

ORDINANCE NO. 5674

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ZONING MAP ON WILLETTA STREET SW RELATING TO GOAL 10 HOUSING, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE ZC-04A-07).

WHEREAS, from time to time it is appropriate to amend the Zoning Map based on changing conditions; and

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan and Map, Development Code, and Zoning Map in accordance with a work program approved by the State Department of Land Conservation and Development in 1997; and

WHEREAS, the proposed amendment will help to satisfy Periodic Review work tasks relating to buildable lands and growth management; and

WHEREAS, the proposed Zoning Map amendment to change approximately one acre of land on Willetta Street (Map Number 11S04W13AB; Tax Lot 6900) from RS-6.5 (Residential Single Family) to RS-5 (Residential Single Family) would allow for more variety of housing choices and densities, including attached housing; and

WHEREAS, the proposed Zoning Map amendment is needed to be current and responsive to Albany's residential land needs; and

WHEREAS, on April 19, 2007, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings on the proposed Zoning Map amendment to the affected property owners; and

WHEREAS, on April 30, 2007, the Planning Commission held a public hearing on several amendments to the Zoning Map related to Periodic Review and made recommendations based on findings contained in the staff report and testimony presented at the public hearing; and

WHEREAS, the Albany City Council held a public hearing on May 23, 2007, to review a number of the proposed Zoning Map amendments, including one affecting this property that would allow for attached single-family housing; and

WHEREAS, the Albany City Council reviewed the amendments recommended by the Planning Commission and the testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Zoning Map is hereby amended from RS-6.5 to RS-5 as shown on Exhibit A.

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

Section 3: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Council President.

Passed by the Council: June 27, 2007

Approved by the Council President: June 27, 2007

Effective Date: June 27, 2007



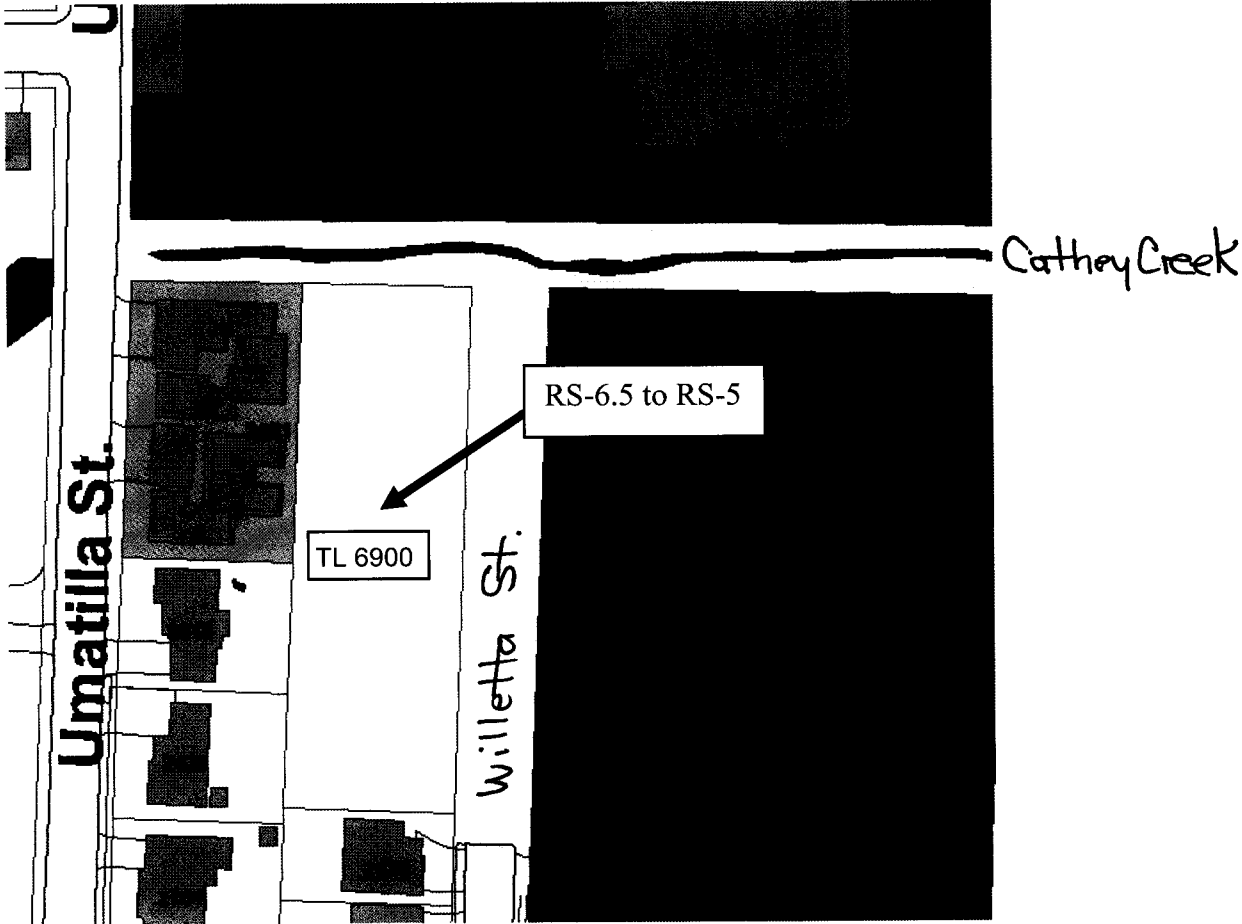
Council President

ATTEST:



City Clerk

**WILLETTA STREET PROPERTY PROPOSED TO BE REZONED FROM RS-6.5 to
RS-5 RESIDENTIAL SINGLE FAMILY**
Map Number 11S04W13AB Tax Lot 6900



FINDINGS AND CONCLUSIONS

File ZC-04a-07

Adopted by the Albany City Council on June 27, 2007

The Albany City Council adopted these findings in support of the Ordinance.

ZONING MAP AMENDMENT

The Albany Development Code contains the following review criteria that must be met for these legislative Zoning Map amendments 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.*

FINDINGS OF FACT

- 1.1 The proposed Zoning Map amendment is being coordinated with proposed Development Code and Comprehensive Plan text and Map amendments related to State Planning Goal 10, Housing.
- 1.2 The Comprehensive Plan designation for these properties is currently Residential Low Density (LDR). The RS-5 zone is compatible with the LDR designation. No Comprehensive Plan Map amendment is necessary.
- 1.3 The RS-5 zone would allow for more diversity in housing choices.
- 1.4 The zoning amendments are consistent with the zoning district and Plan designation purpose statements.

CONCLUSION

- 1.1 The proposed Zoning Map amendment is consistent with the existing Comprehensive Plan.
- (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

FINDINGS OF FACT

- 2.1 The proposed Zoning Map amendment is to a property almost one acre in size.
- 2.2 The proposed zoning amendments were reviewed against the Institute of Transportation Engineers (ITE) Trip Generation manual. The proposed Map amendment will have no net impact or increase in the number of PM peak trips, or were found to generate very few additional trips.

CONCLUSION

- 2.1 The proposed Zoning Map amendment should have little or no impact on current or anticipated transportation facilities outlined in the Albany *Transportation System Plan*. Transportation facilities are adequate to meet future development resulting from the proposed Zoning Map amendments.

- (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.*

FINDING OF FACT

- 3.1 The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review. In general, the proposed zone change should not impact the major facility plans.

CONCLUSION

- 3.1 The existing or proposed public utilities can accommodate the proposed zoning change.
- (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic district will not be jeopardized as a result of the proposed rezoning.*

FINDINGS OF FACT

- 4.1 In general, there is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- 4.2 Floodplains. These properties are not in the floodplain.
- 4.3 Wetlands. The local wetland inventories do not identify wetlands on these properties.
- 4.4 Slopes. The properties are flat.
- 4.5 Significant Natural Vegetation. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. The property is not in the historic districts.

CONCLUSION

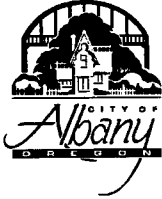
- 4.1 There is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

FINDINGS OF FACT

- 5.1 In general, the proposed Map amendment is consistent with the Comprehensive Plan and Plan Map.
- 5.2 The proposed zone changes achieve the Plan and zone purpose statements and the goals and policies of the Plan by providing a variety of housing types to meet the needs of Albany's residents.

CONCLUSION

- 5.1 The proposed Zoning Map amendments are consistent with the Comprehensive Plan and the Comprehensive Plan Map. This criterion is satisfied.



COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF DECISION

DATE OF NOTICE: June 29, 2007
DATE OF DECISION: June 27, 2007
FILES: ZC-04a-07
TYPE OF APPLICATION: Amendments to the Albany Zoning Map relating to Periodic Review that relates to Goal 10 Housing.
REVIEW BODY: City Council
APPLICANT: City of Albany Community Development Department – Planning Division
APPLICANT'S REP: Anne Catlin, Community Development Planner

On June 27, 2007, the Albany City Council adopted Ordinance No. 5674 to make amendments to the Albany Zoning Map. The amendments address a change in residential zoning for one property on Willetta Street SW. The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. Adoption of these amendments to the Comprehensive Plan relate to partial completion of Periodic Review work tasks #1 and #3 (Buildable Lands and Growth Management Implementation).

A copy of Ordinance No. 5674 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Project Planner Anne Catlin at (541) 917-7550.

If you believe the City did not satisfactorily complete the partial work tasks or the work tasks did not comply with the statewide planning goals, you may object to the State Department of Land Conservation and Development (DLCD). To file an objection, you must do three things. First, address these requirements in your objection:

1. Show how you participated in the City's periodic review either by speaking at a public hearing or by sending written comments about the work task, and
2. Explain your objection to the action taken by the city. Be specific and try to relate the objection to a specific law or rule that has been violated, and
3. Recommend a specific change to the work task that would resolve your objection.

Second, submit a written objection to DLCD; Attention – Periodic Review Specialist (635 Capitol Street NE, Suite 150; Salem, OR 97301). DLCD must receive the objection no later than **JULY 20, 2007**. Third, send a copy of the letter to the Albany Community Development Department; PO Box 490; Albany, OR 97321. (See Oregon Administrative Rule Chapter 660, Division 25 for specific requirements for participating in periodic review. Note especially OAR 660-025-0149 regarding objections to a work task submittal. http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_025.html) If you have questions about DLCD's review of this work task, call Albany's regional representative, Marguerite Nabeta at (541) 682-3132.



Council President