



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Revised Staff Report

Comprehensive Plan Amendments

File: CP-03-20

July 13, 2020

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, July 13, 2020	Wednesday, August 26, 2020
HEARING TIMES:	5:15 p.m.	7:15 p.m.
HEARING LOCATION:	Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection. At 5:15 p.m., join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers): https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc If you wish to dial in using your phone: Call 1-571-317-3122 and when prompted enter access code 498-239-709	

Application Information

Proposal:	Proposed text amendments of Appendices VI Public Facility Plans: Albany and Millersburg Water System Facility Plan and Albany Transportation Facility Plan of the Albany Comprehensive Plan to be amended in accordance with OAR 660-011-0045.
Review Bodies:	Planning Commission and City Council (Type IV - Legislative review process)
Applicant:	City of Albany, Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321.
Staff:	Laura LaRoque, Project Planner; and Rob Emmons, Engineering Mgr./Assistant City Engineer
Address/Location:	Not applicable; the code amendment is not site specific

Overview

Public Facility Plans are an important part of the Comprehensive Plan. The fundamental goal of Public Facility Plans (Transportation System Plan, Water, Wastewater and Stormwater Facility Plans) are to establish and maintain a timely

view of where, when and how these City owned utilities will be provided to support planned growth in the Albany Urban Growth Boundary.

The actual public facility plans remain separate plans; however, they provide an interconnecting link of technical information in the Comprehensive Plan. Within each of the public facility plans, there is a complete inventory and condition assessment, listing anticipated short- and long-range projects, project descriptions, project timing, cost estimates, and funding mechanisms. Historically, Appendix VI of the Comprehensive Plan provided a list of projects and their timing for each of the required public facilities (water, wastewater, stormwater, and transportation).

As the public facility plans have been updated over the years, the project lists in Appendix VI have been replaced by references listing the public facility plans as supporting documents to the Comprehensive Plan. To date, all the facility plans, except for the 1988 Stormwater Facility Plan and 2011 Public Transit Plan, are referenced as supporting documents in Appendix VI. This amendment to the Comprehensive Plan updates Appendix VI by adding the 2011 Public Transit Plan as a supporting document and makes text changes allowing updated projects lists from public facility plans, amended in accordance with OAR 660-011-0045, to be included as supporting documents.

Legislative Amendments to the Albany Comprehensive Plan

Sections 2.210 and 2.280 of the Albany Development Code (ADC) allows for the Community Development director to initiate legislative amendments to the Albany Comprehensive Plan (Plan) and ADC. The City has implemented a process to periodically evaluate and adopt changes to the Plan and ADC to include both clarifying and policy edits. The proposed amendment package (planning file CP-03-20) would:

- **Appendix VI: Albany and Millersburg Water System Facility Plan** – Proposed amendments would add language that states the 2004 Water Facility Plan may be amended in accordance with OAR 660-011-0045.
- **Appendix VI: Albany Wastewater Plan** - Proposed amendments would add language that states the 2000 Wastewater Facility Plan Summary may be amended in accordance with OAR 660-011-0045. .
- **Appendix VI: Transportation Facility Plan** – Proposed amendments would a) strike the short- and long-term priority projects source of funding language from the appendix title, b) add a reference to the 2011 Albany Public Transit Plan, as adopted by Ordinance No. 5753 effective May 11, 2011, c) add the date of the Albany Transportation System Plan, and d) state that the 2011 Albany Public Transit Plan, 2010 Albany Transportation System Plan, and North Albany Local Street System Plan may be amended in accordance with OAR 660-011-0045.

Notice Information

Public notice was issued in accordance with legislative amendment requirements. A notice was issued to the Oregon Department of Land Conservation and Development (DLCD) on June 8, 2020, at least 35 days before the first evidentiary hearing, in accordance with OAR 660-018-0020 and ADC 1.640. A Notice of Public Hearing was mailed on June 29, 2020, to Linn and Benton County Planning Divisions, City of Millersburg, and other interested parties. A Notice of Public Hearing was provided for publication to the *Albany Democrat-Herald* on July 3, 2020. The staff report for the proposed comprehensive plan amendments was posted on the City's website on July 6, 2020, at least seven days before the first evidentiary public hearing.

As of the date of this report, one comment was received from the Department of Land Conservation and Development. Comments provided outlined the ordinance vs. resolution adoption process provided in OAR 660-011-0045. Suggested modifications included addition of a decision process for modifications to public facility plans that included evaluation of compliance with the provisions of OAR 660-011-0045 to ensure all modifications are consistent with these requirements.

Review Process and Appeals

Amendments to the Plan and ADC are made through a Type IV legislative land use review process. Following this process, the planning commission will hold a public hearing to consider proposed amendments and will make a recommendation to the city council. The planning commission's recommendation cannot be appealed. The city council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the city council will deliberate and make a final decision. Within five days of the city council's final action on the proposed amendments, the Community Development director will provide written notice of the decisions to any 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.

Analysis of Development Code Criteria

Comprehensive Plan Text Amendment (file no. CP-03-20)

Section 2.220(1)(2) of the Albany Development Code (ADC) includes the following review criteria that must be met for this legislative text amendment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Comprehensive Plan Amendment - Review Criterion 2.220(1)

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

Findings of Fact

- 1.1 ***Goal 1: Citizen Involvement.*** Public involvement is a requirement of land use planning in Oregon. Applicable goals and policies are provided below.

Albany Comprehensive Plan Chapter 9, Citizen Involvement

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

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

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

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

- 1.2 A notice of the proposed text amendments planning file no. CP-03-20 was issued to the Oregon Department of Land Conservation and Development (DLCD) on June 8, 2020, at least 35 days before the first evidentiary hearing, in accordance with OAR 660-018-0020 and ADC 1.640.
- 1.3 A Notice of Public Hearing planning file no. CP-03-20 was mailed on June 29, 2020, to Linn and Benton County Planning Divisions and City of Millersburg. A Notice of Public Hearing was provided for publication

in the Albany Democrat-Herald on July 3, 2020. These notices informed the public that the amendments would be considered during the July 13, 2020, planning commission and August 26, 2020 city council public hearings, consistent with the legislative hearing notice requirements of ADC 1.600.

- 1.4 A staff report concerning the proposed text amendments was posted on the City's website on July 6, 2020, at least seven days before the first evidentiary public hearing.
- 1.5 Through the notification and public hearing process, all interested parties are afforded the opportunity for the to review proposed text amendments, comment on the proposal, attend the public hearings, and for decisionmakers to consider testimony as they recommend or decide on the final amendments.
- 1.6 Goal 2, Land Use Planning. The following goals and policies are relevant for the proposed Plan amendments.

Albany Comprehensive Plan Chapter 3 (Goal 9), Economic Development: Public Infrastructure

Goal 2: Provide a safe, diversified, economical and efficient transportation system (auto, transit, bicycles, pedestrian, rail and air) that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.

Policy 6: Review infrastructure master plans as part of the refinement planning and map amendment processes for consistency with proposed changes in land use, and proposed changes to the land use and/or the infrastructure plans to maintain consistency.

Implementation Method 4: Update City water, sewer, stormwater, and transportation facility plans and adopt implementation strategies to ensure available capacity to accommodate targeted economic development.

Albany Comprehensive Plan Chapter 4 (Goal 12), Transportation:

Goals

1. Provide an efficient transportation system that provides for the local and regional movement of people and goods.
2. Provide a safe transportation system.
3. Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.
4. Provide a transportation system that balances financial resources with community livability and economic vitality.

Policies

1. Develop a transportation system with improved connectivity where "barriers" such as I-5, railroad, waterways, or neighborhoods reduce transportation system efficiency in terms of travel time and travel distance.
2. Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.
3. Identify and remedy unsafe intersection and roadway locations with known safety issues and ensure the multi-modal transportation system is structurally and operationally safe.
4. Minimize conflicts along high volume and/or high speed corridors.
5. Encourage development design that emphasizes safety and does not create unnecessary conflicts.
6. Improve the quality of available transit service as measured by coverage, hours of service and frequency.

7. Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers.
8. Provide direct off-roadway pedestrian and bicycle routes and connections.
9. Maintain and support the Albany airport as a regional facility.
10. Maintain and support the Albany Station as a regional facility.
11. Preserve and protect corridors of local and regional significance that are identified for vehicular and non-vehicular routes
12. Establish priorities and define the incremental steps needed for investment of ODOT and Federal revenues to address safety and major capacity problems on the State and Interstate transportation system.

Albany Comprehensive Plan Chapter 6 (Goal 11), Public Facilities and Services

Water Policies and Implementation Methods

Policy 2: Maintain high standards of water quality and service levels for the community water system.

Consideration shall be given to:

- a. Long-range public facility planning as well as implementation of a five-year capital improvement program.
- b. The adequacy and reliability of the water supply.
- c. Maintenance of water quality in conformance with state and federal requirements.
- d. The adequacy of the distribution system.
- e. Construction and operational standards.
- f. Ensuring protection of and accessibility to water lines, water supply, and other facilities.

Policy 6: Develop and periodically review and adjust funding mechanisms and rate structures to ensure adequate revenues for operation, maintenance, and expansion of the system.

Policy 8: Rely on the Water Facility Plan and Capital Improvement Plan to assist in prioritizing extension of water service lines and correction of system deficiencies to ensure that the provision of water services is occurring in an equitable and logical fashion.

Policy 11: Regularly update the Water Facility Plan as part of the Public Facilities Plan. The Water Facility Plan shall be used as the primary guide for setting of priorities for the expansion, improvement, or modification of the water system.

Implementation Method 5: Utilize the Capital Improvement Program to identify short-term water system improvements and commensurate funding sources.

Albany Comprehensive Plan Chapter 6 (Goal 11), Public Facilities and Services

Wastewater System Policies and Implementation Methods

Goal: Provide and maintain wastewater facilities and services in an orderly and efficient manner that reflects the community's environmental stewardship responsibilities and meets regulatory requirements.

Policy 10: The City will continue to develop specific plans and funding mechanisms for expansion of the wastewater treatment plant.

- 1.7 The Albany Public Transit Plan prepared by the City of Albany and consultants Kittelson and Associates, Inc., dated January 2011, is adopted in its entirety as a supporting document to the Comprehensive Plan (Ordinance 5729 and as amended by Ordinance 5753).
- 1.8 The Albany Transportation System Plan prepared by the City of Albany and consultants Kittelson and Associates, Inc., dated February 2010, is adopted in its entirety as a supporting document to the Comprehensive Plan (Ordinance 5729 and as amended by Ordinance 5753).
- 1.9 The North Albany Local Street System Plan prepared by the City of Albany and consultants Kimley-Horn and Associates, dated June 30, 1995, was adopted in its entirety as a supporting document to the Comprehensive Plan August 13, 1997 (Ordinance 5307).
- 1.10 The Albany Water Facility Plan prepared by the City of Albany and consultants Montgomery Watson Harza, dated August 2004, was adopted in its entirety as a supporting document to the Comprehensive Plan August 11, 2004 (Ordinance 5579).
- 1.11 The Albany Wastewater Facility Plan Summary prepared by the City of Albany and consultants CH2MHill, dated August 2000, was adopted in its entirety as a supporting document to the Comprehensive Plan September 27, 2000 (Ordinance 5465).
- 1.12 The proposed amendments provide a timely process for reviewing and approving project list for aforementioned public facility plans.

OAR 660-011-0045 - Adoption and Amendment Procedures for Public Facility Plans

- 1.13 OAR 660-011-0045 provides the adoption and amendment procedures for public facility plans. Specifically, this OAR clarifies when modifications to public facility plans may occur through an administrative process or pursuant to the administrative procedures and review and appeal provision accorded “land use decisions” in ORS Chapter 197 and those forth in OAR Chapter 660 division 18.
- 1.14 The proposed amendments state that amendments will be processed in accordance OAR 660-011-0045.

Comprehensive Plan Amendment - Review Criterion 2.220(2)

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

Findings of Fact

- 2.1 This amendment to the Comprehensive Plan updates Appendix VI by adding the 2011 Public Transit Plan as a supporting document and makes text changes allowing updated projects lists from public facility plans, amended in accordance with OAR 660-011-0045, to be included as supporting documents.
- 2.2 Historically, Appendix VI of the Comprehensive Plan provided a list of projects and their timing for each of the required public facilities (water, wastewater, stormwater, and transportation). As the public facility plans have been updated over the years, the project lists in Appendix VI have been replaced by references listing the public facility plans as supporting documents to the Comprehensive Plan.

Overall Conclusion

Based on the analysis in this report, the proposed Comprehensive Plan text amendments meets all of the applicable review criteria as outlined in this report.

The Planning Commission has three options with respect to the proposed Comprehensive Plan amendments:

Option 1: Recommend that the City Council approve the amendment request; or

Option 2: Recommend the City Council approve the proposed amendments as modified by the Planning Commission;
or

Option 3: Deny the amendment request. The City Council will only consider the proposal on appeal by the applicants.

Staff Recommendation

Based on the staff recommendation, the following motion is suggested:

I move that the Planning Commission recommend that the City Council approve the proposed Comprehensive Plan and Development Code text amendments under planning file CP-03-20. This motion is based on the findings and conclusions in the July 13, 2020, staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

Attachments

The proposed changes are attached to this staff report as exhibits:

- A. Albany Comprehensive Plan, Appendix VI: Albany and Millersburg Water System Facility Plan
- B. Albany Comprehensive Plan, Appendix VI: Wastewater Facility Plan
- C. Albany Comprehensive Plan, Chapter 6, Page 6-9
- D. Albany Comprehensive Plan, Appendix VI: Transportation Facility Plan

Acronyms

ACP	Albany Comprehensive Plan
ADC	Albany Development Code
AMC	Albany Municipal Code
CP	Comprehensive Plan Text Amendment File Designation
DLCD	Oregon Department of Land Conservation and Development
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statutes

ALBANY AND MILLERSBURG WATER SYSTEM FACILITY PLAN

Tables VI-1 to VI-6 removed. [Ord 5579; 8/11/04]

The 2004 Water Facility Plan, as may be amended according to OAR 660-011-0045, is adopted by reference as a supporting document to the Comprehensive Plan. [ORD. 5579, 8/11/04]

WASTEWATER FACILITY PLAN

Tables VI-11 to VI-16 removed. [Ord 5465; 9/27/00]

The 2000 Albany Wastewater Facility Plan Summary, as may be amended according to OAR 660-011-0045, -is adopted in its entirety as a supporting document to the Albany Comprehensive Plan. [Ord. 5465, 9/27/00]

GOAL 11: PUBLIC FACILITIES AND SERVICES

WASTEWATER SYSTEM POLICIES AND IMPLEMENTATION METHODS

GOAL

Provide and maintain wastewater facilities and services in an orderly and efficient manner that reflects the community's environmental stewardship responsibilities and meets regulatory requirements.

POLICIES

It shall be the policy of the City of Albany that:

1. The ~~1998-2000~~ *Wastewater Facility Plan Summary (Summary)* shall be the primary document for planning the community's wastewater system improvements.
2. The basic concept of the wastewater system is a gravity system. Pump stations and force mains will be minimized and will not be allowed unless approved by the Public Works Director (PWD).
3. Review and regulate development proposals to ensure adequate wastewater service improvements will be provided to the development and to future developments and ensure that adequate assurances have been secured for participation in the public system when these services become available.
4. Capital improvements to the wastewater systems will be prioritized based on the following criteria:
 - a. Projects needed to meet regulatory requirements for improving water quality;
 - b. Projects needed to maintain capacity and reliability of critical system components, such as pump stations and structural integrity of sewer lines;
 - c. Projects related to street improvements;
 - d. Projects needed to eliminate or reduce basement flooding;
 - e. Projects needed to reduce inflow and infiltration; and
 - f. Projects related to other issues such as alleviating health hazards.

These criteria are not necessarily ranked in order of priority.

5. Extensions of service shall be based on findings that provision of service to low priority areas will not impair the City's ability to accommodate higher priority wastewater system needs including recognition of the City's contractual service obligations.
6. Annexation is required to receive sewer service in unincorporated areas within the Urban Growth Boundary. Consequently, sewer service shall not be provided outside Albany's city limits, except as provided by specific contracts with the City of Millersburg, Oak Grove elementary school, Spring Hill Country Club or as authorized by the Albany City Council.
7. Development or expansion of "stand alone" wastewater treatment plant systems shall not be allowed within the Urban Growth Boundary that are not planned as part of the City's facility.
8. Developments extending wastewater collection facilities pay an equitable share of the costs. This may include:
 - a. A systems development charge (SDC) based on the number of residential units constructed or some other equivalent for commercial or industrial developments;

ALBANY TRANSPORTATION FACILITY PLAN
~~SHORT- AND LONG-TERM PRIORITY PROJECTS~~
SOURCE OF FUNDING

Tables VI-17 ~~removed.~~ [Ord 5729; 2/24/2010]

The 2011 Albany Public Transit Plan, as may be amended according to OAR 660-011-0045, is adopted in its entirety as a supporting document to the Albany Comprehensive Plan. [Ord. 5753; 5/11/2011]

The 2010 Albany Transportation System Plan, as may be amended according to OAR 660-011-0045, is adopted in its entirety as a supporting document to the Albany Comprehensive Plan. [~~Ord. 5037; 8/13/1997~~ Ord. 5729; 2/24/2010 and as amended by Ord. 5753; 5/11/2011]

The 1995 North Albany Local Street System Plan, as may be amended according to OAR 660-011-0045, is adopted in its entirety as a supporting document to the Comprehensive Plan. [Ord. 5307; 8/13/1997]