work.

APPLICANT'S TESTIMONY:

Roger Wylie, 4904 NW Scenic Drive, Albany – Purchased the property in the fall of 2007, these issues were not evident when they purchased, there were no flags from appraiser, Title Company, etc. While trying to refinance in July of 2012, the appraiser discovered the zoning issue. They are trying to rectify it. Wylie does not know when the apartments were converted. They did not look for permits prior to purchasing because there were no flags in the system for it.

Rouse asked if the title company would have told them the zoning type in a title search when the property was purchased. Mr. Wylie stated that the title company has a waiver saying they don't do zoning declarations. In addition, the MLS stated inaccurately that the site was zoned RM in the legal description from the seller.

PUBLIC TESTIMONY: None

Chair Faller closed the public hearing at 5:50 pm.

PLANNING COMMISSION DECISION:

Wood made motion to forward a recommendation to the City Council to approve the application without conditions. Tomlin seconded. **Motion passed unanimously 6-0.**

ACTIVITY UPDATE: None

NEXT MEETING:

- Monday, November 19, 2012 – SAAP Amendments
- Tuesday, November 27, 2012 – 2nd SAAP Amendments (if needed)
- Monday, December 3, 2012 – City Open House for Boards and Commissions

ADJOURNMENT:

Hearing no further business, Commission Chair Faller adjourned the meeting at 5:52 p.m.

Submitted by

Reviewed by

Tari Hayes
Administrative Assistant

David Martineau
Lead Current Planner



Community Development Department

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STAFF REPORT

Amendments to the Comprehensive Plan Text and Map, Development Code and Zoning Map (CP-04-12, DC-06-12 & ZC-07-12)

HEARING BODY:	PLANNING COMMISSION	CITY COUNCIL
HEARING DATE:	Monday, November 19, 2012	Wednesday, December 12, 2012
HEARING TIME:	5:15 p.m.	7:15 p.m.
HEARING LOCATION:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

EXECUTIVE SUMMARY

The South Albany area contains the largest remaining undeveloped industrial and residential lands inside the City's Urban Growth Boundary. The proposed South Albany Area Plan (SAAP) is the culmination of a 1.5-year project that was funded by a grant from the State of Oregon. The SAAP integrates planning for land uses, transportation, parks and recreation, schools, infrastructure, economic development, natural and cultural resources, and place-making. The SAAP presents the vision for South Albany as determined by the community, which in general is to create a vibrant new neighborhood that will be appealing to residents and businesses, and it provides the specific direction, tools, and best management practices necessary to implement this vision.

The SAAP study area is bounded by the City's urban growth boundary on the south, Interstate 5 on the east, land developed to urban densities on the north and Highway 99E on the west. The transportation analysis for proposed facilities and land uses considers impacts on transportation facilities outside the study area.

The SAAP will be adopted as a supporting document to the Albany Comprehensive Plan.

A new *South Albany* section will be added to the Comprehensive Plan with goals and policies specific to the area (Exhibit C).

Six sites on five properties are being proposed for map amendments to implement the SAAP – six changes to the plan designations, and two changes to zoning districts (Exhibits A&B). Some highlights include:

- A roughly 50-acre area on the west side of the study area, below the planned 53rd Ave-Ellingson Rd connector, is proposed to be redesignated to Industrial-Light so that it can be added to adjacent industrial property and provide more flexibility for future development.
- Two areas totaling 40 acres would be redesignated to Village Center to allow for a Neighborhood Center surrounded by Medium Density Residential.
- A portion of the 104-acre "Henshaw Farms" property on the west side of Columbus St. would be rezoned to Mixed Use Commercial (3 acres) and Residential Medium Density (approximately 27 acres).

Development Code amendments (Exhibit D) are proposed to ensure Oak Creek remains a central feature in the Plan area, and to encourage natural resource protection in exchange for the transfer of allowable density

Staff recommends that the Planning Commission recommend APPROVAL of the proposed amendments to the City Council.

GENERAL INFORMATION

DATE OF REPORT:

November 9, 2012

TYPE OF REQUEST:

Comprehensive Plan text and map amendments (CP-04-12)

Text: Add goals and policies specific to South Albany regarding open space, natural resources, floodplain, neighborhood commercial nodes, village centers, public utilities and transportation. Adopt SAAP as a supporting document to the Comp Plan.

Map: Amend plan designation at six locations (see attached maps):

- Site #1: Change designation from Urban Residential Reserve (URR) to Industrial-Light (IL) for a site of approximately 50 acres north of existing IL land and south of the new 53rd-Ellingson alignment (portion of Linn County Assessor's map #11S03W19, tax lot 304).
- Site #2: Change designation from IL to URR for a site of approximately 0.6 acres that will be separated from the parent parcel when the new 53rd Ave.-Ellingson Rd. alignment is constructed (portion of Linn County Assessor's map #11S03W30, tax lot 200).
- Site #3: Change designation from URR to IL for a site of approximately 9 acres (portion of Linn County Assessor's Map #11S03W30, tax lot 1301).
- Site #4: Change designation from URR to IL for a site of approximately 5 acres (portion of Linn County Assessor's Map #11S03W30, tax lot 1305).
- Site #5: Change designation from URR to Village Center (VC) for a site of approximately 30 acres at the southwest corner of Lochner Rd and Ellingson Rd. (portion of Linn County Assessor's map #11S03W19, tax lot 304).
- Site #6: 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).

Albany Development Code (ADC) text amendments (DC-06-12)

New supplemental design standards in ADC Article 8–Design Standards are proposed for the Oak Creek Transition Area in order to guide the amount, location, and design of development in the area adjacent to Oak Creek.

Amendments to the standards in ADC Article 11-Land Divisions are proposed for Planned Development and Cluster Development in order to provide more flexibility in transferring development density from areas being protected.

Refinements to the Schedule of Permitted Uses in Article 3-Residential Zoning Districts are proposed in order to encourage protection for South Albany's natural features, and allow for the transfer of development density. The proposed revisions create a new use category - 3 or 4 units, to allow for a variety of housing types as long as density limits are not exceeded by zone.

Zoning Map amendments (ZC-07-12) To implement portions of the South Albany Area Plan in the City limits.

- Site #2: Change zoning from Industrial Park to Residential Medium Density for a site of approximately 0.6 acres that will be divided from the parent parcel when the new 53rd Ave.-Ellingson Rd. alignment is constructed (portion of Linn County Assessor's map #11S03W19, tax

lot 304).

- Site #6: 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 Residential Medium Density (RM) for approximately 27 acres (portion of Linn County Assessor's map #11S03W29, tax lot 300).

REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	City of Albany, Community Development Department
APPLICANT REPS:	Heather Hansen, Planning Manager and Anne Catlin, Planner III
LOCATION:	South Albany Area Plan boundary
CURRENT COMPREHENSIVE PLAN DESIGNATION:	Area: The area within the urban growth boundary and outside the city limits is designated as Urban Residential Reserve (URR) and Open Space (OS) Sites #1, #3, #4, #5, #6: URR Site #2: Industrial-Light
CURRENT ZONING:	Area: Most of area in the city limits is zoned Commercial, Industrial Park, and Residential Single-Family (RS-5) Sites #1, #3, #4, #5: County zoning Site #2: IP (Industrial Park) Site #6: RS-5 (Residential Single Family)

NOTICE INFORMATION AND PROCESS SUMMARY

On October 30, 2012 "Measure 56" notice was sent to owners of properties affected by the proposed map amendments, and to property owners affected by the proposed supplemental design standards within the Oak Creek Transition Area. On November 9, 2012 notice of the public hearings was mailed to owners of properties proposed for amendments to the Comprehensive Plan map and Zoning map and the relevant sites were posted. Also on November 9, a postcard included hearing dates and information was sent to all owners of property within the boundary of the South Albany Area Plan. A Notice of Public Hearing was published in the *Albany Democrat-Herald* on November 12, 2012.

The proposed action is the adoption of the South Albany Area Plan. This is a legislative action. Ordinarily legislative actions affect a large number of properties and the focus, therefore, is usually on the area wide impact of the proposed regulations rather than the narrower impact to a few specific properties. In this instance, however, only five parcels are affected by the map amendment aspects of the proposed plan. The City, therefore, has elected to give the notice that would customarily be given in a quasi-judicial proceeding (adjacent property owners within 300 feet) and to conduct the hearing with all the rights and procedural safeguards ordinarily afforded affected property owners in a quasi-judicial hearing.

APPEALS

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

STAFF ANALYSIS

Comprehensive Plan Map Amendment File CP-04-12

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

Criterion 1: A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.

FINDINGS OF FACT

- 1.1 Comprehensive Plan Text Amendments: The proposal is based on a culmination of several years of working with the community to plan for the future of South Albany. Past planning efforts in South Albany started with the Great Neighborhoods project (1998-2000), continued with the Balanced Development Patterns project (2001) that looked at how to balance employment and housing needs into the future, and most recently a Draft Concept Diagram for the South Albany Area was completed in 2007.
- 1.2 The Comprehensive Plan amendments in Exhibit C include adopting a new South Albany section of the Plan that includes goals and policies that are specific to shaping future development in the South Albany area. The South Albany Area Plan (SAAP) is proposed to be adopted as a supporting document to the Comprehensive Plan. The SAAP policies are intended to create vibrant new neighborhoods that appeal to future residents and businesses. The SAAP evaluated and integrated Albany Comprehensive Plan policies and statewide planning goals related to land use, transportation, parks and recreation, schools, infrastructure, economic development, natural and cultural resources and place-making elements.
- 1.3 Plan Area Boundaries. The SAAP study area is bounded by the City's urban growth boundary on the south, Interstate 5 on the east, land developed to urban densities on the north and Highway 99E on the west. The study area boundary is identified in orange on all of the SAAP plan maps located at the end of the Comprehensive Plan text amendments in Exhibit C.

The following Comprehensive Plan goals and policies identified in *italics* are relevant in considering the proposed amendments. They are organized by Statewide Planning Goals.

- 1.4 Goal 1: Citizen Involvement. *Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process. Policies include involving the public in the evaluation and update of the Plan and seek input from citizens, agencies and interested parties, and ensuring information is made available to the public.*
- 1.5 Public involvement was integrated into the planning process through public events and open houses and two committees. Prior to public "kick off" of the planning project, twelve interviews were conducted with persons with experience and or familiarity with planning, development, and business and transportation issues associated with South Albany. Persons interviewed included representatives from study area property owners, local businesses, City commissions, the City Council, and the Oregon Department of Transportation (ODOT).
- 1.6 Public events included two "around the table" style workshops and concluded with a public open house of the final plans. Workshop participants evaluated several alternative concepts and provided input on plan elements including land uses, the parks and trail systems and streets. Postcards were mailed to roughly 1,100 property owners in and near the project study area for the workshops.
- 1.7 The Project Advisory Committee (PAC) consisted of property owners (or their representatives) and representatives from the Albany City Council, Planning Commission, Albany Tree Commission, Albany Bicycle and Pedestrian Advisory Committee, City of Tangent, Greater Albany Public School District Board, Mennonite Village, Confederated Tribes of Grand Ronde, the Democrat Herald, United Way, Linn Benton Community College, Sno Temp Cold Storage, ATI Wah Chang, Tom's Garden Center, Target Distribution, and Albany's mayor.
- 1.8 The Technical Advisory Committee (TAC) consisted of city staff from the Community Development, Public Works, and Parks and Recreation departments and the city manager's office; Linn County Planning and Building Department, Albany Millersburg Economic Development Corporation, Greater Albany Public Schools, Calapooia Watershed, Bonneville Power, Pacific Power, Northwest Natural, Albany & Eastern

Railroad, and the following state agencies - Oregon Department of Transportation, Oregon Department of Land Conservation and Development, and Oregon Department of Fish and Wildlife.

- 1.9 Both the PAC and TAC met separately four times and there were three joint meetings of the two committees. The goal of both groups was to build consensus throughout the planning process to ensure the community's ideas were accurately reflected.
- 1.10 Three joint work sessions were held with the Albany Planning Commission and Albany City Council at critical junctions in the project for their input on the plan alternatives and outcomes.
- 1.11 A South Albany Area Plan web site has been maintained throughout the project. The site contains all of the plan documents, technical reports, committee and meeting agendas and the public hearing schedule and proposed amendments.
- 1.12 Goal 2, Land Use Planning. The following goals and policies are relevant for the proposed Plan amendments.
- Goal: Undertake periodic review and update of the Albany Comprehensive Plan to ensure it: 1) Remains current and responsive to community needs; 2) Retains long-range validity; 3) Incorporates the most recent and reliable information; and 4) Remains consistent with state laws and administrative rules.*
- Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following: (a) conformance with goals and policies of the Plan; b) Citizen review and comment; (c) Applicable Statewide Planning Goals; (d) Input from affected governmental units and other agencies; (e) Short - and long-term impacts of the proposed change, (f) public need for the change; and (g) the amendments will best meet the identified public need versus other available alternatives.*
- 1.13 The South Albany area contains the largest remaining undeveloped industrial and urban residential reserve lands inside Albany's Urban Growth Boundary (UGB), a total of 1,957 acres. Approximately 48 percent is inside the city limits and the remaining is outside the city. Most of the land within the city limits, in the plan area, is undeveloped. The proposed amendments are necessary in order to provide guidance and long-range reliability to both the Albany Comprehensive Plan text and the Plan Map.
- 1.14 The SAAP was based on many years of community input and visioning for how this part of Albany can develop to create a vibrant new neighborhood that will appeal to residents and businesses as the City grows and expands south.
- 1.15 The proposed Land Use Plan in the SAAP recommends patterns of neighborhoods located outside of the Oak Creek greenway that include low and medium density residential land to allow for a variety of housing types and vibrant mixed use neighborhood centers. The Plan includes several neighborhood parks and identifies a community park and potential elementary school site in the center of the study area. The Plan also identifies land to accommodate projected demand for future employment and regional commercial needs within the Plan boundary, and provides the transportation framework to support these uses and connect them to the rest of the Plan area and city.
- 1.16 The planning process included review of several land use alternatives for various areas within the plan boundary. The SAAP represents the preferred alternatives selected by participants in the public process.
- 1.17 This section of the staff analysis is the review of the proposal against Albany Comprehensive Plan goals and policies and the Statewide Planning Goals.
- 1.18 As noted in Finding 1.7, the Project Advisory Committee, primarily composed of citizens and property owner representatives, participated throughout the planning process in the form of regular meetings and also attendance at public events.
- 1.19 Input from affected government units and other agencies were accomplished through representation on the Technical Advisory Committee (TAC) as listed in Finding 1.8. The TAC provided input throughout

the process.

- 1.20 Goal 5, Open Spaces, Scenic & Historic Areas, and Natural Resources. The Albany Comprehensive plan contains many relevant goals and policies relating to Natural Resources. They are organized by topic and are followed by findings.

Vegetation and Wildlife Habitat

Goal 1: Ensure native vegetation remains an integral part of Albany's environment

Goal 2: Protect and enhance significant wildlife habitat in the urban growth boundary.

Goal 3: Balance compact development patterns with natural resource protection.

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

Open Space & Riparian Resources

Goal 1: Ensure the provision of open space and protection of natural and scenic resources.

Goal 2: Maintain a healthy environment and natural landscape in riparian corridors.

Policy 1: Retain open space lands that provide aesthetic and environmental relief from the intensity of urban development, recreational lands and opportunities, protection of hazardous natural areas not suitable for development, significant fish and wildlife habitats, or protection of significant historic areas.

Policy 5: The City shall preserve and enhance riparian corridors by managing uses and activities that could adversely affect riparian corridors through education, and adoption and enforcement of development standards.

Policy 7: Limit the removal of native riparian vegetation.

Wetlands

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

- 1.21 The plan area includes Oak Creek. The Open Space Plan designation and corresponding zoning district protect much of the Oak Creek corridor, which includes significant wetlands, non-significant wetlands, steep slopes and land in the 100-year floodplain. Oak Creek is in Albany's Significant Wetland and Waterway overlay district, the Significant Riparian Corridor overlay district, and the Floodplain overlay district.
- 1.22 Environmental consultants Mason Bruce & Girard, Inc. found that the Oak Creek corridor has the potential to support a wide variety of wildlife and native vegetation, and allows for recreational and open space opportunities for Albany residents. The area also includes significant tree groves. The SAAP envisions Oak Creek will be South Albany's "front yard" and the area will be developed with a commitment to resource stewardship. In order to achieve those goals, the locations of neighborhoods, streets and trails were designed to avoid the area's significant natural features.
- 1.23 In addition to the natural resource overlay districts and existing Open Space Plan designation over much of Oak Creek, an "Oak Creek Transition Area" was identified around the riparian corridor. The purpose of the transition area is to both protect the natural resources within the Oak Creek corridor and enhance the corridor as a community amenity of open space, parks and trails. To achieve these objectives, development standards are proposed in order to provide visual and physical access to the creek (discussed in more detail under Development Code Amendments).
- 1.24 The study area also contains many non-significant wetlands that are on the Local Wetland Inventory. Oak Creek is considered a water of the U.S. and State and is subject to wetland and waterway regulations administered by the U.S. Army Corps of Engineers or the Department of State Lands in addition to other state and federal regulations.
- 1.25 The SAAP included a buildable lands analysis that looked at constrained sites within the plan boundary to determine their impact on the amount of buildable area. One of the key factors in estimating the buildable land was to determine how much of the non-significant wetlands may be developed and mitigated. In

order to develop a cohesive pattern of neighborhoods and make transportation connections, the Plan assumed that 75 percent of the wetlands would be developed and mitigated. To offset development of the non-significant wetlands, the Plan relied on the Oak Creek Transition Area to provide for some protection of wetlands close to Oak Creek.

- 1.26 Other natural resources such as significant tree groves and flood storage are encouraged to be preserved and serve as amenities in future development. The SAAP plan maps also identify the significant tree groves and standards. Development tools, such as density transfer, are being proposed to help balance natural resource protection and development.
- 1.27 Consultants from Heritage Research Associates found that about one-third of the study area has been surveyed for cultural resources. Based on the archaeological evidence available, there is a high likelihood for archaeological sites to be present in the unsurveyed portions of the study area. Three potentially significant historic properties were also identified. The proposed South Albany specific Comprehensive Plan policies include several policies relating to the identification, enhancement or protection of the area's cultural, historic and archaeological resources.
- 1.28 Goal 8, Recreational Needs. The following Comprehensive Plan goals and policies are noted as relevant to the proposed amendments relating to the South Albany Area Plan.

Goal: Provide a high quality and diversified system of safe and attractive parks, open space, recreation programs, and facilities to:

1. *Facilitate community access to leisure, recreation, open space, and cultural opportunities.*
2. *Meet the varied recreation and leisure needs of Albany's citizens for self-expression, creativity, achievement, imagination, relaxation, and enjoyment.*
3. *Enhance the beauty, livability, and positive image of Albany.*

Policy 1: *Continue to provide and develop a system of multi-purpose parks and facilities that consider:*

- a. *Opportunities for both passive and active recreation.*
- b. *Recreation and leisure needs of Albany's special populations (i.e. the handicapped, elderly, low-income and others whose activity capabilities or geographic mobility are limited).*
- c. *Protection and enhancement of natural environmental qualities and values.*
- d. *Albany's existing natural resources such as drainageways, rivers, and woodland areas.*

Policy 4: *Promote the development of linear parks that incorporate hiking, jogging, and bicycle trails and/or provide buffers between incompatible uses, scenic and open space features.*

- 1.29 The SAAP incorporates South Albany's natural resources as key elements of the Plan, and policies are proposed to ensure that the area is developed with a commitment to resource stewardship. Key objectives of the plan are that it be a walkable community, there be a focus on the Oak Creek greenway, and compatible transitions between land use types.
- 1.30 The SAAP Trails Framework map (Exhibit C, Figure 3) identifies a variety of passive and active recreational opportunities in the form of open space in the Oak Creek corridor, numerous trails, a separated multi-use path, and interpretive view points or trail heads along the Oak Creek loop trail. The proposed trail network will provide miles of linear parks for pedestrians and cyclists while providing a buffer to Oak Creek.
- 1.31 The Park and School Framework map (Exhibit C, Figure 4) identifies a large community park site, five neighborhood park sites and four trailheads along the Oak Creek Loop Trail.
- 1.32 Goal 9: Economy. The Comprehensive Plan contains many goals relating to the economy and land uses proposed in the South Albany Area Plan.

Economy

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Goal 5: Strive for a balance of growth in jobs and housing for Albany and the region.

Land Use

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

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

General Policy 3: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

Industrial/employment Policy 3: Disperse employment centers to parts of the City with access to adequate transportation routes and public utilities.

Public Infrastructure Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

- 1.33 One vision of the SAAP is that the area becomes a thriving employment center. The Plan envisions the industrial and commercial lands within the study area will support employment needs outlined in the Albany Comprehensive Plan and Economic Opportunities Analysis.
- 1.34 A market analysis was done by ECONorthwest to identify opportunities that may be supported by market conditions in South Albany in the next 20 years. The analysis concluded that residential growth will generate demand for about 53 acres of industrial land, 26 acres of non-retail commercial, and 16 acres of retail.
- 1.35 The Albany Comprehensive Plan and the 2007 Economic Opportunities Analysis (EOA), adopted as a background document to the Plan, also includes a citywide projection of land demand for 20 years and a suitable sites inventory. The EOA projected that Albany will add more than 6,000 jobs between 2007 and 2027. The industries that are most likely to locate or expand in Albany are warehousing and transportation, manufacturing, retail, health care, and government services. The projected employment growth by industry translates to demand for approximately 150 to 250 sites ranging from more than 50 acres to less than one acre. The analysis concluded an estimate of approximately 475 gross acres of land will be needed for industries, retail, services, and government uses. (Note: The EOA assumed Pepsi Co. was locating in Albany on the large Industrial Park site in the study area.)
- 1.36 Industries need good transportation access and adequate public facilities. Close proximity to Interstate 5, and rail access can be desirable. Business parks often look for large parcels of land with direct access to an arterial street and adequate public facilities. Retail and service sites look to locate central to the targeted populations.
- 1.37 In order to address projected employment land demand, the SAAP Land Use Plan identifies existing industrial areas and shows additional Industrial Park and Light Industrial land. The Plan proposes an industrial-business park site north of the existing Industrial Park land also located close to the railroad and south of the future 53rd Avenue-Ellingson Road alignment. The SAAP envisions the existing industrial land on the west side of the study area to provide an opportunity for large employment sites to reflect expected demand for employment in a campus-like setting. The Plan identifies a new Light Industrial site abutting the railroad tracks in the north part of the study area on the west side of Lochner Road, across from existing Light Industrial land.
- 1.38 The proposed Comprehensive Plan map amendments would designate roughly 64 additional acres of Industrial-Light land (Industrial Park on the SAAP Land Use Plan) adjacent to the large vacant industrial land along the railroad.
- 1.39 The SAAP Land Use Map includes three new neighborhood centers that are estimated to be 6, 3 and 1-acres. The proposed neighborhood centers are sized and located to be easily accessible to neighborhoods and populations within close proximity of the centers. The Comprehensive Plan map amendments also include designating two Village Centers on the Comprehensive Plan Map. A roughly 30-acre Village Center is proposed on the northwest corner of Ellingson Road and Lochner Road. A roughly 10-acre Village Center is proposed on the west side of Columbus Street across from Seven Mile Lane. The proposed South Albany section of the Comprehensive Plan text identifies the Mixed Use Commercial and

Residential Medium Density zones to be applied within the Village Centers.

- 1.40 *Goal 2: Achieve stable land-use growth that results in a desirable and efficient land-use pattern.*
Policy 2, General: Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.
Policy 5: Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans and carpools as alternatives to single-occupancy vehicle commuting.
- 1.41 The SAAP Land Use Plan has designated two Village Centers that would allow for commercial and medium density housing. They are specifically located to be accessible to nearby neighborhoods and on major transportation corridors. Mixed use development provides a land use pattern that encourages walking and biking and more efficient use of land. The Village Center Plan designation would allow for neighborhood commercial uses and medium density housing.
- 1.42 The Land Use Plan coordinates with the Street and Trails Frameworks. The Street Framework identifies future arterial and collector and “connector” streets. The Trails Framework proposes an extensive network of sidewalks, bike paths, and trails connecting neighborhoods to commercial and employment centers.
- 1.43 Statewide Planning Goal 10, Housing. Relevant Albany Plan goals and policies include:
Goal: Create a city of diverse neighborhoods where residents can find and afford the values they seek.
Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.
Policy 3: Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.
Policy 4: Encourage residential development that conserves energy and water; uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services.
- 1.44 The Organizational Framework map (Exhibit C, Figure 1) in the SAAP identifies “circles” of “1/4 mile neighborhoods”. The residential land uses were based in part on these neighborhood circles that are one quarter mile from the center to the edge, which represents a 5 to 10 minute walk. In addition, these neighborhoods were based on Albany’s Great Neighborhood principles and concepts as tailored to South Albany. SAAP objectives for these neighborhoods are that they include walkable neighborhood design, a variety of housing, local parks, open spaces and community centers. The Transportation Framework includes connectivity between residential neighborhoods and employment centers through streets, sidewalks and bike paths.
- 1.45 Currently, the vacant land within the South Albany study area is designated Urban Residential Reserve, Industrial-Light, Commercial-General or Open Space. Of the areas designated for residential on the Land Use Plan, roughly 78 percent of the residential land to Residential – Low Density and the rest, 22 percent, to Residential – Medium Density.
- 1.46 The SAAP Land Use Plan describes the Residential-Low Density designation as “providing a variety of low density detached and attached housing types, including single-family homes, cottage homes, and duplexes. It is projected that roughly 65 percent of future units would be low-density.” The SAAP describes the areas proposed to be Residential-Medium Density as providing “a variety of detached and attached housing types such as cottage homes, triplexes, townhomes, apartments, condominiums, and live work units.”
- 1.47 The SAAP projects 40 to 60 years of residential growth capacity within the study area. The proposed SAAP is intended to create new diverse and desirable neighborhoods in South Albany with housing variety and choices.
- 1.48 The SAAP lays out land uses within the neighborhoods to provide transitions between uses and to

promote the efficient use of land and infrastructure and the conservation of significant natural features. The proposed Plan policies note that “residential densities and building types shall generally follow a pattern where higher densities will be closer to Medium Density and Village Center areas, and lower densities closer to Open Space areas. This pattern does not preclude usage of cluster developments. Where clustered housing will be beneficial to preserving natural or cultural features, and/or providing housing variety, it is encouraged.”

- 1.49 Residential Land Demand and Supply. The Housing Needs Analysis data in the Comprehensive Plan estimated there was about 1,700 acres of developable residential land in the city limits, with over 1,450 acres designated/zoned for single-family development and roughly 150 acres for medium density development. The analysis projects residential land need between 2005 and 2025 will be roughly 650 acres. The analysis concludes that there will be a surplus of low-density land and there will be a shortage of medium density land, with an estimated need of about 70 additional acres to 2025.
- 1.50 The SAAP proposes designating additional Residential – Medium Density land to help accommodate future demand for medium density housing. The Plan envisions roughly 35 percent of future housing in the area to be medium-density (22 percent of the land area) providing a good balance of low-density housing and opportunities responding to future market demand and innovation in housing types.
- 1.51 The SAAP proposes the Oak Creek Transition Area as a tool to ensure that Oak Creek remains an important amenity for the area and the Oak Creek develops as a greenway providing both public and private open spaces near the riparian corridor. Policies proposed with the South Albany section of the Comprehensive Plan would encourage density transfer to retain the area’s natural features such as the significant tree groves.
- 1.52 Goal 12, Transportation. The SAAP paid particular attention to achieving the goals and policies in the Comprehensive Plan and in the Albany Transportation Systems Plan (TSP). The following goals are relevant to the proposed amendments.
- Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.*
- Goal 2: Provide a safe transportation system.*
- Goal 3: Provide a transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.*
- Goal 4: Provide a transportation system that balances financial resources with community livability and economic vitality.*
- Policy 5: Encourage development design that emphasizes safety and does not create unnecessary conflicts.*
- Policy 7: Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers.*
- 1.52 The SAAP Street Framework (Exhibit C, Figure 2) illustrates how the neighborhoods and employment area of South Albany will be connected by future streets, sidewalks and bike-lanes, and multi-use paths. This network extends to each neighborhood center and neighborhood circle.
- 1.53 The technical memo and analysis prepared by Kittleson & Associates, Inc. reviewed the planned improvements in the TSP and the need for any amendments to ensure adequate transportation facilities are provided to handle long-term capacity of the main streets. The analysis concluded with a list of amendments that will be needed to the TSP, such as road widening for additional lanes, or intersection improvements. Roundabouts and traffic signals are included in the proposals for traffic safety and flow.
- 1.54 The Street Framework also evaluated where to locate collector and arterial level streets and major “connector” streets to connect neighborhoods, schools and employment sites to other arterials outside of the study area. The Plan also identifies four different intersections improvements needed to minimize conflicts on these higher capacity streets.

- 1.55 The Oak Creek Parkway, a local level east-west connector street will help to provide visual and physical access to the Oak Creek greenway. The Parkway design includes a separated multi-use path adjacent to it as part of the Oak Creek Loop Trail network.
- 1.56 Goal 14: Urbanization. The relevant policies related to Goal 14, Urbanization mirror policies under Goal 9, Economy. The findings under Goal 9 are incorporated here by reference.
Goal: Achieve stable land use growth which results in a desirable and efficient land use pattern.
Policy 11: Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve.

CONCLUSIONS

- 1.1 Goal 1, Citizen Involvement. The SAAP and proposed amendments to the Comprehensive Plan were formed with extensive citizen involvement and input throughout the planning process.
- 1.2 Goal 2, Land Use Planning. Currently there is no plan to guide development in South Albany. The SAAP provides a long-range plan that incorporates plans and needs for transportation, land uses, public infrastructure, housing, jobs, schools and recreation.
- 1.3 Goal 5, Natural Resources. An important vision and objective of the SAAP is balancing the protection of the study area's many natural resources with future demand for housing and employment. The Plan envisions Oak Creek as being the area's "front yard" and offering a wide greenway with open spaces and trails. The Oak Creek Transition Area will help guide development adjacent to Oak Creek while providing numerous benefits of wetland protection, flood storage and recreation, for example.
- 1.5 Goal 8, Recreational Needs. The SAAP Trails Framework and Park and School Framework propose a variety of recreational amenities and opportunities to address the needs of all residents and all abilities.
- 1.6 Goal 9, Economy. The SAAP included a market analysis to assess the needs and opportunities for creating a prosperous economy. Additional employment land is proposed to accommodate projected demand for large site employers and village centers are proposed to accommodate the need for retail and services.
- 1.7 Goal 10, Housing. The proposed SAAP Land Use Plan proposes new neighborhoods with a mix of housing types ranging from low-density to medium-density. The Plan would add more opportunities to accommodate the demand for medium density housing.
- 1.8 Goal 12, Transportation. The SAAP Streets Framework identifies future arterial, collector and major connector streets that will be needed to accommodate future growth. Amendments to the 2010 Albany TSP are recommended to ensure adequate transportation facilities will be provided to accommodate growth in the long-term.
- 1.9 Goal 14, Urbanization. The proposed SAAP map and text changes would provide guidance for urbanization of this now vacant area and result in more efficient land use and travel patterns, reducing travel time to accommodate frequent needs.
- 1.10 In summary, the SAAP integrated planning efforts to ensure that the SAAP presents the vision for South Albany as determined by the community, with the objective to create a vibrant new neighborhood that will be appealing to residents and businesses. The SAAP provides the specific direction, tools, and best management practices necessary to implement this vision.
- 1.11 This review criterion is met.

Criterion 2: A legislative amendment is needed to meet changing conditions or new laws.

FINDINGS OF FACT

- 2.1 The proposed legislative amendments will provide a plan for future growth in the South Albany area, Albany's largest supply of undeveloped land. The City has no specific or adopted land use plan to guide future development of this area. The Plan represents several visions and objectives that will help shape the area into a special place.
- 2.2 The proposed South Albany area planning process included a review of all relevant state and federal laws. The Plan proposes policies and tools to support the protection of natural resources and the regulation of waters of the State and the United States, including Oak Creek and wetlands in the study area.

CONCLUSIONS

- 2.1 The South Albany Area Plan is proposed to plan for change and development in this area of Albany to ensure adequate infrastructure and facilities are accommodated and to meet existing laws.
- 2.2 This criterion is met.

Criterion 3: The requested designation for a quasi-judicial map amendment meets all of the following tests:

- (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.**
- (b) The requested designation is consistent with any relevant area plans adopted by the City Council.**
- (c) The requested designation is consistent with the Comprehensive Plan Map pattern.**
- (d) The requested designation is consistent with the statewide planning goals. [ADC 2.220(3)]**

FINDING OF FACT

- 3.1 The South Albany Area Plan proposed to be adopted as a supporting document to the plan is the "relevant area plans" for this part of Albany. The SAAP process evaluated the proposals in the plan against the 2010 Albany Transportation Systems Plan and the Parks Master Plans and the Albany Comprehensive Plan.

All of the sites being redesignated with the adoption of the SAAP were evaluated against the relevant Comprehensive Plan Goals and Policies and Statewide Planning Goals under Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

- 3.2 Site # 1 (Exhibit A): Change the Plan Map designation from Urban Residential Reserve (URR) to Industrial-Light (IL) for a site of approximately 50 acres north of existing IL land and south of the new 53rd Avenue- Ellingson Road alignment (a portion of Linn County Assessor's map #11S03W19, tax lot 304). The proposed designation has been evaluated against the Comprehensive Plan policies and more land for employment is supported in the Plan. The SAAP recommends this proposed Plan Map change. It is consistent with the land uses evaluated in the 2010 Albany TSP. The change will be add extend the existing Industrial Light designation north along the east side of the railroad tracks and is consistent with the Comprehensive Plan and land use pattern.
- 3.3 Site # 2 (Exhibit A): Change designation from IL to URR for a site of approximately 0.6 acres that will be separated from the parent parcel when the new 53rd Ave.-Ellingson Rd. alignment is constructed (portion of Linn County Assessor's map #11S03W30, tax lot 200). The Map amendment was evaluated against the Comprehensive Plan policies but is so small that it has no effect on existing city policies or plans. The proposed Plan designation to URR is consistent with the Comprehensive Plan and land use pattern proposed on that side of the proposed 53rd-Ellingson road alignment.

- 3.4 Sites # 3 & 4 (Exhibit A): Change designation from URR to IL for a site of approximately 14 total acres that includes roughly 9 acres of Linn County Assessor's Map #11S03W30, tax lot 1301 approximately 5 acres of Linn County Assessor's Map #11S03W30, tax lot 1305 adjacent to existing IL land. The area is separated from the north half of the two properties by a significant riparian corridor and wetlands. The proposed designation has been evaluated against the Comprehensive Plan policies and more land for employment is supported in the Plan. The SAAP recommends this proposed Plan Map. It is consistent with the land uses evaluated in the 2010 Albany TSP. The change will extend the existing Industrial Light land east and is consistent with the Comprehensive Plan and land use pattern.
- 3.5 Site #5 (Exhibit B): Change designation from URR to Village Center (VC) for a site of approximately 30 acres at the southwest corner of Lochner Road and Ellingson Road (a portion of Linn County Assessor's map #11S03W19, tax lot 304). The Comprehensive Plan supports creating neighborhood centers located in close proximity to the residents and employees the center is intended to serve. The SAAP Land Use Plan proposes this center will include roughly 6 acres of mixed use commercial and the remaining acres are envisioned to be medium density housing. The TSP anticipated village centers in the Plan area. The location is consistent with other areas of the Albany Comprehensive Plan that have Village Centers designated and spaced to support surrounding neighborhoods.
- 3.6 Site #6 (Exhibit B): Change designation from URR to VC for a site of approximately 10 acres at the west side of Columbus Street across from Seven Mile Lane (a portion of Linn County Assessor's map #11S03W29, tax lot 300). As noted under Site 5, the Comprehensive Plan supports creating neighborhood centers located in close proximity to the residents and employees the center is intended to serve. The SAAP Land Use Plan proposes this center will include roughly 3 acres of mixed use commercial and the rest would be medium density housing. The TSP anticipated village centers in the Plan area. The location is consistent with other areas of the Albany Comprehensive Plan that have Village Centers designated and spaced to support surrounding neighborhoods.

CONCLUSIONS

- 3.1 The proposed Comprehensive Plan Map amendments have been evaluated against relevant Comprehensive Plan policies, statewide planning goals, and city plans and found to be supportive of all of these plans.
- 3.2 The proposed Comprehensive Plan Map amendments are proposed in the SAAP, which took a holistic approach to integrate planning, transportation, natural resource protection and place making to create “complete” community.
- 3.3 This review criterion is met.

STAFF ANALYSIS

Development Code Amendments (DC-06-12)

(1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.

FINDINGS OF FACT

- 1.1 The proposed Development Code Amendments are located in Exhibit D. In Article 8, supplement design standards are proposed for the Oak Creek Transition Area. The Oak Creek Transition Area (OCTA) is an area on the north and south sides of Oak Creek as identified on the Land Use Map. Its purpose is to guide development review and more detailed planning for the transitional edge of the Oak Creek greenway. The Oak Creek Parkway will serve as the southern boundary of the OCTA. In order to implement the visions in the OCTA, development standards are proposed that will help guide the location and design of

development. The standards support the proposed SAAP and South Albany area Comprehensive Plan policies to provide visual and physical access to Oak Creek and encourage preservation of the area's natural resources.

- 1.2 Additional ADC amendments are proposed to implement these concepts. To compensate for the protection of the Oak Creek corridor, development density may be transferred and additional variety in housing types will be permitted. Amendments to the standards in Article 11, Land Divisions (Exhibit D), are proposed for Planned Development and Cluster Development in order to provide more flexibility in transferring development density from areas being protected.
- 1.3 Refinements to the Schedule of Permitted Uses in Article 3, Residential Zoning Districts (Exhibit D), are proposed in order to allow a little more variety in housing types in order to encourage protection for South Albany's natural features, and to allow for the transfer of development density. The proposed revisions create a new use category - 3 or 4 units, to allow for a variety of housing types as long as density limits are not exceeded by zone. The new use category is also being added to Article 22, Use Categories and Definitions (Exhibit D).
- 1.4 The proposed ADC amendments related to adoption of some of the South Albany Area Plan concepts support the goals and policies in the Albany Comprehensive Plan related to Statewide Planning Goal 5 - Open Space, Scenic & Historic Areas and Natural Resources and Goal 8 - Recreation, were discussed in findings under Comprehensive Plan Review Criterion 1. Findings 1.20 through 1.31 and Findings 1.43 through 1.51(pgs. 6-7, 9-10) are incorporated here by reference.

CONCLUSIONS

- 1.1 The proposed amendments to the ADC related to the South Albany Area Plan adoption support existing Comprehensive Plan goals and policies and support the South Albany area specific goals and policies proposed to be added to the Comprehensive Plan.
- 1.2 This review criterion is satisfied.

Criterion (2) The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

FINDINGS OF FACT

- 2.1 Several purposes of the ADC are relevant to the proposed ADC amendments: 1) to help implement the Comprehensive Plan; 2) satisfy federal and state laws, administrative rules, and statewide planning goals; and 3) protect and enhance the city's beauty and character.
- 2.2 The proposed standard for development in the Oak Creek Transition Area (OCTA) south of the Oak Creek to limit development to 40 percent of the total area in the OCTA will help protect the natural resources around Oak Creek and ensure the greenway remains both visually and physically accessible.
- 2.3 The proposed standards for the OCTA will help to maintain the Oak Creek greenway that provides natural beauty and unique character in the South Albany area.
- 2.4 The OCTA standards will supplement and support existing standards in the Albany's Significant Riparian Corridor overlay district, Significant Wetland and Waterway overlay district, and the Floodplain overlay district. The purposes of the natural resource overlay districts are as follows:

The FLOODPLAIN OVERLAY DISTRICT standards are intended to manage development in the floodplain in a way that promotes public and environmental health and safety and minimizes the economic loss and social disruption caused by impending flood events.

RIPARIAN CORRIDOR OVERLAY: To protect and enhance Albany's riparian areas, thereby protecting and restoring the hydrologic, ecological, and land conservation functions these areas provide. Significant riparian corridors support valuable fish and wildlife habitat; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing stream banks; and reduce the effects of flooding. A healthy riparian corridor is comprised of a multi-storied forest of native species of trees, shrubs, and ground cover. Many riparian corridors in Albany have the potential to be restored to higher function and value.

SIGNIFICANT WETLAND AND WATERWAY OVERLAY DISTRICT: To protect and enhance the integrity, function and value of Albany's significant wetlands and fish-bearing waterways. Wetlands and waterways provide hydrologic and ecologic functions; and reduce adverse effects of flooding. The vast majority of significant wetlands are in riparian areas. There are a small number of isolated significant wetlands. The higher quality isolated wetlands will be regulated locally (as identified in the Citywide Environmental, Social, Economic, Energy (ESEE) Analysis); and the lower quality isolated wetlands will not be regulated locally, but must comply with state and federal wetland regulations.

- 2.5 The ADC amendments support Comprehensive Plan policies for Statewide Planning Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources. Comprehensive Plan Amendment Criteria 1 Findings 1.20 through 1.27 are incorporated here by reference.
- 2.6 The amendments in Articles 3, 11, and 22 provide more flexibility in the types of housing units that could be allowed in the SAAP boundary when transferring density to protect natural features through a Cluster or Planned Development only. This supports Statewide Planning Goal 5 and also Goal 10, Housing.
- 2.7 The underlying zoning district and Comprehensive Plan designation purpose statements for where the ADC amendments would apply are as follows:

Applicable Zoning Districts:

The OPEN SPACE ZONING DISTRICT is intended for the continuation and preservation of existing agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural areas, flood conveyance, and uses that do not involve the construction of structures other than minor accessory facilities required to conduct the principal use.

The RS-6.5—RESIDENTIAL SINGLE FAMILY DISTRICT is intended primarily for low-density urban single-family residential development. The average minimum lot size is 6,500 square feet.

The RS-5—RESIDENTIAL SINGLE FAMILY DISTRICT is intended primarily for low- to moderate-density single-family development. The average minimum detached single-family lot size is 5,000 square feet.

The RM—RESIDENTIAL MEDIUM DENSITY DISTRICT is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre.

Comprehensive Plan Designations

OPEN SPACE: Identifies and protects areas where development is infeasible or undesirable and where it is in the public interest to protect lands for the maintenance of natural drainageways and flood channels, to protect fish and wildlife habitats, to enhance scenic and historic areas, to protect natural resources, and to protect potential recreation trails and park sites. The principal private uses of these areas will include grazing and crop production, and recreation and open space uses within private developments.

URBAN RESIDENTIAL RESERVE: Identifies areas between the developed urban area and the Urban Growth Boundary within which a variety of residential zones may be permitted to accommodate all needed housing types without a Plan change. All zoning decisions will be based upon criteria as specified in the Development Code.

- 2.5 The proposed ADC amendments will not affect the uses allowed in the underlying zoning districts or Comprehensive Plan designations or the intended purposes of these districts.

CONCLUSIONS

- 2.1 The proposed ADC amendments related to the SAAP are consistent with purposes of the Development Code to implement the policies in the Comprehensive Plan and to satisfy requirements related to Statewide Planning Goals 5 and 10.
- 2.2 The proposed ADC amendments related to the SAAP are consistent with the purposes of Albany's natural resource overlay districts.
- 2.3 The proposed ADC amendments that provide tools to allow development with protection of natural features in the SAAP study area are consistent with the zoning and Plan district purpose statements.
- 2.4 This criterion is met.

STAFF ANALYSIS**Zoning Map Amendment (ZC-07-12)**

NOTE: This analysis is applicable to Sites 2 and 6 on the attached maps in Exhibits A and B.

The Albany Development Code 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.

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 Site # 2 (Exhibit A) is roughly 0.6 acres proposed to be rezoned from Industrial Park to Residential Medium Density. The site is the northeast corner of a property that will be separated from the parent parcel when the new 53rd Ave.-Ellingson Road alignment is constructed (portion of Linn County Assessor's map #11S03W30, tax lot 200). A concurrent Comprehensive Plan Map amendment is proposed from Industrial-Light to Medium Density Residential.
- 1.2 The proposed Medium Density Residential zoning district is consistent with the concurrent proposed Urban Residential Reserve designation of the property.
- 1.3 Site # 6 (Exhibit B) is part of a large 104 acre property located on the west side of Columbus Street at the intersection with Ellingson Road (a portion of Linn County Assessor's map #11S03W29, tax lot 300). The site extends across Ellingson Road. This site is currently zoned Residential Single Family (RS-5) and designated Urban Residential Reserve (URR) on the Comprehensive Plan Map.
- 1.4 The SAAP Land Use Plan shows a 3-acre neighborhood center surrounded by residential medium density land on a portion of the subject property. As one of the few properties in the study area in the City limits, the City is proposing to implement a portion of the land use concept map with proposed Zoning Map amendments. The zoning is proposed to change from Residential Single-family (RS-5) to Mixed Use Commercial (MUC) for a 3-acre site on Columbus St. across from Seven Mile Lane and change the zoning of roughly 27-acres of land around the neighborhood center from RS-5 to Residential Medium Density (RM).
- 1.5 A concurrent Comprehensive Plan Map amendment is proposed to change the Plan designation of roughly 10 acres from URR to Village Center. The MUC and RM zones are compatible with the Village Center Plan designation. The RM zone is also compatible with the URR Comprehensive Plan designation.

CONCLUSIONS

- 1.1 Site # 2. The proposed Zoning Map amendment from Industrial Park to RM for this site is consistent with the proposed Comprehensive Plan Map designation of URR.
- 1.2 Site # 6. The proposed Zoning Map amendments from RS-5 to RM and MUC for this site are consistent with the proposed Comprehensive Plan Map designation of URR.
- 1.3 This criterion is satisfied.

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

FINDINGS OF FACT

- 2.1 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” would occur and must be mitigated if a proposed comprehensive plan or zone change would:
 - (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - (b) Change standards implementing a functional classification system;
 - (c) Result in types of levels of travel or access that are inconsistent with the functional classification of an existing or planned facility;
 - (d) Degrade the performance of an existing or planned facility such that it would not meet the performance standards identified in the Transportation System Plan (TSP) or comprehensive plan; or
 - (e) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.
- 2.2 Albany’s current TSP was adopted in 2010. Planning efforts for the SAAP area were already underway during development of the TSP. As a result, the transportation system developed for the TSP included and already accounts for anticipated land changes within the SAAP area. Those changes included:
 - (a) Redesignation of 50 acres located east of the Union Pacific Railroad rail line and south of the planned 53rd Avenue alignment from Urban Residential Reserve to a Light Industrial/Industrial Park zoning designation;
 - (b) Redesignation of two areas totaling 30 to 40 acres located at Ellingson Road and Lochner Road from Urban Residential Reserve to a Village Center/Mixed Use Commercial zoning designation.
- 2.3 The proposed comprehensive plan and zoning designation changes are consistent with the assumptions included during development of the 2010 TSP.
- 2.4 The SAAP includes recommendations to update the 2010 TSP based on the SAAP elements in the Street and Trails Frameworks and to accommodate needs when the area is fully developed.

CONCLUSIONS

- 2.1 The transportation system developed for the 2010 TSP was based on traffic modeling projections that assumed the anticipated land use changes within the SAAP area had occurred.
- 2.2 The proposed comprehensive plan and zoning designation changes are consistent with the assumptions included during development of the 2010 TSP. Because the TSP has already accounted for the currently proposed changes, no significant affect is anticipated to result.
- 2.3 This review criterion is satisfied.

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

FINDINGS OF FACT

- 3.1 City Utilities (Water, Sanitary Sewer and Storm Drainage). The City's Public Facilities Plans (Wastewater, Water, and Storm Drainage) identify the needed utility improvements for the South Albany area. The proposed water and wastewater infrastructure improvements have been engineered to accommodate potential development within the area based on zoning and population projections for ultimate build-out. The City's storm water master plan is being developed and will look at needs within the SAAP study area.
- 3.2 While the City's facility plan recommendations pertain to the more significant portions of the utility systems (i.e., trunk sewers, distribution mains, etc.), the utility lines within a particular development are determined at the time of development based on the particular needs of the proposal. Typically, the timing of these improvements is development-driven and improvements are incrementally constructed as portions of the area are built out. The SAAP includes a funding and implementation strategy based on the technical memo prepared by ECONorthwest. Water and wastewater utility improvements will be funded largely through public-private partnerships with the City's portion consisting largely of systems development charges.
- 3.2 Schools. Several options for an elementary school site are proposed in the SAAP to accommodate future school enrollment needs as the South Albany area develops over time.
- 3.3 Police and Fire Protection. Over half (52 percent or 1,014 acres) of the SAAP area is outside of the City limits and is currently undeveloped. The Albany Police and Fire Departments provide services to all development in Albany regardless of the zoning or types of uses.

CONCLUSIONS

- 3.1 The City's facility plans were evaluated with the SAAP and are consistent with the projected growth for the South Albany area.
- 3.2 City utilities will be required to be extended when development is proposed, based on the particular development proposals and system needs.
- 3.3 This review criterion is satisfied.

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 Zoning Map amendments (Site #2 on Exhibit A and Site #6 on Exhibit B) are proposed to implement portions of the proposed South Albany Area Plan. The amendments include rezoning a 3-acre site from RS-5 to Mixed use Commercial to reserve a neighborhood center, and rezoning with roughly 27 acres from RS-5 to RM, Residential Medium Density around the neighborhood center. A small 0.6 acre corner of a large property will be rezoned from Industrial Park to RM due to a future road alignment through the property.
- 4.2 The purpose of the Mixed Use Commercial (MUC) zoning district is, "to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences. The MUC district is easily accessible to nearby residences, and commercial uses are

compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.”

- 4.3 The purpose of the RM zone is “primarily for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units a gross acre.”
- 4.4 The SAAP anticipates the RM designation will provide a variety of detached and attached housing types to meet the needs of future residents. Roughly 22 percent of the buildable residential land in the SAAP area is proposed to be medium density.
- 4.5 The proposed Zoning Map amendments support the goals and policies of the Comprehensive Plan related to Goal 10 Housing, Goal 9, the Economy, and Goal 14, Urbanization. The findings and conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment staff report are applicable to the Zoning Map amendment and are included here by reference.

CONCLUSIONS

- 4.1 The proposed Zoning Map amendments better satisfy the goals and policies of the Comprehensive Plan than the existing zoning.
- 4.2 The proposed Zoning Map amendments support the Land Use Plan in the SAAP.
- 4.2 This criterion has been met.

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

FINDINGS OF FACT

- 5.1 The South Albany Area Plan process included evaluation of the City’s 2010 Transportation Systems Plan, the Parks Master Plan, the utility plans, and the Comprehensive Plan.
- 5.2 The Streets Framework (Exhibit C, Figure 2) was based on an analysis by Kittleson & Associates, Inc. of the proposed land uses and anticipated traffic generation at 2030 and at build out. The consultants evaluated the proposed Land Use Plan against the land uses assumed in 2010 Albany Transportation System plan (TSP) and found that the 2010 TSP adequately factored in for the proposed land uses and demand to 2030. (See Findings under Zoning Map Review Criterion 2.)

Kittleson & Associates, Inc. was asked to look at potential improvements that might be needed at build-out. They evaluated the TSP against the proposed Street Framework (Exhibit C, Figure 2) and Trails Framework (Exhibit C, Figure 3) and recommend several amendments to existing projects identified in the TSP and a few new projects are needed to implement the SAAP.

- 5.3 The SAAP looked at the Parks Master Plan for guidance on recreation and parks needs and where to locate them in conjunction with the planned neighborhoods, streets and trails.
- 5.4 The proposed zoning map amendments are within one of the proposed neighborhoods with a neighborhood center. The proposed RM and MUC zoning districts are consistent with the proposed neighborhood center location and medium density housing as shown on the Land Use Map in the SAAP.

CONCLUSIONS

- 5.1 The proposed Zoning Map amendments are consistent with the 2010 TSP regarding assumed land uses.

- 5.2 The SAAP proposes amendments to the 2010 TSP in order to implement elements in the Streets Framework and Trails Framework maps and transportation facility needs at build-out.
- 5.2 The proposed Zoning Map amendments are consistent with the proposed SAAP Land Use Plan, Streets Framework, Trails Framework and Parks and School Framework maps.
- 5.2 The proposed Zoning Map amendments are consistent with the visions and objectives proposed SAAP and the Albany Comprehensive Plan land use patterns, goals and policies.
- 5.2 This criterion is met.

STAFF REPORT ATTACHMENTS

EXHIBIT A: Industrial Land Redesignation and Rezoning Map

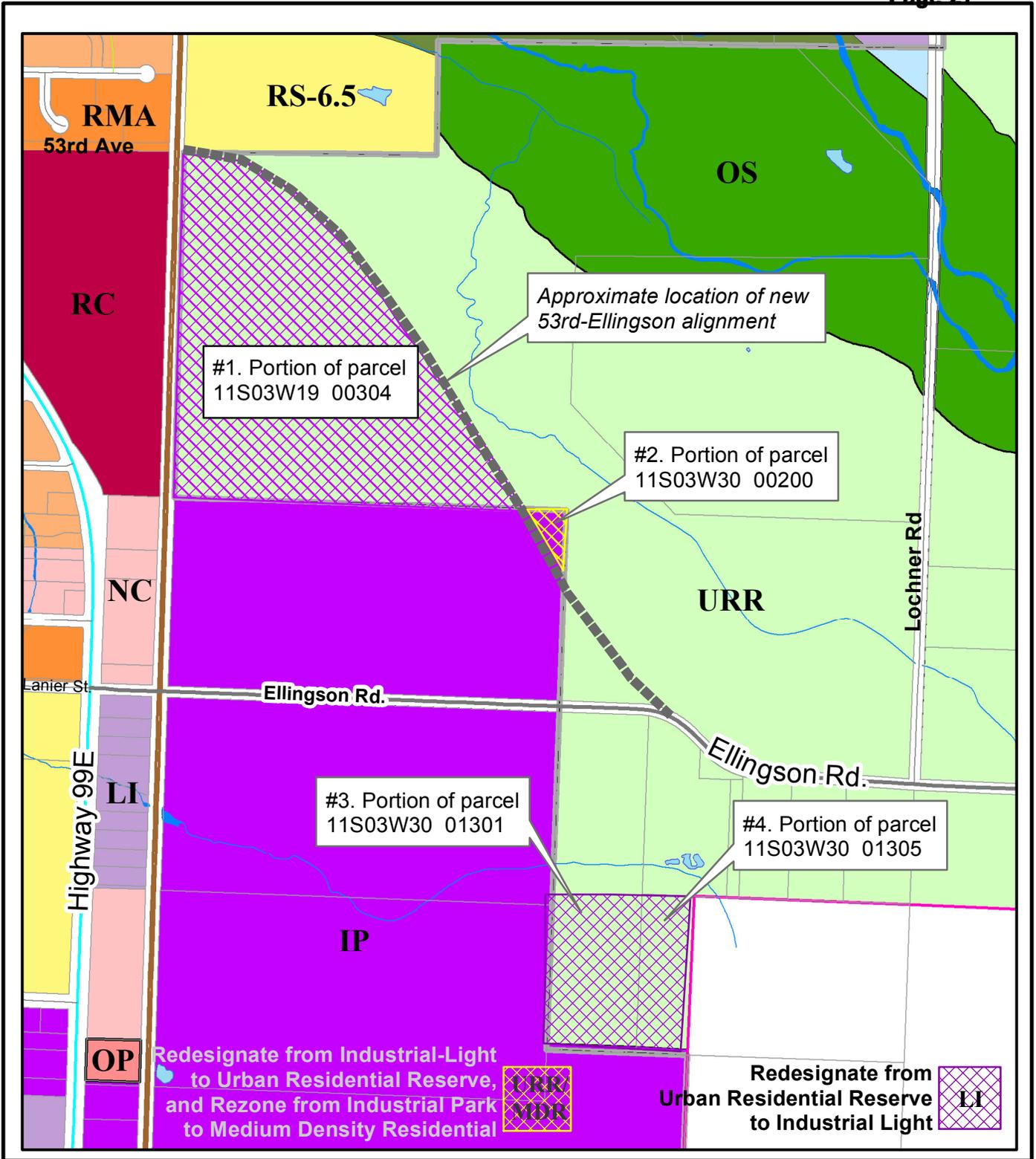
EXHIBIT B: Village Center Redesignation and Rezoning Map

EXHIBIT C: Comprehensive Plan Text Amendments

EXHIBIT D: Albany Development Code Amendments

The South Albany Area Plan & Exhibits are available for viewing on the City of Albany Website:

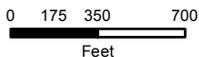
<http://www.cityofalbany.net/saap> , or in person at the Community Development Department, Albany City Hall, 333 Broadalbin St. SW, Albany.



Industrial Land Redesignation and Rezoning



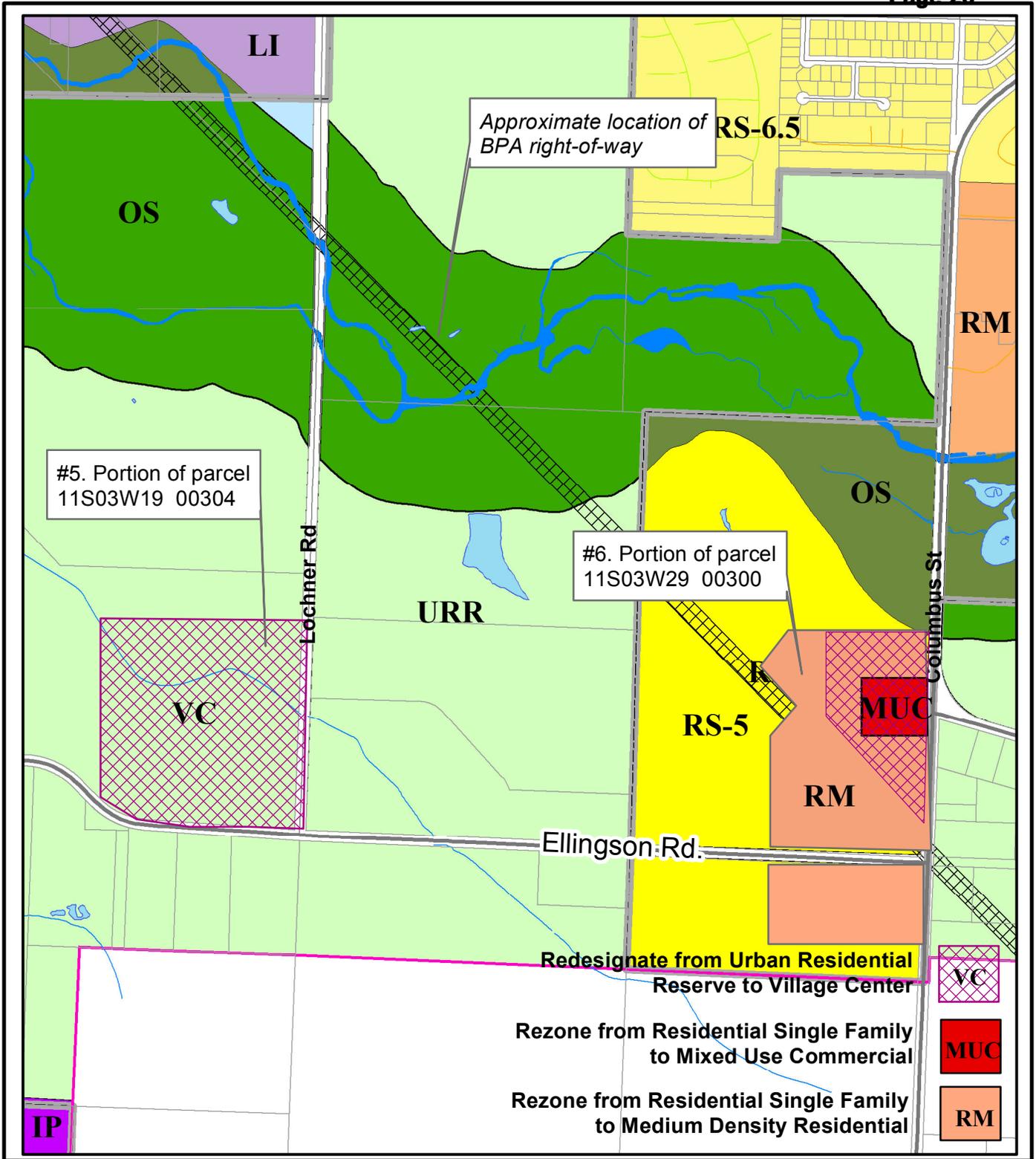
The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is



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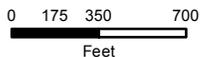


Village Center Redesignation and Rezoning



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is

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PROPOSED COMPREHENSIVE PLAN AMENDMENTS TO IMPLEMENT THE SOUTH ALBANY AREA PLAN

CHAPTER 8: URBANIZATION (GOAL 14)

STAFF COMMENT: The following is proposed as a new section of the Comprehensive Plan. It is not shown in bold for ease of reading.

SOUTH ALBANY AREA PLAN GOALS, POLICIES, AND IMPLEMENTATION METHODS

Development of the South Albany Area Plan (SAAP) was supported by a grant from the State of Oregon's Transportation and Growth Management program. The City of Albany, and a consultant team lead by Otak, completed the plan in 2012. The SAAP, which includes a series of maps and technical memos, is adopted as a supporting document to the Comprehensive Plan. It should be used to guide all future development in the South Albany Area.

The SAAP goals, policies and implementation measures are organized under the following headings:

- Vision for South Albany
- Land Use
- Transportation
- Natural and Cultural Resources
- Parks, Schools and Community Facilities

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

VISION FOR SOUTH ALBANY

GOALS

The Vision Statement for the South Albany Area Plan establishes the Goals for the area, cited below.

South Albany will be:

1. A complete, walkable and welcoming community;
2. The home of new “neighborhoods of choice” in Albany;
3. Known for having Oak Creek as its “front yard”;
4. A thriving employment center and gateway to Albany;
5. Integrated with greater Albany and the region;
6. Developed with a commitment to resource stewardship; and
7. A community with village centers that provide local services.

LAND USE

POLICIES

1. South Albany will be further planned and developed as a complete and livable community. It will include livable neighborhoods, varied housing, mixed use centers, schools, employment sites (commercial and industrial), parks, and natural resource areas – all tied together by a connected pattern of streets, pathways and open space.
2. Development in South Albany will be a showcase of implementation for Albany's Great Neighborhoods concepts and guidelines. Each neighborhood will be connected to a community focal point.
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).
4. Development patterns in South Albany should promote the efficient use of land and infrastructure and conservation of significant natural resources.
5. Development on individual properties within each of five neighborhoods as shown on the Organizational Framework (Figure 1) shall contribute to the creation of a cohesive total neighborhood with: variety of housing, local community services, connected and walkable streets and paths, physical and visual access to open spaces, parks and other community facilities.
6. Development shall be approved only when it can be shown that such development will not preclude or inhibit further development in the surrounding area from occurring in a logical and efficient manner. All development on, or resulting in, parcels larger than the minimum lot size for the zoning district shall be designed so as not to interfere nor conflict with the subsequent orderly transition to efficient, higher density planned urban uses. This also applies to construction of all single family units on existing lots of record which are outside platted subdivisions. Urban conversion plans are required for all such development demonstrating that the proposed lot and/or development can accommodate future development at the density range allowed by the Albany Comprehensive Plan and/or Zoning Map will allow the logical and efficient extension of streets and city services.
7. Transitions between land uses will be carefully planned to promote compatibility. This policy applies particularly to the transitions between industrial and residential areas, and between developed areas and natural features.
8. The City supports preservation of South Albany's natural and cultural features by allowing and encouraging cluster development. As used here, natural features include wetlands (with an emphasis on significant wetlands), Oak Creek and its tributaries, the unnamed tributary near the PepsiCo property, and the Oak groves. Key cultural facilities to preserve include archeological resources and historic properties including the Gerig Farm.
9. Views of the Coast Range, oak groves, and Oak Creek shall be preserved when reasonably feasible.
10. New residential development bordering designated and zoned farmland outside the UGB should be adequately set back, screened and buffered to minimize potential conflicts between residential and farm activities.

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).
12. Within Neighborhood Centers, up to 50% of the gross area of land zoned Mixed Use Commercial (MUC) may be developed for residential use. The remaining 50% of the MUC zone shall be developed with non-residential uses, allowing residential units above the ground level. The purpose of this policy is to ensure that local-serving retail and services are developed within the Neighborhood Centers.
13. The City shall allow flexibility in the size and exact location of lands zoned MUC. The South Albany Land Use Concept indicates the general size and location of 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.
14. Commercial and Industrial lands in South Albany will help fulfill the City’s Economic Opportunities Analysis, take advantage of South Albany’s location in the region, and fulfill the economic role of the area defined by the plan. Zoning regulations for employment lands will incorporate flexibility in order to respond to changes in business and industry trends.
15. Within areas designated as Residential, densities and building types shall generally follow a pattern where higher densities will be closer to Medium Density and Village Center areas, and lower densities closer to Open Space areas. This pattern does not preclude usage of cluster developments. Where clustered housing will be beneficial to preserving natural or cultural features, and/or providing housing variety, it is encouraged.
16. Open Space designations on the Comprehensive Plan Map are intended to maintain open space in areas generally unsuitable for development and to identify linear linkages between undevelopable, open space areas.
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*
Residential – Low Density	Residential – Low Density	RS-5, RS-6.5, RS-10
Residential – Medium Density	Village Center <i>at the Lochner and Columbus centers</i>	RM
	Residential – Medium Density <i>elsewhere</i>	RM, RS-5
Neighborhood Center	Village Center <i>at the Lochner and Columbus centers</i>	MUC
	Residential-Medium Density at the Mennonite Village	NC
Regional Commercial	Commercial - General	RC
Neighborhood Commercial	Commercial - Light	NC
Industrial Park	Light Commercial	IP
Industrial – Light	Light Industrial	LI
Industrial – Heavy	Heavy Industrial	HI
Community Park	Residential – Low Density	RS-5
Open Space	Open Space	OS

*Note: Overlay districts apply as applicable. Examples include Floodplain and Significant Natural Resource Overlay Districts

IMPLEMENTATION MEASURES

1. Annexation agreements are a tool to implement the vision, goals and policies South Albany. Annexation Agreements are required for all lands proposing to be annexed in South Albany to ensure all annexations are in the public interest. The terms of annexation agreements may include, but are not limited to, dedication of land for future public facilities, construction of public improvements, waiver of compensation claims, or other commitments and public benefits deemed valuable to the City of Albany. Annexation agreements are typically recorded as a covenant running with the land.
2. The City may require the submittal of a conceptual master plan as part of the review of proposed annexation agreements. Such master plans are intended to show how a property will be consistent with the South Albany Area Plan.
3. Provide the opportunity to cluster development within areas subject to environmental constraints to achieve allowed densities and protect public safety and environmental values.
4. The City will prepare design and development standards for Industrial Parks that are consistent with the Comprehensive Plan goals and policies, and of the South Albany Area Plan.

TRANSPORTATION

POLICIES

1. South Albany will be a walkable community, with pedestrian-friendly streets, a clearly defined network of blocks and pedestrian ways, and an excellent trail system.
2. Multiple options for local, intra-city, and regional travel will be provided through a connected street and pathway network, and land uses which support walking, biking and future public transit.

3. Highway 99E and Columbus Street/Waverly Road will be planned as safe, aesthetically pleasing, multi-modal gateways into Albany.
4. Streets, transportation facilities and development shall be consistent with the Street Framework (Figure 2), the street cross-sections in the South Albany Area Plan (SAAP), and the Transportation System Plan (TSP). The Street Framework shows the type and general location of transportation facilities planned for South Albany. It is intended to guide the alignment and connectivity of streets and intersections, and support the land uses planned for South Albany. The actual type and location of transportation facilities may vary in response to site-specific conditions and land uses, but they must still be consistent with the goals and policies established for the SAAP.
5. Connector streets and additional local streets will be required by the City to form the full walkable block pattern for the area. The Street Framework (Figure 2) includes a network of “connector” streets. The connector streets supplement the streets designated as arterials and collectors in the TSP, providing a partial local street plan for South Albany. They are not the full network of local streets. It is recognized that site specific conditions, such as wetlands, will need to be considered in the actual development of both connectors and additional local streets.
6. In all cases, Oak Creek Parkway shall provide visual and physical access to the undeveloped areas of the Oak Creek Transition Area.
7. Where feasible, Oak Creek Parkway, a connector street that parallels Oak Creek on the creek’s south side, should serve as the southern physical edge between developed areas and undeveloped areas in the Oak Creek Transition Area. This two lane street will connect three neighborhood parks, two trailheads, and a potential elementary school. This is intended as recommended and guiding, not mandatory. Preferred, permitted, and prohibited development patterns adjacent to Oak Creek Parkway are illustrated in the SAAP.
8. The City supports access and sufficient rail crossings in the industrial areas of South Albany in order to provide:
 - a. Access for emergency vehicles;
 - b. Freight access for industrial developments;
 - c. Connectivity between the Study Area and Linn-Benton Community College (LBCC); and
 - d. Capacity to support development of the study area at full build-out.
9. All trails, trailheads and related development shall be consistent with the Trails Framework (Figure 3). The Trails Framework is intended to provide a series of trail loops and connections that link designations within South Albany, and connect South Albany with the rest of the City. The Trails Framework provides general alignment for trails in the Albany TSP, and additional trails that were identified during the SAAP process.
10. Connect every street stub to another street, existing or proposed. An exception will be made where there are existing hazardous conditions for pedestrians, such as no sidewalks, or for vehicles, such as poor sight distance or accident history. An exception is also warranted where it is not practical to extend the street due to on-site physical constraints, such as existing development, steep slopes, wetlands, or drainageways, in which case the new development shall provide for a cul-de-sac to end the street.
11. Extend all streets in new subdivisions and partitions to the boundary of the property where a continuation of the street will intersect a property line. Right-of-way should be dedicated and the street should also be constructed. Exceptions will be considered where there are physical limitations on adjoining property due to existing development, steep slopes, wetlands, or drainageways. Street extensions should generally extend the overall block pattern of the neighborhood or the interval should follow the block design pattern established in the Development Code.

12. Allow cul-de-sacs only where physical circumstances (e.g., existing development, natural features) impair internal or perimeter street connections. Make street connections whenever possible, especially to attractors such as parks, schools, transit routes, and other neighborhoods. Cul-de-sac design should allow for a sidewalk to the adjacent attractor so that a pedestrian corridor is preserved even though the vehicle corridor is closed. Design pavement for pedestrian ways to support maintenance or emergency vehicles.
13. Support the development of alternate street designs that may be considered on a site-specific basis if unusual environmental conditions exist and long-term operational and maintenance costs are acceptable to the Director of Public Works.

IMPLEMENTATION MEASURES

1. Work with property owners and developers to coordinate street and transportation facility improvements that will serve multiple properties and co-located public facilities.
2. Develop a funding strategy for all trails on the Trails Framework.
3. Conduct more detailed planning for all trails. For the Oak Creek crossings, the surface types, feasibility of bridges and boardwalks, seasonal usage, interpretive signage, and minimization of environmental impacts will be considered.
4. Coordinate with Oregon Department of Transportation Rail (ODOT Rail) on all rail crossings in South Albany.

NATURAL AND CULTURAL RESOURCES

POLICIES

1. Future planning and development within and adjacent to designated open space, significant wetlands, and areas mapped as the Oak Creek Transition area shall be consistent with the following objectives for Oak Creek and the transition area:
 - a. Integrate open space areas, both public and private, near Oak Creek;
 - b. Be the centerpiece of the South Albany open space system and provide multiple benefits including wetland protection and mitigation, habitat, flood storage, pathways, recreation, history, environmental education and visual identity for the area;
 - c. Be South Albany's "front yard" - physically and visually accessible to adjacent development;
 - d. Create a multitude of public connections (parks, trails, trailheads, visual, etc.) between Oak Creek Parkway (an east-west street) and the public edge of undeveloped areas; and
 - e. Include a continuous east-west pathway, and other pathways that connect north and south to community destinations.
2. Wetlands, tree groves, flood storage, and other key resources will be preserved when feasible so they may serve as amenities or functional elements of development in South Albany.
3. The City supports planning and programs needed to mitigate development challenges posed by wetlands and other constraints, so that: (1) cohesive areas of developable land are created as envisioned in the South Albany Area Plan; (2) mitigation is coordinated and encompasses larger, ecologically sustainable areas; and (3) high value resources (e.g., Oak Creek and connected wetlands) are preserved and integrated into the area

as amenities.

4. Public and private development should avoid impacts to archaeological resources and historic sites to the fullest extent feasible.
5. The City will be proactive in recording, avoiding and minimizing impact to archeological resources. It is recognized that even the creation or modification of recreation areas, wetland mitigation areas, and other recreational and habitat enhancements can result in the disturbance or destruction of an archaeological site through earth-moving activities. Archaeological sites should be identified through field survey early in the planning process; they can likely be avoided and protected to a great extent through design adjustments.
6. Historic properties should be preserved and enhanced, where feasible. Three potentially significant historic properties were identified in the project area: (1) 6732 Seven Mile Way, (2) 6061 Columbia Street, and (3) 3795 Lochner Road. Properties from the 1800s are becoming increasingly rare in Oregon as structures become more fragile through weathering and difficulties with maintenance. For those historic structures that can survive and even be rehabilitated, they can become anchor points in the community.
7. The City supports the preservation and enhancement of the historic Gerig Farm as a historic farm and heritage site. The Dorris Ranch Living History Filbert Farm in Lane County is a good example where a historic property provides broad-reaching opportunities to the community for education, recreation, and historic interpretation. The trailhead on the Gerig property is an opportunity for interpretive information about the area's history, archeological resources, and environment.

IMPLEMENTATION MEASURES

1. The City will create a program, and/or support efforts by others, to develop wetland mitigation bank(s) and other ecologically suitable mitigation options to offset unavoidable wetland impacts in South Albany. This action may occur in a phased manner over time (e.g., on a neighborhood-by neighborhood basis).
2. Where creek or tributary crossings are necessary, the City will require designs that minimize impacts (e.g., boardwalks and other permeable surfaces for trails, open bottom culverts).
3. Where appropriate and available, the City will use nationwide permits (under Section 404 of the Clean Water Act) and general permits (under Oregon's Fill and Removal Law) for public trails and similar improvements. These federal and state regulations authorize limited wetland fill actions when legal and programmatic criteria are met. They are a tool for streamlining permitting, while achieving best practices.
4. During the South Albany Area Plan process, a review of past archeological surveys indicated a zone of archaeological potential that overlaps to a great extent with wetlands and with the Oak Creek Transition Area, generally in areas below the 230 MSL contour. These are priority areas for careful planning and impact avoidance.
5. Seek funding for an archaeological management plan that would outline efficient means of surveying unsurveyed areas in South Albany, and include specific options for the treatment of identified archaeological sites. Prior to the SAAP, approximately one-third of South Albany had been surveyed for cultural resources.
6. The City will encourage the following conservation measures to reduce impacts to sensitive wildlife, plant, and fish species in South Albany:
 - a. Clearly identify sensitive wildlife, plant, and fish habitats in the field prior to development;
 - b. Improve degraded wildlife habitat or abandoned agricultural areas within the proposed project areas with new plantings of native species. Introduce native shrub and tree species that provide cover and

- food sources for wildlife during landscaping. Mitigation plantings would include a diverse assemblage of species native to the proposed project areas;
- c. Monitor all new mitigation and restoration areas until they meet compliance criteria established by applicable environmental permits;
 - d. Incorporate noxious weed removal and management into any future proposed actions; and
 - e. Work with property owners to limit tree removal activities to between September 30 and March 1 to avoid conflicts with nesting migratory birds in compliance with the Migratory Bird Treaty Act (MBTA).
7. The significant oak tree groves in South Albany provide a specialized niche for sensitive species. Existing significant oak tree groves outside the Oak Creek corridor should be considered for protection through incentives built into the development review process.

PARKS, SCHOOLS, AND COMMUNITY FACILITIES

POLICIES

1. Parks in South Albany shall be located consistent with the Park and School Framework (Figure 4), and the Albany Park and Recreation Master Plan.
2. The school sites shown on the Park and School Framework (Figure 4) are suggested locations that were supported during the development of the South Albany Area Plan. They are guiding, not binding, on the Greater Albany Public School district.
3. The City supports the co-location of parks, schools and other community facilities.

IMPLEMENTATION MEASURES

1. The Community Park is the site to be included in the SAAP. The site labeled “Alternative Community Park Site” on the Park and School Framework was an alternative option identified during the process but not favored by a majority of participants. It could be considered in the future by the City if a specific proposal is brought forward.
2. The City will encourage the co-location of several public facilities, such as a fire station, reservoir, and elementary school, within or near the Community Park site on Lochner Road.
3. “Active” community facilities, such as community centers and branch libraries, should be located within Village Centers or co-located with the Community Park.

BACKGROUND INFORMATION

The South Albany Area Plan prepared by the City of Albany, and a consultant team lead by Otak, dated xxxx 2012, is adopted in its entirety as a supporting document to the Comprehensive Plan (Ordinance xyz).

Maps and Graphics following this section:

Figure 1. Organizational Framework

Figure 2. Street Framework

Figure 3. Trails Framework

Figure 4. Park and School Framework

Figure 5. Land Use Plan

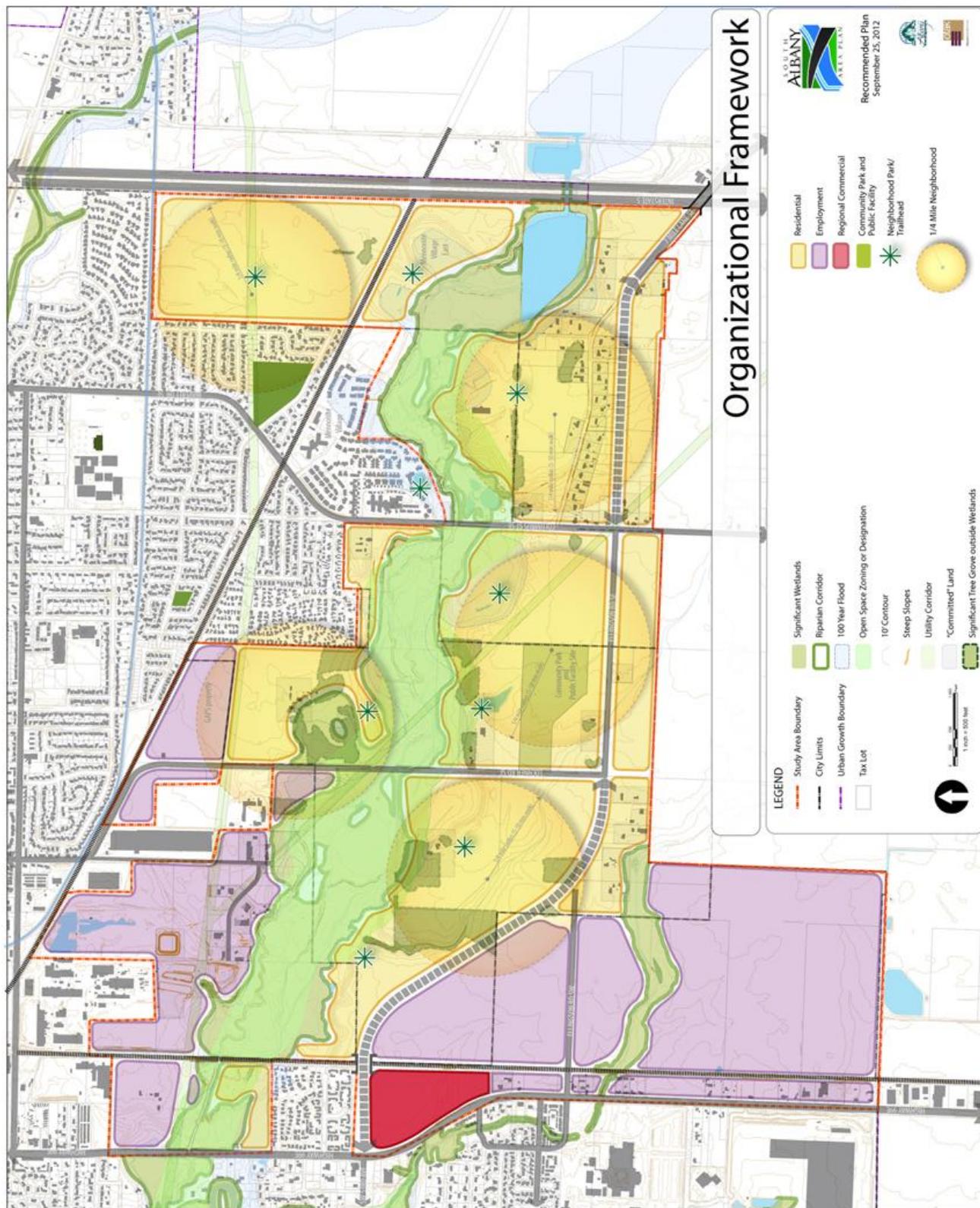


Figure 1. Organizational Framework

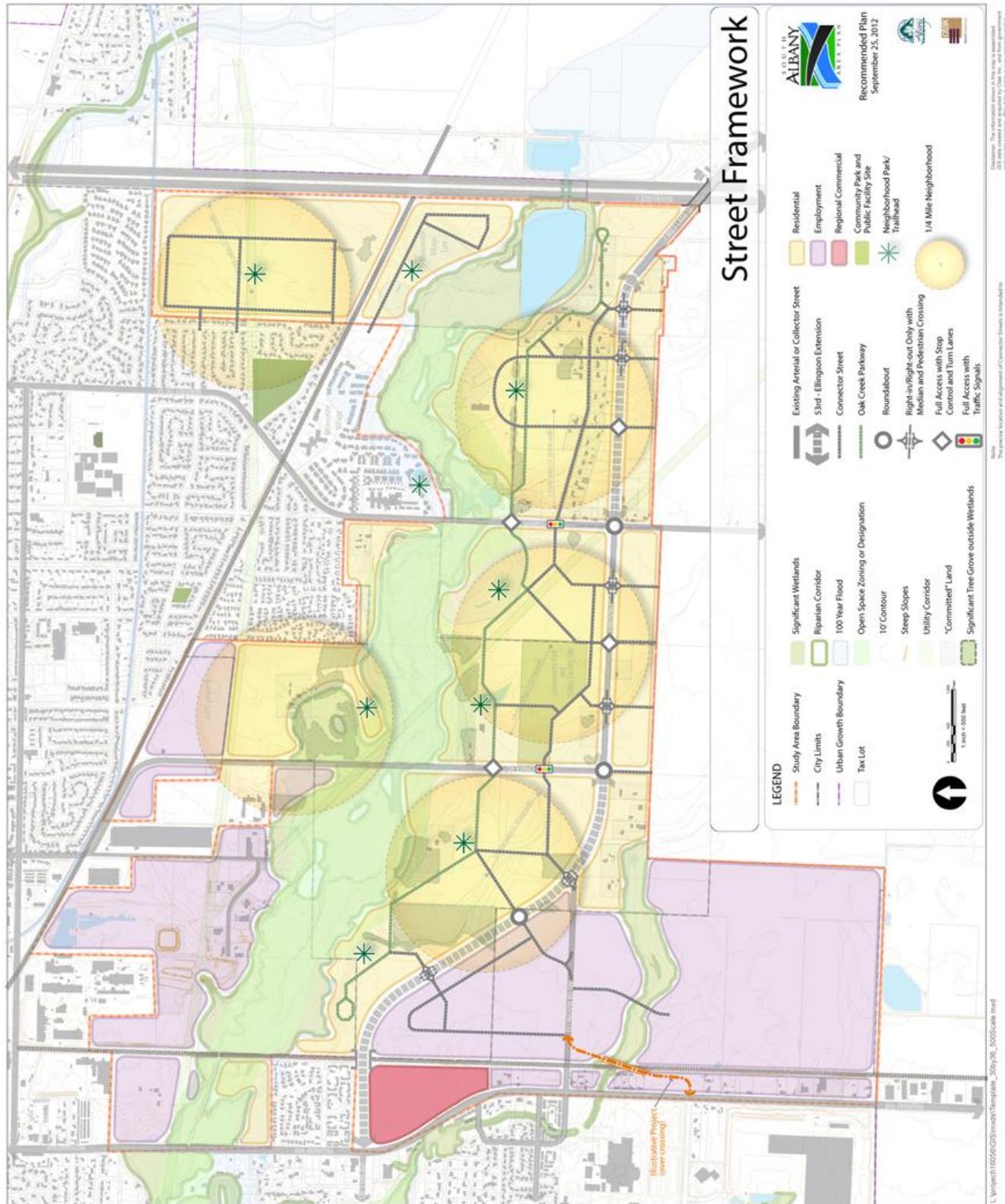


Figure 2. Street Framework

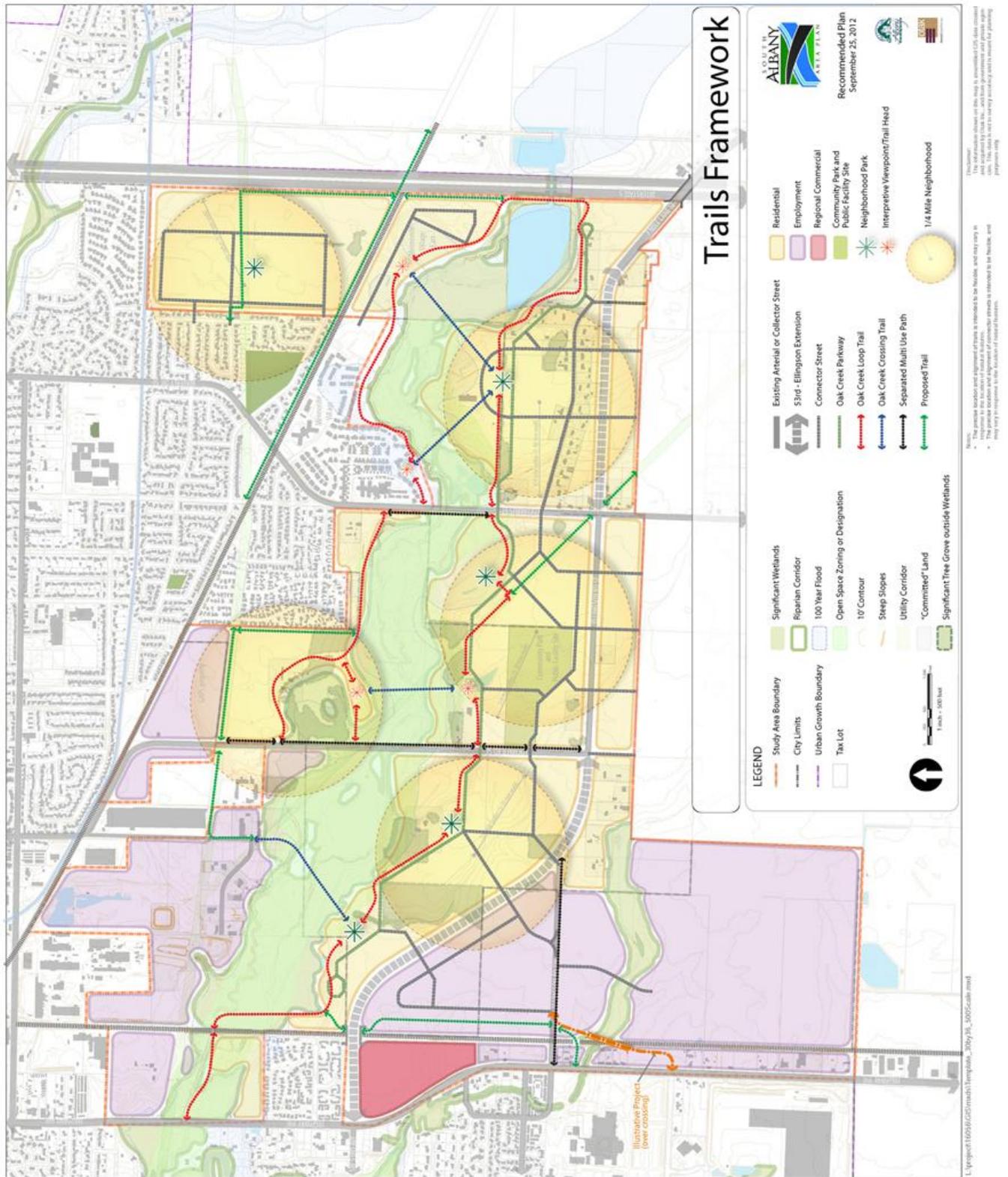


Figure 3. Trails Framework

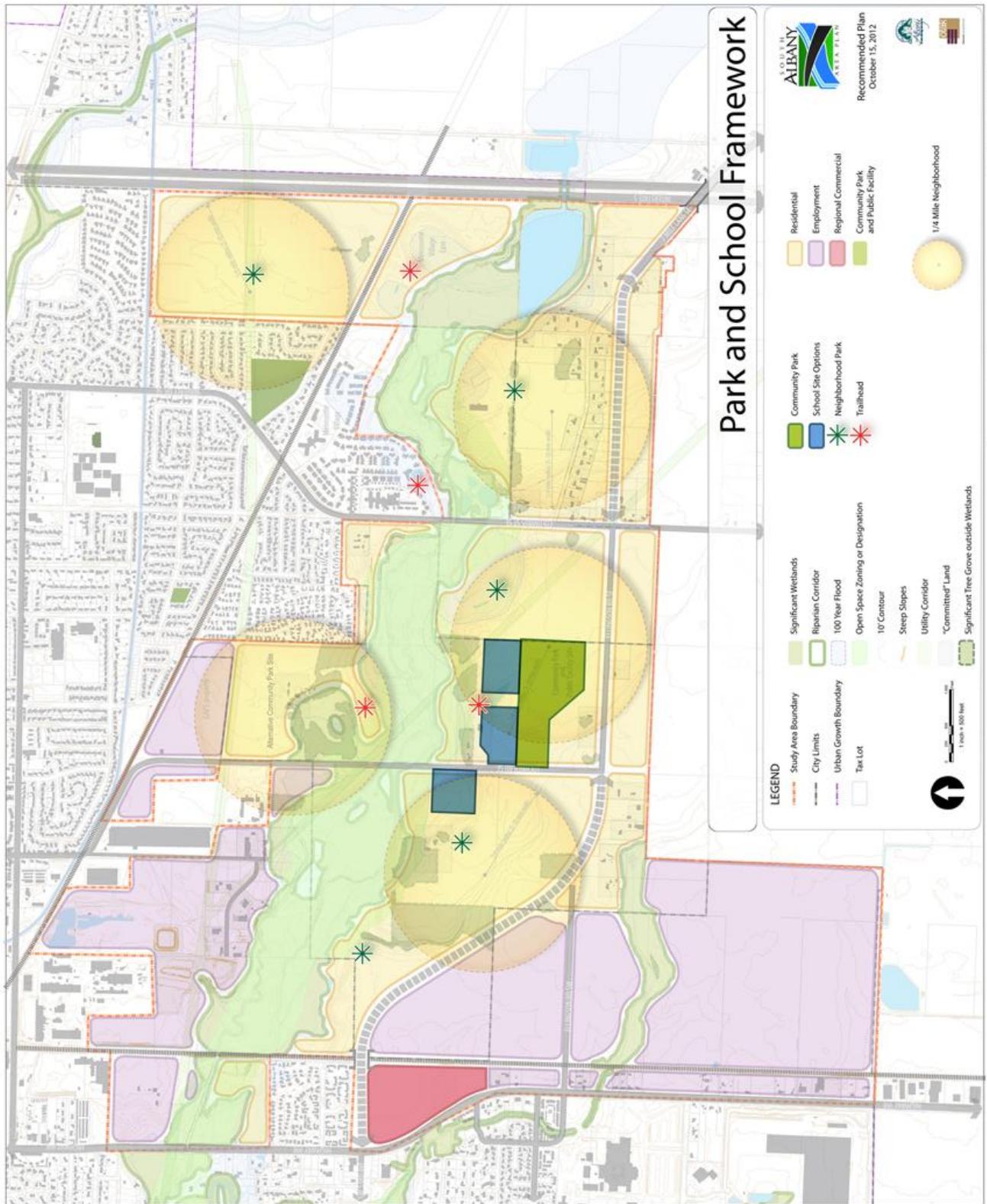


Figure 4. Park and School Framework

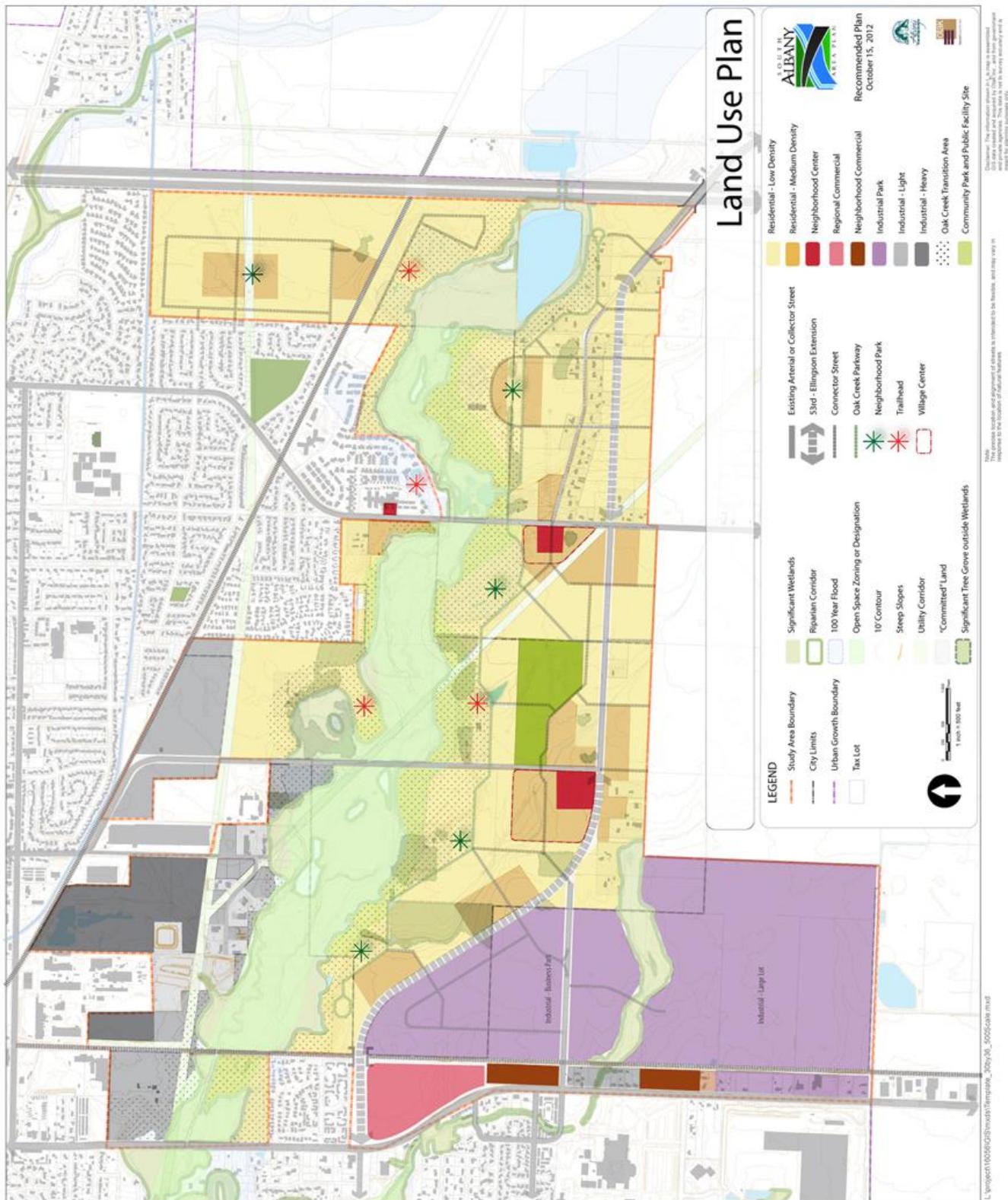


Figure 5. Land Use Plan

***PROPOSED DEVELOPMENT CODE AMENDMENTS
TO IMPLEMENT THE SOUTH ALBANY AREA PLAN***

PROPOSED STANDARDS IN ARTICLE 8 FOR OAK CREEK TRANSITION AREA:

Staff Comments: In order to protect the Oak Creek corridor and provide visual and physical access to Oak Creek, supplemental development standards are proposed for the Oak Creek "Transition Area." This is a new section, but is not shown in bold for ease of reading.

**SUPPLEMENTAL DESIGN STANDARDS
FOR THE OAK CREEK TRANSITION AREA**

- 8.600 **Purpose and Intent.** The purpose of the Oak Creek Transition Area (OCTA) is to guide development review and more detailed planning for the transitional areas between Oak Creek and adjacent developed and developable areas. The OCTA works in combination with the Open Space zone, natural resource overlay zones and the development review process to ensure that the larger Oak Creek corridor is protected for the long term and provides benefits to all of Albany. The OCTA is specifically intended to:
- (1) Integrate open space areas, both public and private, near Oak Creek;
 - (2) Be the centerpiece of the South Albany open space system and provide multiple benefits including wetland protection and mitigation, habitat, flood storage, pathways, recreation, history, environmental education and visual identity for the area;
 - (3) Be South Albany's "front yard" - physically and visually accessible to adjacent development;
 - (4) Create a multitude of public spaces and connections (parks, trails, trailheads, visual, etc.) between "Oak Creek Parkway" (an east-west street) and the public edge of undeveloped areas;
 - (5) Include a continuous east-west pathway, and other pathways that connect north and south to community destinations; and
 - (6) Preserve archeological and historical resources as heritage sites if feasible.
- 8.610 **Applicability.** The OCTA supplemental standards apply as follows:
- (1) **South of Oak Creek,** the standards apply between the Riparian Corridor overlay boundary around Oak Creek and the north edge of the right-of-way for Oak Creek Parkway. Oak Creek Parkway's location is generally identified in the South Albany Area Plan chapter of the Comprehensive Plan, on Figure ____, Street Framework.
 - (2) **North of Oak Creek,** the standards apply within 100 feet from the upland edge of the Riparian Corridor Overlay District (/RC).
- 8.620 **OCTA Development Standards.** Development within the Transition Area must satisfy all of the following standards.
- (1) The design and construction of the development, utilities and trails shall limit disturbance to natural features as much as reasonably feasible.
 - (2) Fences are limited to within developed areas.
 - (3) Development **between Oak Creek and the Oak Creek Parkway,** and between 99E and Columbus Street must meet the following standards:
 - (a) The "development area" cannot exceed neither 40 percent of the site's land area within the OCTA nor 40 percent of the subject site's frontage on the north side of Oak Creek Parkway. See the illustrations in Figure 1. The "development area" shall include all residential lots and development, all areas taken up by buildings, private yards, paving, streets, grading and non-

native landscaping, but does not include parks, low-impact outdoor recreation, trails, paths, wetland mitigation or restoration, City construction of public infrastructure such as transportation, stormwater, sewer, and water utilities, or the private construction of public transportation and utility facilities and structures as identified in a City-adopted master plan; and *Staff Comment: The 40 percent maximum "development area" standard is necessary in order to maintain visual and physical access to Oak Creek from the Oak Creek Parkway.*

- (b) Native vegetation, excluding any that is farmed for agricultural purposes, that is impacted in the developed area is mitigated through the enhancement or restoration of native vegetation in undeveloped areas per the relevant standards in ADC 6.400-6.420.
- (4) In addition to the abovementioned standards, development shall meet the standards in either (a) or (b):
- (a) Clear and Objective Standards (Type I-L Process).
 - i. Development shall avoid the Significant Wetland and Waterway Overlay District (/SW), the Riparian Corridor Overlay District (/RC), significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan (Figure 1), and oak trees over 25-inches in diameter measured at 4.5 feet from the ground; and
 - ii. Trails or paths shall be provided that connect the development to any existing or proposed trails or paths shown on the Trails Framework in the South Albany Area Plan and to adjacent neighborhood parks, or other public and semi-public amenities in the vicinity.
 - iii. Neighborhood parks or trail heads shall be incorporated into proposed developments in the locations as generally shown on the Land Use Concept Map in the South Albany Area Plan.
 - (b) Subjective Standards (Type III Process). Development is consistent with the purpose and intent of the Oak Creek Transition Area in Section 8.600 and with the applicable policies in the South Albany Area Plan section of the Albany Comprehensive Plan. *Staff Comment: Staff will go through the Comp Plan and identify the applicable policies prior to adoption, otherwise it would be too cumbersome.*

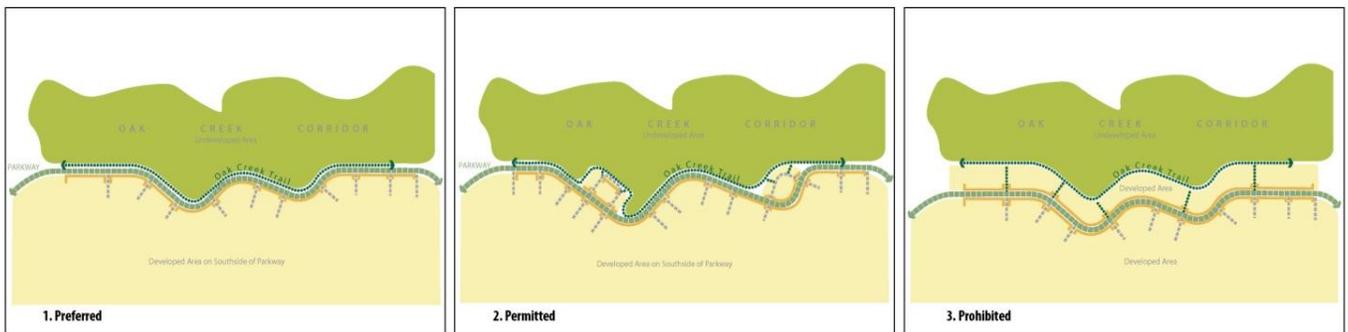


Figure 1. Oak Creek Parkway Development

Illustrative Diagram

PROPOSED AMENDMENTS TO STANDARDS IN ARTICLE 11 - LAND DIVISIONS:

PLANNED DEVELOPMENTS

Staff Comment: The density calculation is being moved from Section 11.330 Living and Recreational Area to its own section.

- 11.335 Density Calculations.** ~~(6)–When calculating density of a proposed planned development the regulations of the basic use district in which the development is located shall apply except when calculating density of the proposed planned development,~~ the total area including street and one-half of park land dedications shall be included. **The maximum density per zoning district is outlined below.**

	RS-10	RS-6.5	RS-5	RM	RMA
Maximum dwelling units per acre	4	6	8	25	35

CLUSTER DEVELOPMENT

- 11.400 Purpose. Cluster development is intended to protect natural and other special features that either would not otherwise be protected, or otherwise restored to good quality, in the development of a site. In return, the more flexible standards found in this section may supersede other more strict standards of this Code. Cluster developments may provide greater flexibility, reduced and/or varied lot sizes, and more variety in permitted uses. It is not the intent of cluster development to increase the overall housing density of property above the density that would have been allowed in a standard subdivision. Developments must satisfy high-quality master planning and design requirements.
- 11.405 Optional Nature. Cluster development is an optional form of development. Cluster development proposals are reviewed as part of the land division, site plan, or conditional use application processes.
- 11.410 Eligibility. To be eligible to apply for cluster development, all of the following are required:
- (1) Residential Zoning. The site must be located in a residential zoning district.
 - (2) Natural and Other Special Features. The site must contain one or more of the features listed in Section 11.460(4). *Staff Comment: #1 was referenced in error - it should be the entire section.*
 - (3) Professional Designer. An applicant for cluster development approval must certify in writing that a certified landscape architect, site planner, or landscape designer, approved by the Director, will be used in the planning and design process for the proposed development. [Ord. 5668, 4/11/07]
- 11.420 through 11.450. *No Changes proposed.*
- 11.450 Natural Area Requirements. Cluster developments must provide a minimum of 20 percent of the site as permanent natural areas. Land designated as Open Space on the Comprehensive Plan or Zoning maps may not be used to fulfill this requirement.
- 11.460 Designation of Permanent Natural Area. The required natural area may be public or private. The minimum 20 percent of the gross acreage of the development site set aside as natural area in a cluster development should be designated in the following priority order:
- (1) **The first priority for natural area designation is significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan**

(Figure 1), and oak trees in the South Albany Area Plan boundary over 25-inches in diameter measured at 4.5 feet from the ground.

- (2) The ~~first~~**second** priority for natural area designation is natural resources within the Significant Natural Resource overlay districts that are of degraded or marginal quality and subsequently restored to good quality in accordance with the quality levels in ADC Section 6.410(5). This priority shall be satisfied in the following order:
- (a) Habitat for western painted and northwestern pond turtles within the Habitat Assessment Overlay (/HA), as identified by a turtle habitat assessment, that is restored to good quality.
 - (b) Wetland within the Significant Wetland overlay district (/SW) that is restored to good quality.
 - (c) Riparian area within the Riparian Corridor overlay district (/RC) that is restored to good quality.
- (23) The ~~second~~**third** priority for natural area designation is protection of other environmentally sensitive areas, natural and scenic features of the site. This priority shall be satisfied in the following order:
- (a) Good quality habitat for western painted and northwestern pond turtles near Thornton Lakes within the Habitat Assessment overlay (/HA) as identified by a turtle habitat assessment.
 - (b) Good quality wetland within the Significant Wetland overlay district (/SW).
 - (c) Good quality riparian area within the Riparian Corridor overlay district (/RC).
 - (d) Other wetlands not within the Significant Wetland overlay district, as shown on the City's Local Wetland Inventories, or by a delineation approved by the Oregon Department of State Lands.
 - (e) Existing channels identified in the most current version of the City of Albany Storm Water Master Plan.
 - (f) Springs.
 - (g) Land with natural slopes 12 percent or greater as designated by the Hillside Development overlay district (/HD).
 - (h) Wooded area with five or more healthy trees over 8 inches in diameter measured 4½ feet from the ground, if approved by the City Forester.
 - (i) Land that provides bike or walking trails that connect to existing or proposed parks or trails, inventoried natural features, or areas zoned Open Space; or **areas** otherwise protected as permanent natural areas.
 - (j) **Incorporate public parks, trails, trailheads or open space designated in the Parks, Recreation and Open Space Plan, the North Albany Refinement Plan, and the South Albany Area Plan.** *Staff Comments: moved (4) here since similar to (i).*
 - (k) Other features of the site unique to Albany, if approved by the Director.
- (34) The ~~third~~**fourth** priority for natural area designation is to create "open spaces" in and around neighborhoods. This priority is satisfied by any of the following:
- (a) Continuity of adjacent open space corridors or parkways.
 - (b) A network of interconnected open space corridors.
 - (c) A buffer between neighborhoods.
- ~~(4) The fourth priority for natural area designation is to incorporate public parks, trails or open space designated in the Parks, Recreation and Open Space Plan and the North Albany Refinement Plan.~~ *Staff Comments: Relocated to (2)(j).*

11.470 and 11.480. *No changes proposed.*

11.500490 Permitted Uses. The uses allowed within cluster developments outside the permanent natural areas are determined by the underlying zoning district standards in Section 3.050, with the following exceptions:

- (1) On development sites greater than 20 acres, up to 20 percent of the housing units in RS-6.5 and RS-10 may be attached single-family or condominium housing.
- (2) On development sites greater than 50 acres, up to 2 acres may be developed with neighborhood commercial uses through a conditional use review. The maximum building footprint of commercial or office uses shall be 3,000 square feet. Commercial and office uses shall be limited to restaurants with no drive-through service, and convenience-oriented and personal service-oriented uses as described in Article 22.
- (3) **Within the South Albany Area Plan boundary, attached single-family, duplexes, and 3 or 4 unit developments will be permitted in the RS-5, RS-6.5 and RS-10 zoning districts for up to 25 percent of the total units provided when transferring density within the Oak Creek Transition Area or when transferring density of the area necessary to preserve significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan (Figure 1), and oak trees over 25-inches in diameter measured at 4.5 feet from the ground. These units may be up to 25% of the total units provided. Developments may not exceed the maximum density by zoning district in 11.495 and must meet all applicable standards in the Code.**

11.490495 Development Standards. In a cluster development, the following development standards supersede the same standards in Section 3.190, Table 1. The number of allowable lots **dwelling units** is based on the density range for the zone as specified in the following table.

Staff comment: The RMA zone was not included in the table and is proposed to be added.

Standard	RS-10	RS-6.5	RS-5	RM	RMA
Max. dwelling units per gross acre	4	6	8	25	35
Minimum Lot Size (1)	None	None	None	None	None
Minimum Lot Width	None	None	None	None	None
Minimum Lot Depth	None	None	None	None	None
Minimum front house setback (2)	15 ft.	10 ft.	10 ft.	10 ft.	10 ft
Maximum Lot Coverage (3)	70%	70%	70%	70%	75%

- (1) Lots on the perimeter of the cluster development shall meet the standards in 11.500495.
- (2) Except, when lots are adjacent to existing development on the same side of the street, the setback shall be within 5 feet of the adjacent house(s) setback(s).
- (3) The maximum lot coverage may be up to 100 percent for lots that provide land only for the building footprint.

11.495500 Perimeter Lot Compatibility. The following standards and exceptions will apply to the lots on the perimeter of a proposed cluster development **except those within the South Albany Area Plan boundaries**. *Staff comment: The rest of this section is not changing and is not shown.*

11.510 Street Standards for Cluster Development. ~~All~~ Local streets in a cluster development may be constructed to the Residential Street Design for Constrained Sites as described in Section 12.122(6).

11.520 South Albany Connectivity. Developments within the South Albany Area Plan boundary shall provide a connected street and pathway network.

PROPOSED AMENDMENTS IN ARTICLE 3 – RESIDENTIAL ZONING DISTRICTS:

Staff Comments: In order to encourage protection of South Albany's natural features, especially the existing mature oak trees and groves, density may be transferred through the Cluster or Planned Development and additional housing types (duplex, triplexes and fourplexes) will be permitted to accommodate the density transfer as long as density limits are not exceeded by zone. A new row is needed under Residential: Multiple units per property is necessary - "3 or 4 Units" in the table below and in Article 22, Definitions and Use Categories

3.050 Schedule of Permitted Uses.

SCHEDULE OF PERMITTED USES

Uses Allowed in Residential Zoning Districts								
Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
RESIDENTIAL SINGLE FAMILY: One unit per property								
Single-Family, detached	19	Y	Y	Y	Y	Y	Y	N
Single-Family, attached (zero lot line)		N	PD/CD	PD/CD	N	Y	Y	Y
RESIDENTIAL TWO FAMILY: Two units per property								
2 attached units (Duplex)	3	N	Y-1, PD CD-20	Y-1, PD CD-20	N	Y-1, PD CD-20	Y	Y
2 detached units	2	N	PD/CD	PD/CD	S	PD/CD	Y	Y
Primary Residence with one accessory unit	4	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL MULTI-FAMILY: 3 or more units per property								
3 or More Single-Family Attached Units	3	N	PD/CD	PD/CD	N	S	S	S
3 or 4 Units (Triplex, Fourplex, or detached)	3	N	PD/ CD-20	PD/ CD-20	N	PD/ CD-20	S	S
35 or More Multiple-Family Units	3	N	N PD	N PD	N	N PD	S	S

SPECIAL CONDITIONS

3.080 (20) **Within the South Albany Area Plan boundary, attached single-family, duplexes, and 3 or 4 unit developments will be permitted in the RS-5, RS-6.5 and RS-10 zoning districts for up to 25 percent of the total units provided when transferring density within the Oak Creek Transition Area or when transferring density of the area necessary to preserve significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan (Figure 1), and oak trees over 25-inches in diameter measured at 4.5 feet from the ground. These units may be up to 25% of the total units provided. Developments may not exceed the maximum density by zoning district in 11.495 and must meet all applicable standards in the Code.**

PROPOSED AMENDMENTS IN ARTICLE 22 – USE CATEGORIES & DEFINITIONS:

USE CATEGORIES

22.010 Introduction to the Use Categories. This section classifies land uses and activities into use categories based on common functional, product, or physical characteristics. The use categories provide a systematic basis for assigning present and future uses to zones. The decision to allow or prohibit the use categories in the various zones is based on the zoning district purpose statements.

The Schedules of Permitted Uses (by zoning district), special conditions and the development

standards are located in Article 3, Residential Zoning Districts; Article 4, Commercial and Industrial Zoning Districts; and Article 5, Mixed Use Village Center Zoning Districts. The environmental performance standards in Article 9, On-site Development and Environmental Standards, may limit the placement of certain uses in some zoning districts.

RESIDENTIAL USE CATEGORIES

- 22.260 Residential Care or Treatment Facility
- 22.270 Assisted Living Facility
- 22.280 Single Family, Two Family
- 22.300 **Multiple Family: Three or More Units**
- 22.310 Unit(s) Above or Attached to a Business
- 22.320 Residential Accessory Buildings
- 22.235 Recreational Vehicle Park

22.300 **Multiple Family: Three or More Units** (~~Multiple Family~~)

- (1) **A Multiple Family development is ~~Three or More Units~~ on one property or development site, attached or detached, including a building or collection of buildings under single or common ownership designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.** ~~is a building, or site containing three or more dwelling units on one lot occupied by three or more households. A structure containing at least three dwelling units in any vertical or horizontal arrangement, located on a single lot or development site, but excluding single family attached building types on two or more contiguous lots.~~

[Ord. 5742, 7/14/10]

- (2) **Use Examples. Three or more detached dwelling units on one property, triplexes, fourplexes, single-room occupancy development, a building containing three or more dwelling units in any vertical or horizontal arrangement often called an apartment building, and any other similar configuration of 3 or more units on one property or development site.**

- (23) *Accessory Uses.* Accessory uses commonly found are recreational activities, raising of pets, hobbies, and parking of the occupants' vehicles. Home occupations, accessory dwelling units, and bed and breakfast facilities are accessory uses that are subject to additional regulations.

(34) *Exceptions.*

- (a) Lodging in a dwelling unit or Single Room Occupancy (SRO) unit where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category.
- (b) **Single-room occupancy situations where SROs that contain where care is provided programs that include common dining are** ~~is~~ classified as a Group or Residential Care Home or Residential Care or Treatment Facility~~ies~~.

22.400 Definitions.

Accessory Apartment: A self-contained living unit that is attached to or a part of a single-family dwelling, or constructed within a detached accessory structure built before February 1, 1998 **or constructed in a subdivision platted after July 1, 2007, and that** ~~which~~ is incidental and subordinate to the principal dwelling unit. [Ord. 5338, 1/28/98]

Duplex: A building under single or common ownership designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities. ~~for each family.~~

Dwelling, Multiple Family: Three **or more** units on one property **or development site**, attached or detached, including a building or collection of buildings under single or common ownership designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. [Ord. 5742, 7/14/10]

~~Dwelling Unit, Quad~~**Single-Room Occupancy Dwellings**: A **dwelling building**, which for purposes of this Code shall count as two dwelling units, which **that** has separate sleeping and living quarters for four **or more** individuals ~~but which is centered around a~~ **that provides a** common kitchen facility. **For purposes of this Code, density shall be calculated as one unit for every 2 rooms or fraction thereof.**

~~Dwelling Unit, Quint~~: A dwelling which for purposes of this Code shall count as two and one half dwelling units, that has separate sleeping and living quarters for five individuals but that which is centered around a a common kitchen facility.

Fourplex: A single structure containing four dwelling units.

Triplex: A single structure containing three dwelling units.