

# **CHAPTER 9: LAND USE PLANNING**

## **GOAL 1: CITIZEN INVOLVEMENT**

### **BACKGROUND SUMMARY**

The Comprehensive Plan and the planning process represent the interest of all community residents. The Comprehensive Plan is dependent on active citizen participation to assure the needs of the community are adequately addressed. Citizen participation is also necessary for the meaningful implementation of the Comprehensive Plan and, when necessary, its review and update.

Land use planning in Albany has had a history of active citizen involvement. The current Comprehensive Plan Review Committee (CPRC) continues a history of formal citizen involvement which began in the late 1960's. The first group, called the Project 80 Committee, developed Albany's first General Land Use Plan which was adopted in 1971. In 1974, the Albany Neighborhood Planning Program was initiated. This group's purpose was to open a channel of communication between Albany's citizens and City government. This effort focused on issues related to general city services and identification of specific neighborhood needs. In 1975, representatives were elected from each neighborhood and subsequently appointed to the Albany Committee for Citizen Involvement (CCI). This committee was Albany's first effort to comply with the requirements of Statewide Planning Goal 1: Citizen Involvement, "to develop a Citizen Involvement Program that ensures the opportunity for citizens to be involved in all phases of the planning process." From this committee, the first Comprehensive Plan Review Committee (CPRC) was developed in 1978 to provide organized citizen input for Albany's comprehensive land use planning program. The efforts of the first CPRC resulted in the City Council's adoption of Albany's current Comprehensive Plan in 1980. After review and some changes, Albany's current Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the state land use planning goals.

Since adoption of the Comprehensive Plan, the Albany neighborhood organizations ceased to be active. Generally, except on major City policy or land use issues, very little organized citizen participation has occurred at the neighborhood level. The major exception to neighborhood non-involvement has been the active participation of the Albany Historic Districts. The Friends of Historic Albany, the Albany Historic Tours Committee, and others have been actively involved for a number of years, effectively promoting the interests and well-being of the Historic Districts.

A Comprehensive Plan Review Committee was formed to meet the Comprehensive Plan review and update requirements of Oregon Senate Bill 2295 was passed in 1983 which required periodic review and update of comprehensive land use plans. In addition, the Albany Comprehensive Plan also requires that the City, "Facilitate a Plan update, review, and amendment process which keeps the Plan current, but does not reduce the general long-range reliability of the Plan."

The CPRC was composed of 27 members, including the Albany Planning Commission, eight citizens appointed by the Planning Commission, seven citizens appointed by the City Council, two members from the North Albany Citizen's Advisory Committee, one member from the Linn County Urban Growth Boundary area, and one City Council liaison member.

An important part of the Comprehensive Plan Review Committee is the three-member Citizen Involvement Sub-Committee (CIC). During the Comprehensive Plan update process, this three-member sub-committee developed and reviewed the citizen involvement portion of the Plan. The purpose of the CIC was to assure the continued effective involvement of Albany's citizens in land use matters during and after the Comprehensive Plan review and update process. Unlike the CPRC, the CIC is intended to function after the review and update of the Albany Comprehensive Plan is complete. The CIC will become a five-member City Council appointed committee. One of the CIC's major responsibilities is to report periodically to the Planning Commission and CPRC concerning:

1. The overall effectiveness of the City's Citizen's Involvement Program in providing effective and meaningful opportunities for citizen participation.
2. Any specific procedural problems involving Albany's Citizen Involvement Program.
3. Methods to improve the opportunities for citizen involvement in Albany.

Other groups also assist the City in the review and update of the Albany Comprehensive Plan and other long-range planning matters. These advisory groups consist of the Friends of Historic Albany, Albany Area Chamber of Commerce, Albany Downtown Association, Albany Parks and Recreation Commission, Historic Advisory and Museum Commission, and other commissions, civic committees, and organizations (see Background Report: Appendix II: Citizen Committees). Citizen involvement is assured in the City's planning administration responsibilities through notification and public hearing procedures.

The need for agency involvement and coordination has increased in the last few years, partly as a result of state planning guidelines. Some state agencies have a responsibility to review local community plans and become involved in applicable planning issues. Albany provides local planning information and reports to interested local and state agencies (see Background Report: Appendix I: Agency Involvement Program).

Albany must coordinate certain land use activities with other governmental agencies including Linn and Benton Counties and with private utilities to ensure planning consistency and the efficient provision of public facilities and services. Citizen and agency involvement will also be important in determining the need and timing of future Comprehensive Plan amendments. As new information becomes available and/or property owners make specific requests to suit unanticipated needs, revisions to the Plan are possible. The Comprehensive Plan is meant to reflect existing and projected situations and attitudes. However, the Plan becomes weakened and difficult to rely upon if changes are made capriciously or inconsistently with general goals and policies.

More detailed information on citizen and agency involvement and interagency coordination can be found in the Background Report under Goal 1: Citizen and Agency Involvement and Goal 2: Land Use Planning.

# **GOAL 1: CITIZEN INVOLVEMENT**

## **GOAL, POLICIES, AND IMPLEMENTATION METHODS**

### **GOAL**

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

### **POLICIES**

1. Establish a Citizen Involvement Committee to assist Albany's citizens with land use issues and periodically review citizen involvement procedures and practices.
2. When making land use and other planning decisions:
  - a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.
  - b. Utilize all criteria relevant to the issue.
  - c. Ensure the long-range interests of the general public are considered.
  - d. Give particular attention to input provided by the public.
  - e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.
3. Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.
4. Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.
5. Continue an active coordination program with agencies and other governmental units. The program should include:
  - a. Defining areas of mutual interest (e.g. development of land outside the Urban Growth Boundary and other areas where development may affect the city).
  - b. Information sharing on issues of mutual interest.
  - c. Scheduling of regular meetings.
  - d. A process of notification and review of new development projects among affected jurisdictions and agencies.
  - e. Participation and support of planning efforts dealing with issues of regional concern.
6. Review the creation of, expansion, and/or development plans of any special district that has the purpose of providing public facilities and services within the Urban Growth Boundary. The City's review shall determine if the proposed special district, development, or expansion plans:
  - a. Meet the goals and policies of Albany's Comprehensive Plan.
  - b. Recognize the City as the ultimate provider of urban services.
  - c. Incorporate adequate safeguards so that public services provided by the district can be phased into the City's public facility system.

### **IMPLEMENTATION METHODS**

1. Appoint a five-member Citizen Involvement Committee (CIC) to be familiar with land use review and development regulations and practices. Duties and responsibilities of the CIC may include:

- a. Providing advice and information to the public concerning ways to effectively participate in land use issues.
  - b. Conducting periodic review of Comprehensive Plan policies, ordinances, appeal procedures, and notification processes related to citizen involvement. The CIC's review of these matters shall determine if adequate opportunity is provided for citizen involvement.
  - c. Providing additional means of communication between city residents, elected and appointed officials, and City staff concerning land use issues.
2. Maintain a Citizen Involvement Program that provides for the periodic formation of a Comprehensive Plan Review Committee to review and update the Albany Comprehensive Plan at least once every four to seven years.
  3. Observe the following procedure when organizing the CIC:
    - a. A CIC member shall be appointed by the City Council from each of Albany's three wards. Two other members shall be appointed, one to represent the community at-large and one from the North Albany portion of the Urban Growth Boundary.
    - b. CIC members shall serve a term of four years.
    - c. Appointees shall receive official recognition and their selection shall be well publicized in the local media.
  4. Encourage the formation of non-profit citizen organizations which represent neighborhood interests.
  5. Provide adequate human, financial, and informational resources to maintain the Albany Citizen Involvement Program.
  6. Ensure the following information concerning participation in land use issues is available to the public:
    - a. The sequence of the development permit process from initial application to the point of approval or denial.
    - b. The public hearing process and the rights of those who desire to participate.
    - c. The role of the Albany Development Code and Comprehensive Plan in the land use decision-making process and the proper way to prepare findings.
    - d. Appeal rights and procedures.
  7. Utilize the public notice and hearing requirements as provided for by the Albany Development Code and Citizen Involvement Program to guide the procedural requirements for public participation in land use issues.
  8. Identify those areas where there is significant pressure for land use change and develop special citizen involvement programs such as education workshops for citizens in the identified areas.
  9. Provide information and education services to interested parties who are involved in dealing with Albany's development regulations.
  10. Utilize a variety of methods to provide citizens and decision makers information about land use and planning issues. These methods could include:
    - a. Ward and neighborhood meetings conducted by elected and appointed officials.
    - b. Statistically valid surveys.
    - c. Informational flyers in sewer and water billings.
    - d. Yearly citywide goal setting efforts involving community residents.
    - e. Information and issue-oriented seminars.

11. Conduct informational meetings in advance of public hearings to enable affected persons to understand land use proposals and to prepare for testimony before the Planning Commission and City Council.
12. Participate and support the following planning efforts that address issues of regional concern:
  - a. Fair share housing.
  - b. Regional availability of commercial and industrial lands.
  - c. Regional population and employment projections and other demographic information.
  - d. Public facility planning and development.
  - e. Coordination of economic development planning.
13. Notify the North Albany Citizen Advisory Committee of proposed City planning actions that may impact the Benton County portion of the Urban Growth Boundary.

### **RECOMMENDATION**

1. Encourage federal, state, regional agencies, and special purpose districts to coordinate planning efforts with all affected groups.

## **GOAL 2: LAND USE PLANNING**

### **UPDATING AND AMENDING THE COMPREHENSIVE PLAN BACKGROUND SUMMARY**

The Comprehensive Plan is the City of Albany's most significant expression of the community's values, image, and goals for the future. Because we live in a complex and ever-changing world, the Comprehensive Plan must not become outdated and inflexible. The Plan's usefulness over time is dependent upon its ability to keep pace with changing circumstances and needs. The goals and policies within the Comprehensive Plan are based upon known community characteristics and data and on assumptions and predictions that utilize known information. For example, assumptions concerning economic activity and population growth were used to project future urban land needs. As time passes, some projections and predictions within the Plan may prove accurate, but others will certainly show need for revision.

The Comprehensive Plan also reflects current community attitudes and priorities. These change over time as well. Changes often occur in financial and funding situations, new laws, and political conditions. Factors outside the community also affect the character of the Comprehensive Plan. The Plan must have the ability to respond to a dynamic state and national political environment. Since Albany's Comprehensive Plan was first adopted in 1980, there have been a number of judicial, legislative, and administrative revisions undertaken that affect the statewide land use planning process.

One of the most significant legislative changes that affected Albany's Comprehensive Plan was ORS 197.640.649 passed in 1983, which resulted in the Periodic Review Rule (OAR-660-Division 19). It was the intent of the Oregon Legislature to protect the State's investment in the planning process by avoiding Comprehensive Plan obsolescence. Jurisdictions are now required to review and update their Comprehensive Plans on a periodic basis. Senate Bill 2295 also included other substantive issues that must be addressed during the Comprehensive Plan Periodic Review process.

Cities and counties must undertake planning to provide adequate opportunities for industrial and commercial development and adopt a public facilities plan that demonstrates how key public facilities will be provided to meet anticipated development and growth. Planning for industrial and commercial development and public facilities are addressed as part of Goal 9: Economic Development, Goal 11: Public Facilities and Services, and Goal 12: Transportation.

Any effort to change the Comprehensive Plan must be based on meeting a particular public need and compliance with statewide planning goals and administrative rules. Albany's Comprehensive Plan should not be subject to capricious or arbitrary changes. The Plan is used as the policy basis for many day-to-day decisions and as a long-range planning tool. Its success on both a current and long-range basis depends on the City's ability to achieve the goals and policies identified as being important to the community. The Comprehensive Plan must achieve the balance between maintaining flexibility with changing circumstances and observing a degree of permanence and reliability over time.

Because the Comprehensive Plan was written to cover a 20-year planning period and includes many subjects, it is obvious that all desired actions cannot take place in any one year. Thus, statements within the Plan must be prioritized according to Albany's needs and available funds. Decisions must be made as to what specific projects to accomplish and allocation of staff time. These decisions are made on a frequent basis, and do not require amendment to the Comprehensive Plan. However, at the time of Plan Periodic Review and Update, a more thorough evaluation priorities can be made. At this time, goals, policies, and implementation methods can be reviewed and updated to reflect new conditions and priorities.

## **GOAL 2: LAND USE PLANNING**

### **UPDATING AND AMENDING THE PLAN GOAL, POLICIES, AND IMPLEMENTATION METHODS**

#### **GOAL**

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

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

#### **POLICIES**

1. Applications for Comprehensive Plan Amendments submitted by property owners shall be reviewed semi-annually by the Planning Commission. The City Council or Planning Commission may also initiate Plan amendments at any time they determine that the public interest would be best served by so doing.
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. Demonstration of public need for the change.
  - g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.
  - h. Any additional information as required by the Planning Commission or City Council.
3. Consider periodic review as the most appropriate time to receive requests to amend the Urban Growth Boundary. Amendment requests shall be based on:
  - a. Criteria required for amendment of the affected jurisdictions' comprehensive plans.
  - b. Demonstration that the amendment request will not impair the City's ability to implement the public facility plan to provide services.
  - c. The facility plan can be concurrently amended to provide services to the affected area.
4. Undertake periodic review and/or update of the Albany Comprehensive Plan at least every four to seven years.

#### **IMPLEMENTATION METHODS**

1. Concurrent with each Periodic Review or major revision, the City should undertake the following:
  - a. Evaluate the Comprehensive Plan and implementing ordinances to assure plan and ordinance consistency.
  - b. Evaluate past and ongoing City actions (Council decisions, improvement projects, planning approvals, completed developments etc.) to determine if they have achieved the intent of the Plan.
  - c. Utilize up-to-date data and other information to evaluate the applicability of Plan goal and policy statements and implementing ordinances.

- d. Review the effectiveness of the City's Citizen Involvement Program in providing for citizen involvement in the planning process.
2. Provide adequate staff resources to monitor changing community conditions and to maintain the information and data base needed to update the Comprehensive Plan.
3. Prioritize implementation methods and improvement projects intended to implement Plan goals and policies and prepare a periodic schedule for updating the Comprehensive Plan background reports. Monitor and record new information that documents changing circumstances, including development activity to assure adequate land is available for commercial, industrial, and housing development activities.
4. Monitor land prices and housing costs to determine any artificial non-market price impacts or other trends that result from implementation of Plan goals and policies or other City actions.
5. Annually review the Capital Improvement Program (CIP) element of the Public Facility Plan (PFP) to determine progress in achieving the objectives of the PFP.

### **RECOMMENDATIONS**

1. Encourage the State to provide funds commensurate with the costs of maintaining the Comprehensive Plan and conducting periodic review.
2. Encourage state agencies such as the Department of Environmental Quality (DEQ), Economic Development Department (EDD), Oregon Department of Transportation (ODOT), and the Oregon Housing Division to provide the City with new information and data relevant to the City's land use planning program as it becomes available.



## GOAL 2: LAND USE PLANNING

### LAND USE DESIGNATIONS BACKGROUND SUMMARY

#### COMPREHENSIVE PLAN MAP DESIGNATIONS

The land use designations on the Comprehensive Plan Map (Plate 14) indicate the type, location, and density of land development and redevelopment that will be permitted in the future. The map shows where various kinds of land use activities are appropriate for all areas within the Urban Growth Boundary. Although future development in Albany may never correspond exactly to the Plan Map, the map does show where different kinds of activities are appropriate and directs growth to these areas. The map also identifies potential development opportunities for meeting Albany's housing, commercial, and employment needs.

The Comprehensive Plan Map has five general categories of designations (residential, mixed-use, commercial, industrial, and special uses). Each general category is broken down into more specific categories as described below. [Ord. 5543, 10/23/2002]

#### RESIDENTIAL: GENERAL REQUIREMENTS

The two residential plan designations have the following common elements: 1) they provide for the establishment of dwelling units; 2) home occupations are permitted subject to Development Code requirements; 3) Office Professional and Neighborhood Commercial zoning are permitted within all residential Plan designations without a Plan change, but will be subject to rezoning requirements and conformance to special standards; 4) density increase bonuses will be permitted subject to Development Code regulations; and 5) schools, parks, cemeteries, churches, and certain public facilities may also be compatible in the residential Plan designations.

[Ord. 5667, 4/25/2007]

**LOW DENSITY RESIDENTIAL (LDR):** Identifies areas predominantly suited or used for detached single-family development on lot sizes ranging from 5,000 to 10,000 square feet. Attached housing with smaller lot sizes is permitted in RS-5 and in planned or cluster developments in other zones. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is permitted in Cluster and Planned Unit Developments with density ranging by zone. (Density as stated is gross density, unless specifically mentioned otherwise.)

[Ord. 5667, 4/25/2007]

**MEDIUM DENSITY RESIDENTIAL (MDR):** Identifies areas suitable for multiple-family and attached single-family development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review.

[Ord. 5667, 4/25/2007]

**HIGH DENSITY RESIDENTIAL:** deleted by Ord. 5667, 4/25/07.

**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. However, the three following policies which will be utilized in converting Urban Residential Reserve (URR) land to a particular residential zoning classification:

1. The average developed density within the URR designation will be up to 35 units per acre. [Ord. 5667, 4/25/2007]
2. The City will at all times maintain at least a 5-year supply of land designated for low-, medium-, and high-density residential uses.

3. Land within the URR designation will be changed to low- and medium-density Plan designations if such changes are needed to develop accurate 5-year capital improvement plans involving any such area or, in some cases, upon annexation to the City.

In addition to residential uses, it is anticipated that approximately 20 to 50 acres of the Urban Residential Reserve land will be utilized for neighborhood commercial and office professional uses to 2025. Approximately 100 acres will be needed for new school and park sites to 2025.

[Ord. 5667, 4/25/2007]

### **MIXED USE: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]**

**VILLAGE CENTER:** Provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development. Within the Village Center Plan designation there will be at least two zones. One is a mixed-use commercial zone, the other is a medium- to high-density residential zone that provides a mix of housing choices.

In order for additional land to be designated Village Center, applicants must demonstrate the need for the Village Center in a particular location and what residential populations it is intended to serve.

### **COMMERCIAL: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]**

**LIGHT COMMERCIAL:** Provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to provide a buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial areas in close proximity to residential areas.

**GENERAL COMMERCIAL:** Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of “strip commercial” development in order to more efficiently serve the shopping needs of the community and region.

### **INDUSTRIAL: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]**

**LIGHT INDUSTRIAL:** Identifies areas suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial Zones.

**HEAVY INDUSTRIAL:** Provides for most types of manufacturing and processing, storage and distribution, and other types of industrial uses that require large amounts of land in proportion to the number of employees and are potentially incompatible with most other uses but comply with the development and environmental standards of the Development Code.

## SPECIAL USE 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 one single-family dwelling per property, grazing and crop production, and recreation and open space uses.

**PUBLIC AND SEMI-PUBLIC:** Identifies existing public and semi-public uses including public parks, schools, the community college, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other Plan designations subject to special regulations.

**WATER BODY:** Identifies those areas which are more or less permanently inundated by major natural or man-made water features. Development within a water body is limited to water-dependent uses. Developments which occur adjacent to these features must be sensitive to the resource and comply with all other applicable Comprehensive Plan and Development Code provisions.

[Ord. 5543, 10/23/2002]

**SITES OF SPECIAL INTEREST:** Identifies areas where additional, unique policies apply due to conditions or circumstances associated with the site. Because of the limited applicability of these policies, they are site specific. Each special interest site has been assigned a number and identified on a map which can be found on Plate 15, page 146. For each site with a map number, there are corresponding policies. These policies can be found on pages 147 and 148 of this chapter.

### OVERLAY DESIGNATIONS [Ord. 5764, 12/01/11]

The following overlay designations are used to designate areas within the City where additional regulations apply to the standards of the base zoning district. The overlay designations will be applied at the time of annexation in accordance with the Comprehensive Plan Plate maps.

**FLOOD PLAIN (/FP):** Identifies lands located within the 100-year flood plain as determined by the Federal Emergency Management Agency on the Federal Insurance Rate Maps, as augmented by best available local knowledge.

**HABITAT ASSESSMENT (/HA):** Identifies lands where significant habitat for species listed as threatened, endangered, or sensitive by the state or federal governments have been documented as shown on Plate 3.

**HILLSIDE DEVELOPMENT (/HD):** Identifies lands that have hillsides with slopes of 12 percent or greater as shown on Plate 7.

**RIPARIAN CORRIDOR (/RC):** Identifies significant riparian corridors adjacent to Albany's rivers, creeks, streams and drainageways as shown on Plate 4.

**WETLANDS (/SW):** Identifies lands located in the City's Local Wetland Inventory that are classified as significant wetlands, and which are subject to local, state, and/or federal land use regulations. Significant and non-significant wetlands are identified on Plate 6.

**WILLAMETTE RIVER GREENWAY (/GW):** Identifies lands located within the Willamette River Greenway boundary which are subject to special regulations intended to "protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River."

## ZONING DISTRICTS

Zoning is a major “tool” for implementing the Comprehensive Plan. By law, zoning must be “consistent” with the Comprehensive Plan. However, this does not mean that zoning designations simply duplicate Comprehensive Plan designations. The zoning cannot permit uses or intensities that are not allowed under the particular Plan category. It is possible to have zoning that is more restrictive than the Plan designation (e.g., if the land is not needed for such uses in the short run, or a particular area is not currently suitable for such development). In those instances, the zoning intensity would be increased when the land was needed and/or the suitability of the land for a particular use was assured.

Zone changes will occur, since minor adjustments to the Comprehensive Plan undoubtedly will occur. Zone changes also will occur concurrently with annexations, although the particular zone(s) attached to each annexation depends on the Plan classification, the need for the intended uses, and the suitability of the land for a particular use.

Zoning regulations within the Urban Growth Boundary will be administered by the City of Albany for areas inside the city limits and by Linn County for land outside the city limits. Zone changes in the urbanizing area will be reviewed by the City of Albany subject to the requirements of the joint Urban Growth Management Agreements with Linn County.

The Albany Development Code describes the zoning districts that apply within the city limits. For information on zones that apply in the urbanizing area, refer to the Linn County zoning code. [Ord. 5543, 10/23/2002]

## PLAN MATRIX

The relationship of the Plan designations to the zoning districts is summarized graphically in the “Plan Designation Zoning Matrix.” This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation.

It should be noted that the listing of a zoning district as compatible does not mean that the referenced zone can automatically occur anywhere in the specified Plan designation. For example, a number of commercial zones (Neighborhood Commercial, Community Commercial, etc.) are compatible with the General Commercial Plan designation, but which zone should be used in a particular area depends on the location and characteristics of the site and the need for the uses allowed in that zone.

Districts not listed in the table as compatible zoning districts for a particular Comprehensive Plan designation require both a zone change and a Comprehensive Plan change. [Ord. 5543, 10/23/2002]

## PLAN DESIGNATION ZONING MATRIX

Plan Designation	Compatible Zoning Districts
Light Industrial	Industrial Park (IP), Light Industrial (LI), Transit District (TD)
Heavy Industrial	Light Industrial (LI), Heavy Industrial (HI)
General Commercial	Neighborhood Commercial (NC), Office Professional (OP), Community Commercial (CC), Regional Commercial (RC)
Light Commercial	Neighborhood Commercial (NC), Office Professional (OP)
Village Center	Historic Downtown (HD), Downtown Mixed Use (DMU), Central Business (CB), Lyon-Ellsworth (LE), Elm Street (ES), Main Street (MS), Pacific Boulevard (PB), Waterfront (WF), Mixed-Use Commercial (MUC), Mixed-Use Residential (MUR), Residential Medium Density (RM), Office Professional (OP), Community Commercial (CC)
High Density Residential	Deleted by Ord. 5667, 4/25/07
Medium Density Residential	Residential Single Family (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Low Density Residential	Residential Single Family (RS-10, RS-6.5, RS-5), Hackleman Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)
Urban Residential Reserve	Residential Single Family (RS-10, RS-6.5, RS-5), Residential Reserve (RR), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Public & Semi-Public	All zones
Open Space	Open Space (OS)

[Ord. 5543, 10/23/2002; Ord. 5667, 4/25/2007Ord. 5895, 10/14/17]

## PLAN MAPS

The purpose of this section of the Plan is to graphically summarize the basic inventories which were used to develop the Plan, and to present the Comprehensive Plan Map which expresses the Plan goals and policies that will direct growth in the Albany area for the next twenty years.

Because of the reduced scale, all of these maps are generalized rather than accurate representations of actual sizes and shapes. Inventories are mapped on more detailed scales, are filed in the Planning Department, and are regularly updated when information becomes available.

Plate 1 shows the existing Urban Growth Boundary. This planning area was acknowledged by the State of Oregon in 1982 as part of the Comprehensive Plan acknowledgement process. No changes were made to the Urban Growth Boundary as a result of periodic review.

Plate 2 illustrates the neighborhood boundaries. These boundaries provide the geographical basis of the U.S. Census Bureau's Neighborhood Statistics program, public facility planning, and have been used in the past to facilitate citizen involvement programs.

Plates 3-11 are part of the City's resource inventory and consist of the following exhibits:

- Plate 3 - Natural Vegetation and Wildlife Habitat
- Plate 4 - Streams, Rivers, and Lakes
- Plate 5 - 100-Year Floodplains (as mapped by the U.S. Army Corps of Engineers)
- Plate 6 - Wetland Sites: Local Wetland Inventory and Locally Significant Wetlands
- Plate 7 - Slopes
- Plate 8 - Existing Agricultural Lands
- Plate 9 - Historic Districts
- Plate 10 - Park and School Sites
- Plate 11 - Buildable Lands Inventory within the Albany Urban Growth Boundary.

Plates 12 is the Master Street Plan. More detail regarding the road system can be found in the Transportation element of the Public Facilities Plan. [Ord. 5307, 8/13/1997]

Plate 14 is the Comprehensive Plan Map which identifies projected land uses. These uses have been allocated based on projected needs and the various elements and principles embodied in the Plan.

Plate 15 shows the identified Sites of Special Interest. These are sites where additional, unique policies apply due to site specific conditions or circumstances. Each special interest site has been assigned a number with corresponding policies.

## SITES OF SPECIAL INTEREST

There are currently three sites of special interest within the Albany Urban Growth boundary. These sites have specific conditions or circumstances that limit the types of development opportunities. Numbers correspond to numbered areas on the Sites of Special Interest Map, Plate 15.

### SITE 1

“In September 1988, the Albany City Council, upon review of an application submitted by Linn County, agreed to amend the Comprehensive Plan map designation of the existing Linn County Fairgrounds site from Public Facilities to General Commercial (Planning Department Case No. CP-02-88). However, due to the unique circumstances of the case and evidence presented at the public hearings, it was determined that the rezoning of the property would be premature. Specifically, the City Council found that the public need criteria could only be satisfied upon a future demonstration by the County that a new fairgrounds facility could be built within the Albany Urban Growth Boundary upon the rezoning of the existing site. Secondly, the Council found that the immediate rezoning availability of the site for development could cause substantial confusion in the local retail market due to leasing efforts of two large shopping centers, Heritage Mall and Heritage Plaza, which the Council wished to give a limited opportunity to substantially complete initial leasing programs before opening a major new site to the market. Finally, the Council determined that the future development and rezoning of the existing fairgrounds property should be subject to certain restrictions in order to protect the surrounding neighborhood area from negative impacts. Therefore, the following policies shall apply to the future rezoning and development of the Linn County Fairgrounds site located at Pacific Boulevard and Bain Street:

1. Although the Comprehensive Plan map designates this site as General Commercial, subsequent rezoning of the property for commercial use shall not occur until such time as Linn County has committed, in a manner satisfactory to the City, to locate the new Linn County Fairgrounds facility within the Albany Urban Growth Boundary and to utilize all proceeds from the sale or trade of the existing fairgrounds property for the construction of the new facility. In addition, development of the site, for any approved commercial use, shall not commence prior to January 1, 1991.
2. The rezoning and development of the fairgrounds property shall be conditioned upon the mitigation of negative impacts on the South Shore neighborhood (bounded by Santiam Highway, Airport Road, Pacific Boulevard, and Waverly Drive). Specifically, the following conditions previously recommended by the Albany Planning Commission and neighborhood residents shall be considered for adoption as part of the zone change ordinance:
  - a. State traffic engineers, neighborhood residents, and the Albany Planning Commission have previously recommended closure of through traffic on Bain Street and Oakwood Avenue if the rezoning of the fairgrounds property occurs. Thus, the street closure issue shall be addressed and resolved as a specific condition of the rezoning action.
  - b. Construct a 10-foot wall as a noise buffer along the south side of the property as far east as the apartments on Oakwood Avenue. The wall would also extend to the north along Bain Street for a short distance.
  - c. Placement of buildings will be determined at the time of Site Plan Review. Buildings shall be set back at least 30 feet from all residential property lines. Location of buildings will be determined in part to reduce impacts of noise, lighting, and traffic on residential areas to the south.
  - d. Property uses will be limited to establishments such as department stores, shopping centers, drug or variety stores, similar retail stores, banks, and offices which are primarily conducted within enclosed buildings.

## **SITE 2**

This site contains a former landfill operation and any development will have to comply with the following policies:

1. Prohibit development on the fill portion of the former Albany dump site on 53rd Avenue or any other site where hazardous waste disposal or residue is probable unless studies show the intended development would include a strategy for mitigation of the potential hazard to an acceptable level.
2. Work with local, state, and federal agencies for the identification and/or clean-up and protection of sites containing toxic waste material within the Albany Urban Growth Boundary. Also work with these agencies to develop safe practices for the disposal of these materials.

## **SITE 3**

Removed. [Ord. 5543, 10/23/2002]

## **SITE 4**

Removed. [Ord. 5562, 10/10/2003]

## **SITE 5**

This site is the area included in the Town Center Plan, and designated in the Albany Development Code as “Central Albany.” In June 1995, the City of Albany, with consultants Fletcher Farr Ayotte, completed the Central Albany Land Use/Transportation Study. The study was funded by the State of Oregon’s Transportation/Growth Management (TGM) program, and guided by a Steering Committee made up of study area business and residential property owners, Planning Commission and City Council representatives, and other interested citizens. The committee was assisted by Planning Division staff and representatives of the Albany Downtown Association.

CALUTS produced a “Town Center Plan” for Central Albany. The Town Center Plan is intended to promote development and transportation systems that allow more people to live, work, and shop in Central Albany without expanding the existing transportation system. This can be accomplished by allowing a mix of land uses, and by providing pedestrian/bicycle connections between uses so that people can access them without driving automobiles. Traditional zoning has generally provided separate districts for commercial and residential uses, with no mixing of the two. More recently, however, it has been recognized that mixing uses can minimize the need for automobile travel, reducing traffic congestion, air pollution, and the need to expand existing transportation systems.

The Town Center Plan proposes several new types of land use districts and identifies pedestrian/bicycle connections between them. The Town Center Plan is adopted by reference here as the conceptual guide to land use and transportation within the plan area.

[Refer to Plate 15 Attached]