

ORDINANCE NO. 5559

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE, BY AMENDING THE DEVELOPMENT CODE TEXT RELATING TO CERTAIN WILLAMETTE GREENWAY PROVISIONS, ADOPTING FINDINGS AND DECLARING AN EMERGENCY. (File No. DC-02-02)

WHEREAS, from time to time it is appropriate to amend the Albany Development Code based on changing conditions; and

WHEREAS, the community-based Albany Town Center Plan (CALUTS) calls for Albany's riverfront to redevelop in a way that connects the community with the natural assets of the rivers, increases density around the Downtown core, and provides an opportunity for new commercial and housing developments; and

WHEREAS, the Albany Square Plan identifies how development could be oriented along the rivers to meet the goal and objectives of the Albany Town Center Plan; and

WHEREAS, the Advisory Board of the Central Albany Revitalization Area (CARA) identified existing Willamette Greenway setback and height restrictions as a barrier to achieving envisioned redevelopment along Albany's riverfronts; and

WHEREAS, a CARA Riverfront Redevelopment Task Force and then the CARA Advisory Board discussed options for achieving redevelopment goals while protecting the rivers and the vegetative fringe, and recommend replacing existing Willamette Greenway setback and height restrictions with new setback requirements; and

WHEREAS, the Albany Planning Commission held a public hearing on December 16, 2002, to consider proposed amendments as required by local and state law; and

WHEREAS, the Planning Commission recommended changes based on public testimony received during the public hearing and evidence presented in the staff report; and

WHEREAS, the Albany City Council held a public hearing on January 8, 2003, concerning the proposed Development Code text amendments; and

WHEREAS, the Albany City Council on January 20, 2003, set a Council goal that referred development of a detailed plan for the riverfront area to the CARA Advisory Board; and

WHEREAS, riverfront property owners and developers have informed the City Council that the existing Greenway setback provisions preclude their pending plans for redevelopment along the river consistent with the Albany Town Center Plan.

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

Section 1: The Albany Development Code is hereby amended as shown on attached Exhibit A.

Section 2: The Findings and Conclusions contained in the staff report and attached as Exhibit B are hereby adopted in support of this decision.

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 signed by the Mayor.

Passed by the Council: March 26, 2003

Approved by the Mayor: March 26, 2003

Effective Date: March 26, 2003



Mayor

ATTEST:



City Recorder

**AMENDMENTS TO
WILLAMETTE GREENWAY SPECIAL
SETBACK AND HEIGHT PROVISIONS**

Insert the following language into Albany Development Code Sections 3.310, 4.190, and 5.200.

For the following properties, the above language in this section shall not apply. Greenway setback provisions for these properties shall be as set forth below.

<u>Common Name</u>	<u>Assessor's Property Identification Number</u>
Willamette Seed Site	11S-03W-6DC #100
Permawood Site	11S-03W-5BD #200, #300 and 11S-03W-5CA #1001, #1100, #6805

The minimum setback for buildings and parking on the river side of property along the river is:

<u>Area</u>	<u>Minimum Setback</u>
West of Lafayette	5 feet
East of Lafayette	15 feet

For the purpose of establishing setbacks on property along the Willamette River, the river will be treated as a front lot line. The minimum setback for buildings and parking on the river side of property along the river will be measured from the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

Fences on the river side of property along the river will be located south of the most inland of the:

- (1) Property line along the river, or
- (2) City multi-use path easement, or
- (3) Top of the river embankment.

FINDINGS AND CONCLUSIONS

DC-02-02

STAFF ANALYSIS

Development Code Amendment File DC-02-02

The Albany Development Code contains the following review criteria that must be met for these legislative text amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

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

FINDINGS OF FACT

The following Comprehensive Plan goals and policies are relevant to the proposed Development Code amendments. Relevant goals and policies are written in *italic* type and considered as separate review criteria.

Promote infill development and redevelopment throughout the City.

Support the transition of industrial uses along the Willamette River to urban residential and supporting mixed uses.

- 1.1 The proposed amendments will remove a redevelopment barrier that currently limits the location and height of development in the Greenway, easing the ability to redevelop properties along the Rivers. This is especially significant for redevelopment of the several properties that were most recently in industrial use along the Willamette River, but now remain idle.

Protect existing vegetation which possesses significant environmental, wildlife habitat, and aesthetic qualities, particularly along the Santiam Canal and the Willamette and Calapooia Rivers, their tributaries, and associated floodplains and drainageways.

- 1.2 The proposed amendments would strengthen other Development Code requirements that limit impact on riparian areas in the Greenway by setting buildings, parking and fences back from the top of the embankment or beyond, protecting the vegetative fringe along the embankment.

CONCLUSION

- 1.1 The proposed amendments balance protection of the Willamette River and Calapooia River and the riparian fringe along these rivers with redevelopment strategies that encourage riverfront lands to transition from industrial uses to higher-density housing, mixed uses and active public spaces.

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

FINDINGS OF FACT

- 2.1 The purpose of the Development Code is “to set forth and coordinate City regulations governing the development and use of land.” (ADC 1.020)
- 2.2 The following purposes are relevant to the proposed Development Code amendments:

- a. *Serve as the principal vehicle for implementation of the City's Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.*

The proposed amendments will help implement the Comprehensive Plan economic development goals and policies and meet statewide planning goals.

- b. *Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.*

The proposed amendments satisfy the requirements of Statewide Land Use Goal 15, Willamette River Greenway. These amendments provide added protection of the vegetative riparian fringes of the Willamette and Calapooia Rivers by requiring that buildings, parking and fences be set back from the top of the embankment.

- c. *Establish procedures and standards requiring that the design of site improvements and building improvements are consistent with applicable standards and flexible design guidelines.*

The proposed amendments to development requirements in the Willamette Greenway will encourage redevelopment along the Willamette and Calapooia Rivers while balancing environmental concerns. The new requirements provide needed clarity on what setback standards apply and on where setbacks should be measured.

- d. *Facilitate prompt review of development proposals and the application of clear and specific standards.*

The proposed amendments remove unclear and difficult-to-administer methods of establishing setbacks, and in their place provide specific language on how minimum setbacks are to be determined along the Willamette and Calapooia Rivers.

- e. *Protect and enhance the city's aesthetic beauty and character.*

The proposed amendments provide increased protection of the green vegetative fringe along the Willamette and Calapooia Rivers by limiting development along the embankment.

CONCLUSION

- 1.1 The proposed Development Code text amendments are consistent with Comprehensive Plan policies and with the purpose statements of the Development Code, and with the zoning district purpose statements. This criterion is satisfied.