

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED BETWEEN MADISON STREET AND HILL STREET, BETWEEN 6TH AND 7TH AVENUE.

WHEREAS, the Albany Planning Commission recommended approval of the proposed map amendments, based on evidence presented in the staff report and at the September 17, 2001 public hearing for City of Albany File Nos. CP-02-01 and ZC-02-01; and

WHEREAS, the Albany City Council held a public hearing on these same applications on September 26, 2001.

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

Section 1: The Findings of Fact and Conclusions included in the staff report attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the property described in Exhibit "C" is hereby amended from General Commercial to High Density Residential.

Section 3: The Zoning Map designation of the property described in Exhibit "C" is hereby amended from CC (Community Commercial) to RM-3 (High Density Residential).

Section 4: The Comprehensive Plan Map designation of the property described in Exhibit "D" is hereby amended from High Density Residential to General Commercial.

Section 5: The Zoning Map designation of the property described in Exhibit "D" is hereby amended from RM-3 (High Density Residential) to CC (Community Commercial).

Section 6: The map attached as Exhibit "E" shows the properties where the designations are changed.

Section 7: A copy of the map showing the amendments to the Comprehensive Plan Map and Zoning Map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

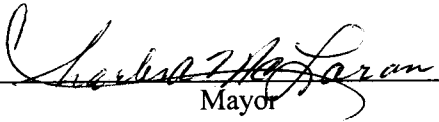
Section 8: A copy of the legal descriptions of the affected properties and the map showing the amendments to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when passed by the City Council and approved by the Mayor.

Passed by Council: September 26, 2001

Approved by Mayor: September 26, 2001

Effective Date: September 26, 2001

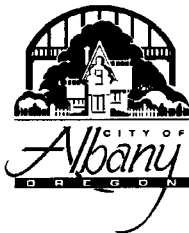


Mayor

ATTEST:



City Recorder



Community Development Department

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

Phone: (541) 917-7550 Facsimile: (541) 917-7598

STAFF REPORT

Comprehensive Plan Map and Zoning Map Amendments

HEARING BODY

CITY COUNCIL

HEARING DATE

Wednesday, September 26, 2001

HEARING TIME

7:15 p.m.

HEARING LOCATION

Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:

September 18, 2001

FILES:

CP-02-01 and ZC-02-01

TYPES OF APPLICATIONS:

CP-02-01: Comprehensive Plan Map amendment that will change the designation of Tax Lot 5700 (3,695 square feet) from General Commercial to High Density Residential and change the designation of part (3,688 square feet) of Tax Lot 5400 from High Density Residential to General Commercial.

ZC-02-01: Zoning Map amendment that will change the designation of Tax Lot 5700 (3,695 square feet) from CC (Community Commercial) to RM-3 (Residential High Density) and change the designation of part (3,688 square feet) of Tax Lot 5400 from RM-3 to CC.

PURPOSE OF APPLICATIONS:

Move a boundary between commercial land and residential land that has a jog in it. Moving the line will create a better land use pattern.

REVIEW BODIES:

Planning Commission and City Council. The Planning Commission held a public hearing on these applications on September 17, 2001.

PROPERTY OWNERS/APPLICANTS:

Kaiser-Callison Trust; c/o Francis Kaiser; 615 Madison Street SE; Albany, OR 97321
Douglas Darden; 38693 Neely Road; Albany, OR 97321

APPLICANT REP:

Jack Burrell; K&D Engineering, Inc.; PO Box 725; Albany, OR 97321

ADDRESS/LOCATION:

Tax Lot 5400: 615 Madison Street SE
Tax Lot 5700: No address yet. West side of Hill Street, between 6th and 7th Avenues.

MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-7AA, Tax Lots 5400 and 5700

Legal descriptions of the affected properties are attached as Exhibits "C" and "D." A map showing the properties is attached as Exhibit "E."

ZONING: CC (Community Commercial) and RM-3 (High Density Residential)

TOTAL LAND AREA: These applications would change the Comprehensive Plan Map and Zoning Map designations of 3,695 square feet of land from commercial to residential and the designations of 3,688 square feet of land from residential to commercial.

EXISTING LAND USE: Vacant land

NEIGHBORHOOD: Willamette

SURROUNDING ZONING: North: RM-3 (Residential High Density) across the railroad tracks
 South: RM-3 and CC (Community Commercial)
 East: RM-3
 West: RM-3 and CC

SURROUNDING USES: North: Railroad tracks
 South: Single-family houses
 East: Single-family houses and building used as a warehouse
 West: Veterinary clinic, animal grooming and boarding

PRIOR HISTORY: LA-12-01: Property line adjustment that would configure Tax Lots 5400, 5700, and 5800 as shown on the drawing attached to this staff report as Exhibit B. This staff report assumes the property line adjustment has been completed. (It was approved in August 2001.)
 LA-04-00: Property line adjustment
 LA-06-00: Property line adjustment
 LA-04-98: Property line adjustment

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on September 5, 2001. The site was posted with a sign advertising the public hearings on September 7, 2001.

PLANNING COMMISSION AND STAFF RECOMMENDATIONS

APPROVAL of the Comprehensive Plan Map and Zoning Map Amendments proposed in these applications.

CITY COUNCIL DECISION

[NOTE TO CITY COUNCIL: CHOOSE ONE FROM THE MOTIONS LISTED BELOW.]

MOTION TO RECOMMEND APPROVAL

If no new evidence is presented at the public hearing, the City Council may approve the applications based on the findings and conclusions of the staff report.

I MOVE that the City Council APPROVE the applications for the Comprehensive Plan Map and Zoning Map Amendments proposed in Files CP-02-01 and ZC-02-01. This motion is based on the findings and conclusions of the staff report and testimony presented at the public hearing.

OR

MOTION TO DIRECT STAFF TO PREPARE ADDITIONAL FINDINGS FOR APPROVAL

If new information is presented at the public hearing, or if the City Council believes additional findings are needed to address issues in the staff report, the City council may direct staff to prepare additional findings for approval for its review at a future meeting. If those findings are found to be satisfactory, the City Council would then recommend approval of the application based on the staff report, the new information, and the additional findings.

I MOVE that the City Council direct staff to prepare additional findings for approval of the applications for the Comprehensive Plan Map and Zoning Map Amendments proposed in Files CP-02-01 and ZC-02-01. These findings will address [Note to Planning Commission: Insert appropriate review criteria where you feel additional findings are needed]The findings will be brought back to the City Council for consideration at a future meeting.

OR

MOTION TO DIRECT STAFF TO PREPARE FINDINGS FOR DENIAL

If the applicant has not provided sufficient evidence to demonstrate that the review criteria have been met, or if they find the applicant has presented incorrect information, the City Council may direct staff to prepare findings for denial for its review at a future meeting. If those findings are found to be satisfactory, the City Council would then deny the application based on the staff report, the testimony at the public hearing, and the additional findings.

I MOVE that the City Council direct staff to prepare findings for denial of the applications for the Comprehensive Plan Map and Zoning Map Amendments proposed in Files CP-02-01 and ZC-02-01. These findings will address [Note to Planning Commission: Insert appropriate review criteria where you feel additional findings are needed]. The findings will be brought back to the City Council for consideration at a future meeting.

APPEALS

Within five days of the City Council's final decision on the applications, the Community Development Director will provide written notice of the decision to the applicant and any other parties entitled to notice.

The City Council's decision may be appealed to the state Land Use Board of Appeals if a person with standing files a notice of intent to appeal within 21 days of the City Council decision.

STAFF ANALYSIS

Comprehensive Plan Map Amendment File CP-02-01

The Albany Development Code contains 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.

- (1) *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.*

FINDINGS OF FACT

- 1.1 The proposed Comprehensive Plan Map amendment involves two properties (Linn County Tax Assessor's Map 11S-3W-7AA, Tax Lots 5400 and 5700). The properties are shown on Exhibit B attached to this staff report.

The amendment would change the Comprehensive Plan Map designation of Tax Lot 5700 from General Commercial to High Density Residential and change the designation of part of Tax Lot 5400 from High Density Residential to General Commercial.

- 1.2 Land designated on the Comprehensive Plan Map as General Commercial "identifies areas from neighborhood services to heavy commercial establishments, suitable for a wide range of retail sales and service establishments." (Comprehensive Plan, page 127.)

- 1.3 Land designated on the Comprehensive Plan Map for High Density Residential use "permits multiple family and condominium developments at densities ranging from 20 to 40 units per acre depending upon approved density bonuses." (Comprehensive Plan, page 126.)

- 1.4 This review criterion requires that the applicants show the requested Comprehensive Plan Map designation for the property 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. The applicants must show in their application that all of the review criteria are met. They have the burden of proof to show that the Comprehensive Plan Map designation of the property should be changed.

- 1.5 The Comprehensive Plan (page 2) defines a goal as "A general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation in regard to goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed."

- 1.6 The Comprehensive Plan (page 3) defines a policy as "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation in regard to policies as follows: "The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City

shall consider whether the policy contains mandatory language (e.g. shall, require) or more discretionary language (e.g. may, encourage).”

1.7 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed General Commercial and High Density Residential designations are more supportive of the Plan, on balance, than the current designations. (Each goal and policy will be listed in *bold italic* print, followed by findings of fact that relate to the policy.)

1.8 **Goal 2: Land Use Planning - Updating and Amending the Comprehensive Plan.**

Goal: To “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.***

Goal 2, Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:

a. Conformance with goals and policies of the Plan.

How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under this criterion.

b. Citizen review and comment

The City’s Development Code requires notification to surrounding property owners that these applications have been received and that there will be public hearings on the applications. A sign advertising the public hearing was also posted on the property. The notice requirements of the Code have been followed in notifying surrounding property owners.

c. Applicable Statewide Planning Goals

How the proposed changes comply with the Statewide Planning Goals is discussed under Review Criterion (4) below.

d. Input from affected governmental units and other agencies

No other governments or agencies have jurisdiction over the land or other facilities in this area, except local utility providers may have an interest. Local utility companies were notified of the proposed map amendments.

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 and City Council.

The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

1.9 **Goal 9: Economy – Economic Development**

Goal 9, Sub-goal 3: Insure 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.

Goal 9, Policy 1: Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.

Goal 10: Housing

Goal 10: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

The proposed amendment would change the Comprehensive Plan Map designation of 3,695 square feet of land (Tax Lot 5700) from General Commercial to High Density Residential and change the designation of 3,688 square feet (part of Tax Lot 5400) from High Density Residential to General Commercial. The changes would neither increase nor decrease by any significant amount the supply of either commercial or residential land.

The changes would simply straighten out a land use boundary so that the boundary runs down a back property line and does not have a jog in it. The residential land would have frontage on Hill Street and the commercial land would have frontage on Madison Street.

CONCLUSIONS

1.1 The requested Comprehensive Plan Map designations for these properties have been evaluated against relevant Comprehensive Plan policies and on balance have been found to be more supportive of the Comprehensive Plan as a whole than the old designation. This criterion is met.

(2) The requested designation is consistent with any relevant area plans adopted by the City Council.

FINDINGS OF FACT

2.1 There are no area plans that include these properties. No public facility plan shows new facilities needed for these properties.

CONCLUSIONS

2.1 There are no relevant area plans for this area. This criterion is not applicable.

(3) The requested designation is consistent with the Comprehensive Plan map pattern.

FINDINGS OF FACT

3.1 The purpose of the proposed changes is to straighten out a land use boundary so that the boundary runs down a back property line and does not have a jog in it. In general, it is better to have the boundary on a back property line than on a street, so that like uses face each other on the street. If different types of uses face each other on a street, there are sometimes conflicts between the uses in terms of operating characteristics and traffic.

If the proposed amendments are approved, the residential land would have frontage on Hill Street and the commercial land would have frontage on Madison Street. The High Density Residential land on the west side of Hill Street would face High Density Residential land on the east side of Hill Street. The General Commercial land on the east side of Madison Street would face General Commercial land on the west side of Madison Street.

(The property on Madison Street has a veterinary clinic and a pet hotel on it. The property on Hill Street is currently vacant.)

CONCLUSIONS

3.1 The requested designation is consistent with the Comprehensive Plan map pattern. This criterion is met.

(4) *The requested designation is consistent with the Statewide Planning Goals.*

FINDINGS OF FACT

4.1 The following Statewide Planning Goals are relevant to these applications.

4.2 ***Goal 9, Economy is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.”***

Goal 10, Housing is “To provide for the housing needs of citizens of the state.”

As discussed under Review Criterion (2) above, the proposed Comprehensive Plan Map amendments would neither increase nor decrease the amount of land designated for High Density Residential use or General Commercial use in Albany.

CONCLUSIONS

4.1 The requested map designations are consistent with Statewide Planning Goals. This criterion is met.

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STAFF ANALYSIS
Zoning Map Amendment File ZC-02-01

The Albany Development Code contains 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.

- (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 in accordance with Section 2.080, ADC Article 2.*

FINDINGS OF FACT

- 1.1 The proposed CC (Community Commercial) and RM-3 (Residential Multiple Family) zoning designations are not consistent with the current Comprehensive Plan Map designations of the properties. But the applicants have submitted a concurrent Comprehensive Plan Map amendment application to change the map designations to make them consistent.

CONCLUSIONS

- 1.2 The applicants have applied for a Comprehensive Plan Map amendment, so this criterion is met.

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

FINDINGS OF FACT

- 2.1 Madison Street across the frontage of the property that has access to Madison Street is improved to City standards with pavement, curb, and gutter.
- 2.2 Hill Street across the frontage of the property that has access to Hill Street is not improved to City standards. The street does not have pavement, curb, or gutter. The street will have to be improved at the time development that creates the need for street improvements is proposed on the property.
- 2.3 Hill Street and Madison Street are both local streets.

CONCLUSIONS

- 2.1 Madison Street is adequate for uses that can be developed on the property that has access to Madison Street.
- 2.2 Hill Street is not adequate for either multiple family or commercial development on the property that has access to Hill Street. It is anticipated that at the time development with sufficient impact on the Hill Street is proposed, street improvements will be required. It makes no difference whether the properties are zoned commercial or residential.
- 2.3 Existing improvements on Madison Street are adequate. Anticipated street improvements will be adequate for development on the Hill Street property. This criterion is met.

- (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.*

FINDINGS OF FACT

Sanitary Sewer

- 3.1 The City's sanitary sewer utility maps show that there is a 15-inch public sewer main in Hill Street, an 8-inch main that runs midblock in an east-west direction, and a 15-inch main in Main Street.
- 3.2 ADC 12.470 requires that new development extend and connect to the public sewer system when service is available within 300 feet of the property.
- 3.3 Tax Lot 5700 has access to the public sanitary sewer system from the existing 15-inch main in Hill Street. Tax Lot 5400 has access to the public sanitary sewer system from the existing 15-inch main in Main Street.

Water

- 3.4 The City's water utility maps show there is a 12-inch public water main in Hill Street, a 12-inch main in 7th Avenue, and a 4-inch main in Main Street.
- 3.5 ADC 12.410 requires that new development extend and connect to the public water system when service is available within 150 feet of the property.
- 3.6 Tax Lot 5700 has access to the public water system from the 12-inch main in Hill Street. This lot will be zoned RM-3 (Residential Multiple Family). The 12-inch main is capable of accommodating any residential development that could be developed on the property.

Tax Lot 5400 currently has public water service. It is served by the 4-inch main in Main Street and has access to the 12-inch main in 7th Avenue. The 4-inch line may not have additional capacity to provide service to new development on the property, but the 12-inch main in 7th Avenue does have capacity, whether the property is zoned residential or commercial.

Storm Drainage

- 3.7 Storm drain utility maps show there is a 15-inch storm drain main along the southern portion of Hill Street between 6th Avenue and 7th Avenue, and a 21-inch main in 7th Avenue.
- 3.8 ADC 12.530 requires that the review body approve a development only where adequate provisions for storm and flood water runoff have been made as determined by the City Engineer. All proposed storm sewer plans and systems must be approved by the City Engineer as part of the site plan review process.
- 3.9 Tax Lot 5700 will have access to the public storm drain system in Hill Street. Depending on the type of development and its layout, some public storm drain improvement may be a condition of development on these lots. These improvements are considered "anticipated" for the purpose of this review criterion.

New development on Tax Lot 5400 will likely be connected to the existing private storm drainage collection system within that property. The public storm drain system can accommodate the potential runoff from this added area.

CONCLUSIONS

- 3.1 Existing or anticipated services can accommodate potential development on Tax Lots 5400 and 5700 without adverse impact on the affected service area. Improvements to the public storm drainage system may be necessary depending on the type of development proposed. This criterion is met.

(4) Any unique natural features or special areas involved, such as floodplains, slopes, significant natural vegetation, historic district, will not be jeopardized as a result of the proposed rezoning.

FINDINGS OF FACT

- 4.1 Floodplains. *Comprehensive Plan Plate 5: Floodplains* does not show the properties in a 100-year floodplain. FEMA/FIRM Community Panel Number 410137 0004 F, dated July 7, 1999, shows the properties are not in a 100-year floodplain.
- 4.2 Slopes. *Comprehensive Plan Plate 7: Slopes* shows there are no steep slopes on the property.
- 4.3 Wetlands. *Comprehensive Plan Plate 6: Wetland Sites* shows no wetlands on the property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map, dated 1994, shows no wetlands on the subject property. The City does not have a local wetland inventory that includes this property.
- 4.4 Vegetation. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the property. The vegetation on the property is mostly grass and weeds.
- 4.5 Historic and Archaeological Sites. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

CONCLUSIONS

- 4.1 There are no special features of these properties to be considered. This criterion is met.

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

FINDINGS OF FACT

- 5.1 The proposed Zoning Map Amendment involves two properties (Linn County Tax Assessor's Map 11S-3W-7AA, Tax Lots 5400 and 5700). The properties are shown on Exhibit B attached to this staff report.

The amendment would change the zoning designation of Tax Lot 5700 from CC (Community Commercial) to RM-3 (High Density Residential) and change the designation of part of Tax Lot 5400 from High Density Residential to General Commercial.
- 5.2 Land designated on the Zoning Map as CC is "intended primarily for developments which have a wide range of retail sales and service establishments." (Albany Development Code, page 4-1.)
- 5.3 Land designated on the Zoning Map as RM-3 is "intended primarily for medium to high density urban residential development. Development should occur at 20-40 units per acre." (Albany Development Code, page 3-1.)
- 5.4 This review criterion requires that the applicants show that the intent and purpose of the proposed zoning districts best satisfy the goals and policies of the Comprehensive Plan.
- 5.5 The Comprehensive Plan (page 2) defines a goal as "A general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation in regard to goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed.

- 5.6 The Comprehensive Plan (page 3) defines a policy as "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation in regard to policies as follows: "The City must follow relevant policy statements in making a land use decision . . . [I]n the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g. shall, require) or more discretionary language (e.g. may, encourage)."

- 5.7 The following Comprehensive Plan goals and policies are relevant in considering whether the intent and purpose of the proposed zoning districts best satisfy the goals and policies of the Comprehensive Plan. (Each policy will be listed in *bold italic* print, followed by findings of fact that relate to the policy.)

5.8 **Goal 2: Land Use Planning - Updating and Amending the Comprehensive Plan.**

Goal: To "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."***

Goal 2, Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:

a. Conformance with goals and policies of the Plan.

How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under this criterion.

b. Citizen review and comment

The City's Development Code requires notification to surrounding property owners that these applications have been received and that there will be public hearings on the applications. A sign advertising the public hearing was also posted on the property. The notice requirements of the Code have been followed in notifying surrounding property owners.

c. Applicable Statewide Planning Goals

How the proposed changes comply with the Statewide Planning Goals is discussed under Comprehensive Plan Map Amendment Review Criterion (4).

d. Input from affected governmental units and other agencies

No other governments or agencies have jurisdiction over the land or other facilities in this area, except local utility providers may have an interest. Local utility companies were notified of the proposed map amendment.

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 and City Council.

The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

5.9 **Goal 9: Economy – Economic Development**

Goal 9, Sub-goal 3: Insure 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.

Goal 9, Policy 1: Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.

Goal 10: Housing

Goal 10: "Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens."

The proposed amendment would change the Zoning Map designation of 3,695 square feet of land (Tax Lot 5700) from CC (Community Commercial) to RM-3 (High Density Residential) and change the designation of 3,688 square feet (part of Tax Lot 5400) from RM-3 to CC. The changes would neither increase nor decrease by any significant amount the supply of either commercial or residential land.

The changes would simply straighten out a land use boundary so that the boundary runs down a back property line and does not have a jog in it. The residential land would have frontage on Hill Street and the commercial land would have frontage on Madison Street.

(The property on Madison Street has a veterinary clinic and a pet hotel on it. The property on Hill Street is currently vacant.)

CONCLUSIONS

5.1 The proposed zoning map designations best satisfy the goals and policies of the Comprehensive Plan. This criterion is met.



Files CP-02-01/ZC-02-01: Darden/Kaiser Map Amendments



Planning

dond nil

Jul 13, 2001

0 300 Feet



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 the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not guaranteed. Prior to making any property purchase or other investment based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



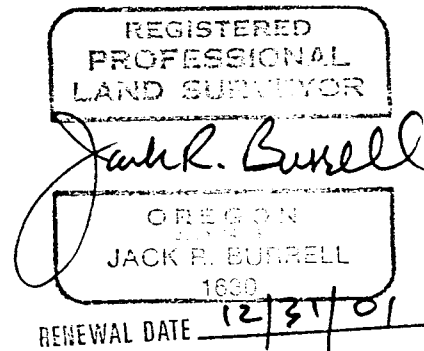
K & D ENGINEERING, Inc.

Engineers • Planners • Surveyors

ZONE CHANGE PROPERTY FROM CC TO RM-3

Beginning at a 1/2 inch rod at the northeast corner of Block 45 of "HACKLEMAN'S SECOND ADDITION TO ALBANY", a subdivision of record in Linn County, Oregon; thence South 08°17'52" East, along the east line of said block, 55.51 feet to the southeast corner of the north half of the Northeast quarter of said block; thence, along the south line of the north half of the Northeast quarter of said block, South 81°44'09" West 66.56 feet; thence North 08°11'49" West 55.50 feet to a 5/8 inch rod on the north line of said block; thence North 81°43'28" East 66.46 feet to the Point of Beginning.

Containing 3695 square feet of land, more or less.



September 19, 2001

ZONE CHANGE CC TO RM-3

(00-66-A) JRB:ls

File Ref: nlm/winword/legal/00-66-A zone change from cc to rm-3 desc..doc

NOTE FROM PLANNING STAFF: This is also the property where the Comprehensive Plan Map designation will change from General Commercial to High Density Residential.

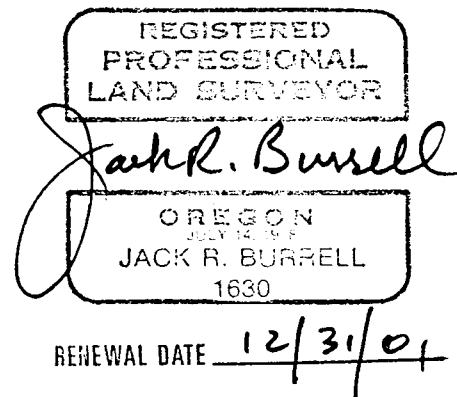
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Engineers • Planners • Surveyors

ZONE CHANGE PROPERTY FROM RM-3 TO CC

Beginning at a 5/8 inch rod at the southwest corner of the Northeast Quarter of Block 45 of "HACKLEMAN'S SECOND ADDITION TO ALBANY", a subdivision of record in Linn County, Oregon, which point being the southwest corner of Lot 3 in said Block 45; thence North 08°09'32" West 55.46 feet to a 5/8 inch rod at the northwest corner of the South half of the Northeast Quarter of said block; thence North 81°44'09" East 66.39 feet to a point on the east line of said Lot 3; thence South 08°14'37" East 55.57 feet to a 1/2 inch rod at the southeast corner of said Lot 3; thence South 81°50'00" West 66.48 feet to the Point of Beginning.

Containing 3688 square feet of land, more or less.



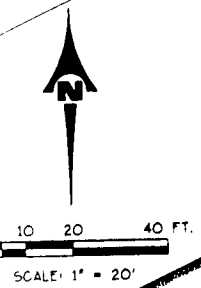
September 19, 2001

ZONE CHANGE RM-3 TO CC

(00-66-A) JRB:ls

File Ref: nlm/winword/legal/00-66 zone change from rm-3 to cc desc.doc

NOTE FROM PLANNING STAFF: This is also the property where the Comprehensive Plan Map designation will change from High Density Residential to General Commercial.



**EXISTING ZONING BOUNDARY
(SHADED)**

6th STREET

PROPOSED
ZONE CHANGE MAP
FOR
DOUGLAS DARDEN, MICHAEL SOSSIE
AND
KAISER-CALLISON FAMILY LLC
LOCATED IN
BLOCK 45
OF "HACKLEMAN'S SECOND ADDITION TO ALBANY"
IN THE
NE 1/4 SEC. 7, T. 11 S, R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
JUNE 11, 2001

OWNER/APPLICANTS:

TL 5800
MIKE SOSSIE FOR D. DARDEN TRACT
P.O. BOX 821
ALBANY, OREGON 97321
(541)-928-7350

TL 5700
FRITZ KAISER FOR KAISER-CALLISON FAMILY LLC
1904 EAGLE RIDGE NW
ALBANY, OREGON 97321
(541)-926-4057

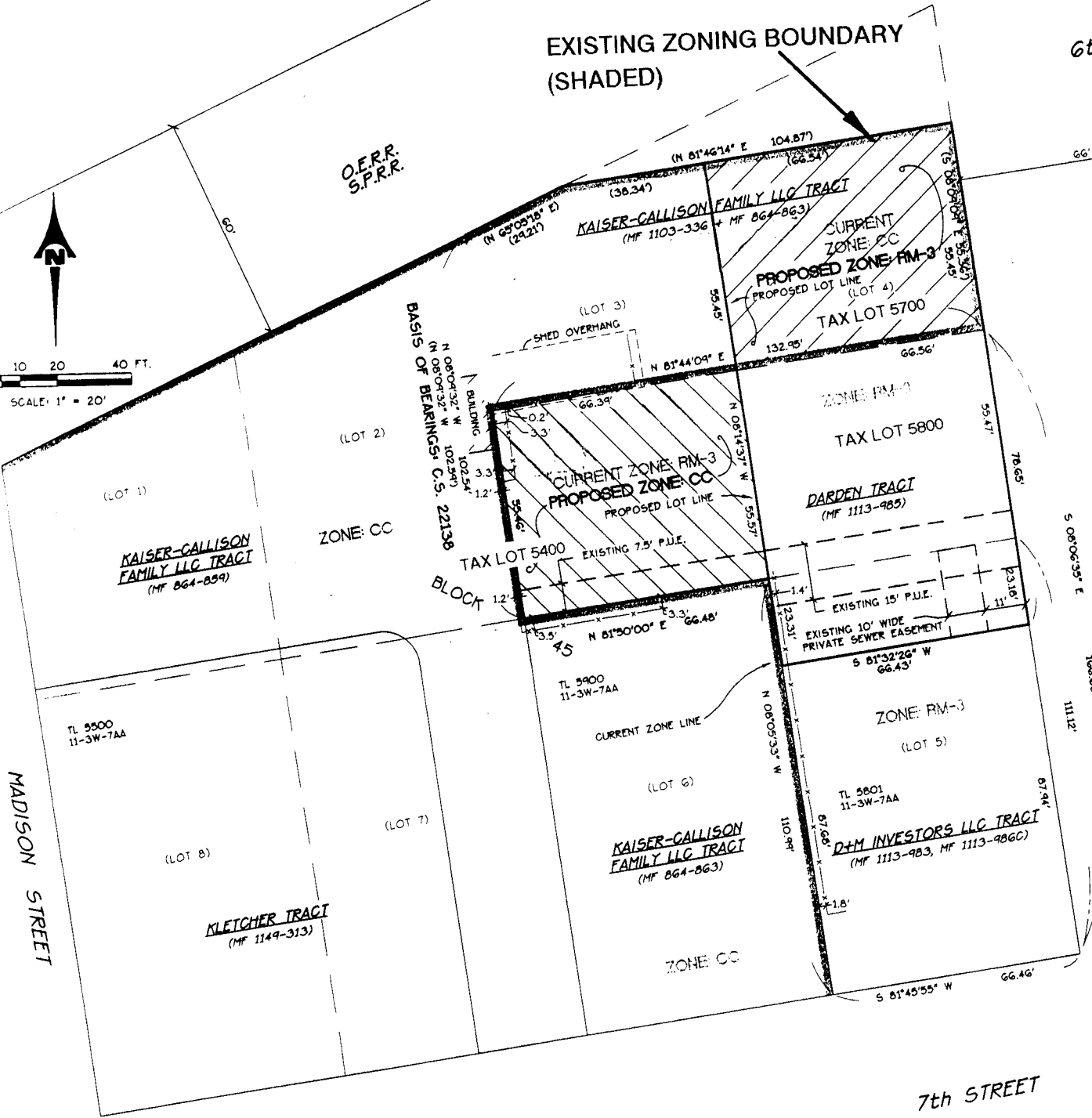
LEGEND:



AREA BEING CHANGED FROM ZONE CC TO
ZONE RM-3. AREA = 3,695 S.F.



AREA BEING CHANGED FROM ZONE RM-3 TO
ZONE CC. AREA = 3,686 S.F.



HILL STREET

7th STREET

EXHIBIT E