

ORDINANCE NO. 5677

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND MAP, AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND ZONING MAP, BY AMENDING THE COMPREHENSIVE PLAN MAP AND ZONING MAP RELATING TO PERIODIC REVIEW GOAL 10 HOUSING, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILES CP-05-07 AND ZC-05-07).

WHEREAS, from time to time it is appropriate to amend the Albany Comprehensive Plan and Zoning Maps based on changing conditions; and

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan, Plan 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 amendments will help to satisfy Periodic Review work tasks relating to buildable lands and growth management; and

WHEREAS, the proposed Zoning and Comprehensive Plan Map amendments are needed to encourage the continued revitalization of this area of Albany; and

WHEREAS, the Planning Commission held a public hearing on April 30, 2007, on the proposed Zoning amendment and then recommended approval based on findings contained in the staff report; and

WHEREAS, the Albany City Council held a public hearing on May 23, 2007, that included the proposed change to the Zoning Map in this area; and

WHEREAS, the Albany City Council reviewed the testimony presented at the public hearing, deliberated and directed staff to bring back an ordinance that would amend the Comprehensive Plan Map designation by changing it from Medium Density Residential (MDR) to Low Density Residential (LDR); and

WHEREAS, on June 11, 2007, the City mailed a "Measure 56" notice to all affected property owners, informing them of the proposed changes to the Comprehensive Plan and Zoning Maps.

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

Section 1: The Albany Comprehensive Plan Map is hereby amended as shown in the attached Comprehensive Plan Map (Exhibit A).

This exhibit, upon the effective date of this ordinance, shall supersede the previous Comprehensive Plan Map designations of the properties whose designation has changed.

Section 2: The Albany Zoning Map is hereby amended as shown on the attached Zoning Map (Exhibit B).

This exhibit, upon the effective date of this ordinance, shall supersede the previous zoning of the properties that have been rezoned.

Section 3: The Findings and Conclusions attached as Exhibit C are hereby adopted in support of this decision.

Section 4: 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 Mayor.

Passed by the Council: July 11, 2007

Approved by the Mayor: July 11, 2007

Effective Date: July 11, 2007



Mayor

ATTEST:

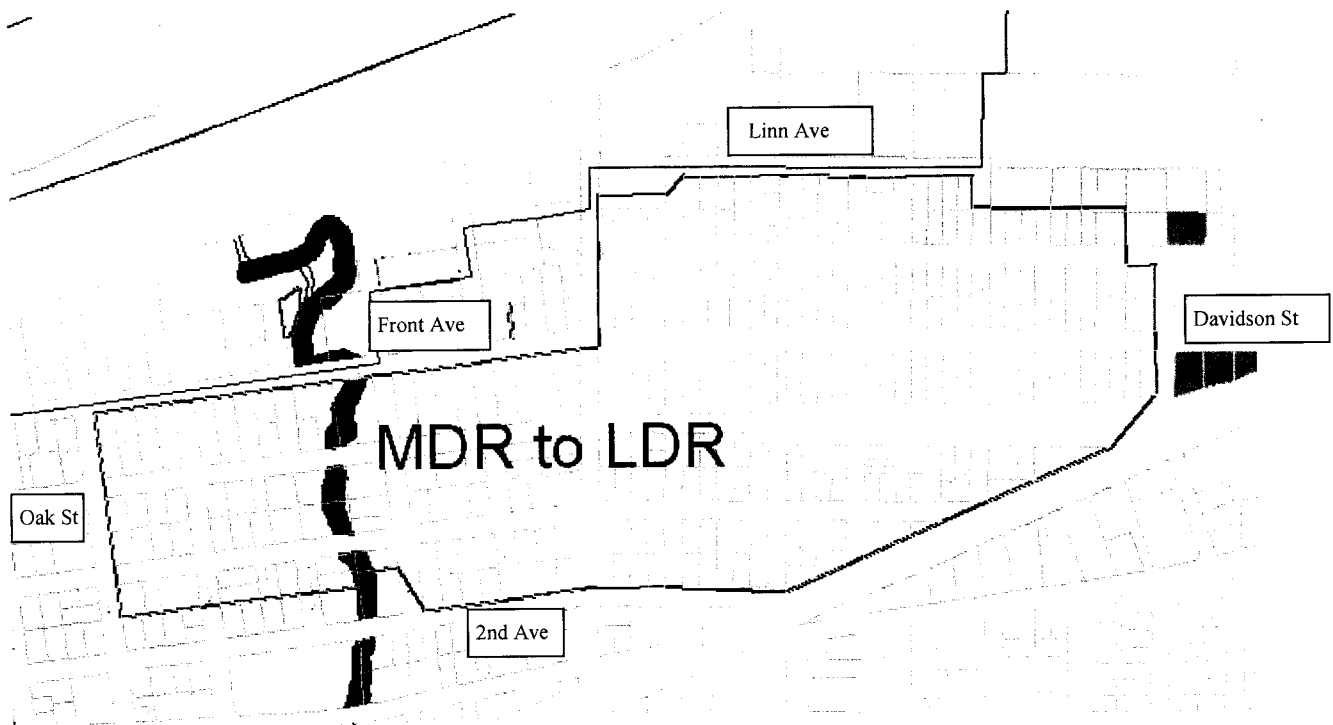


City Clerk

ORDINANCE EXHIBIT A

THE AREA ON THE COMPREHENSIVE PLAN MAP PROPOSED TO BE CHANGED FROM MEDIUM DENSITY RESIDENTIAL TO LOW DENSITY RESIDENTIAL IS OUTLINED IN BLACK BELOW. (Planning File CP-05-07)

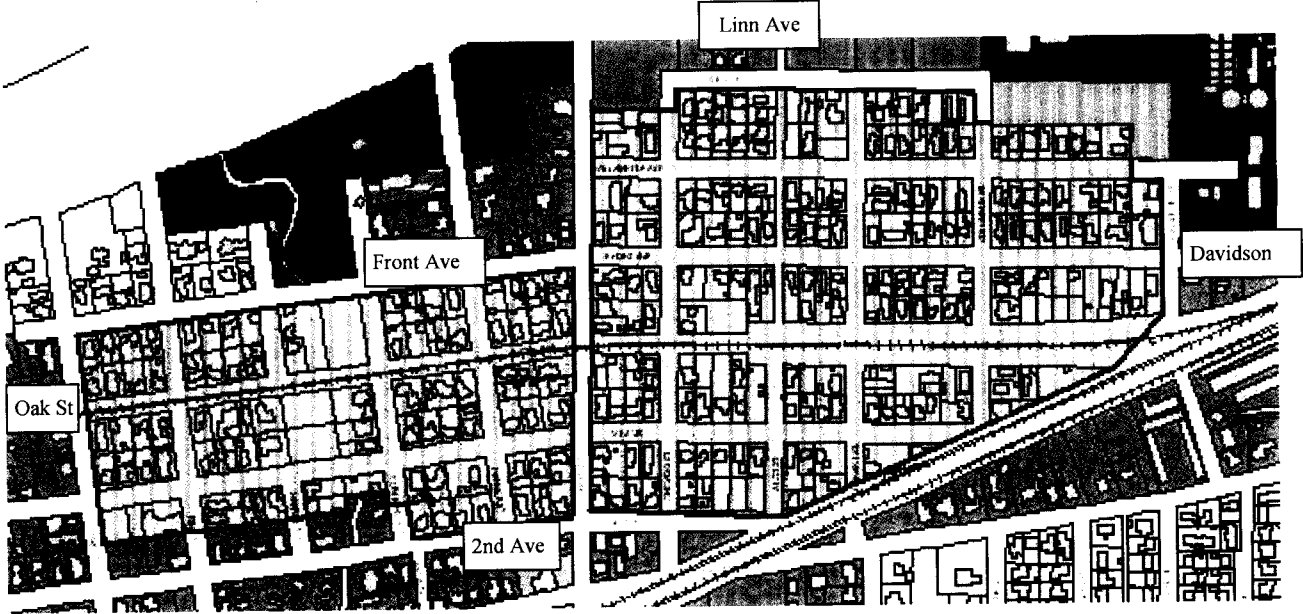
The area is generally bound by 2nd Avenue and the railroad tracks to the South, Davidson Street to the East, Linn and Front Avenues to the North and Oak Street to the West.



ORDINANCE EXHIBIT B

THE AREA ON THE ZONING MAP PROPOSED TO BE ZONED RS-5 FROM RM IS COLORED TAN WITH GOLD STRIPES.

The area is generally bound by 2nd Avenue and the railroad tracks to the South, Davidson Street to the East, Linn and Front Avenues to the North and Oak Street to the West.



FINDINGS AND CONCLUSIONS
Files CP-05-07 and ZC-05-07
Adopted by the Albany City Council on July 11, 2007

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

COMPREHENSIVE PLAN MAP AMENDMENTS (CP-05-07)

The Albany Development Code (ADC) contains the following review criteria which must be met for legislative amendments to the Comprehensive Plan Map to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

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

FINDINGS OF FACT

The goals and policies of the Albany Comprehensive Plan shown below in *italics* are relevant to the proposed Comprehensive Plan Map amendment to change the subject area from Medium Density Residential (MDR) to Low Density Residential (LDR). Albany's Plan supports statewide planning goals and incorporates policies from relevant area plans.

GOALS:

- *Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan remains current and responsive to community needs (Goal 2, Land Use Planning).*
- *Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens (Goal 10, Housing).*
- *Create a city of diverse neighborhoods where residents can find and afford the values they seek (Goal 10, Housing).*

POLICIES (Goal 10, Housing unless noted):

- *Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.*
- *Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.*
- *Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.*
- *Require residential densities to be commensurate with the availability and adequacy of public facilities and services.*

- 1.1 In order for the Comprehensive Plan to remain current and responsive to Albany's needs to 2025, Map amendments are needed to meet the needs of all of Albany's residents.
- 1.2 The Comprehensive Plan designation is proposed to change from to MDR to LDR in order to continue to support the revitalization of this older neighborhood and offer an area that is affordable and safe for residents.
- 1.3 The area has older streets and an undersized water system. The LDR designation would support the policy that development be commensurate with the availability and adequacy of public facilities and services.
- 1.4 The RS-5 zone is a compatible zone with the LDR designation. The zone allows for a variety of housing types from single-family detached housing to attached housing.

CONCLUSION

1.1 The proposed legislative Comprehensive Plan Map amendment is consistent with the goals and policies of the Comprehensive Plan.

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

FINDINGS OF FACT

2.1 This area has been designated for medium-density development for a long time. Very few single-family houses have been replaced with multiple units. The area remains mostly single-family and existing homes are being revitalized.

2.2 The proposed legislative Plan Map amendment will respond to the changing conditions in the neighborhood, which indicate the area will likely not redevelop with multi-family housing.

CONCLUSION

2.1 This criterion is met because the legislative amendment to the Comprehensive Plan will help support the changing conditions in the neighborhood.

ZONING MAP AMENDMENTS (ZC-05-07)

The Albany Development Code (ADC) 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 subject area is proposed to be zoned RS-5 (Residential Single Family) from RM (Residential Medium Density).
- 1.2 The proposed Zoning Map amendment is being coordinated with a Comprehensive Plan Map amendment related to State Planning Goal 10, Housing.
- 1.3 The properties proposed to be rezoned are mostly developed, already zoned residential, and are also designated residential on the Comprehensive Plan Map.
- 1.4 The RS-5 zoning district is proposed to better reflect how the area has developed, which is mostly with single-family homes.
- 1.5 The zoning amendments are consistent with the zoning district and Plan designation purpose statements.

CONCLUSION

- 1.1 The proposed zone changes are consistent with existing or proposed Comprehensive Plan Map designations.

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

FINDINGS OF FACT

- 2.1 Streets in the area proposed to be rezoned are generally local streets in various stages of condition. Not all of them are improved to City standards. Albany’s *Transportation System Plan* (TSP) judged those streets adequate for the current zone designation.
- 2.2 The RS-5 zone allows for fewer housing types and less density than the current RM zoning. In addition, the area is mostly developed, leaving few vacant lots or redevelopment opportunities.
- 2.3 The new zoning will result in reduced intensity of development and a reduced demand on the transportation system.

CONCLUSION

- 2.1 The proposed Zoning Map amendment would result in less impact on the 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.

FINDINGS OF FACT

- 3.1 Water. This area, as a whole, is served by public water facilities. The majority of the public water system in this area was constructed before the City purchased the water system. Most of the water mains in this area are undersized, with many pipes as small as 2 and 4 inches. Since higher density development requires higher fire flow capabilities, it is recommended by the City's *Water Facility Plan* that a looped system fed by water mains of at least 12-inches in diameter be constructed in multi-family zones. While the public water system in this vicinity will remain undersized with respect to fire flow needs, the change from a multi-family zone to a single-family zone may reduce the amount of water improvements needed in the future.
- 3.2 Sewer. This area is currently served by public sanitary sewer facilities. The City's *Wastewater Facility Plan* shows no system deficiencies in this area, or downstream of this area. The public sewer system in this area is capable of serving both single-family and multi-family development.
- 3.3 Storm Drainage. Many of the existing public streets in the area are not improved to City standards. These streets do not include curb and gutter or piped storm drainage facilities. While the lack of storm drainage facilities in the area is problematic even for single-family development, multi-family development often results in larger amounts of impervious surface (larger rooftops, parking lots, etc.), and therefore requires more substantial drainage capabilities.
- 3.4 Schools. The proposed zoning would reduce the number of future households and therefore lessen the impact on the school system.

CONCLUSIONS.

- 3.1 While most of the water mains in this area are undersized, the water and fire flows required for multi-family are higher than those that are required in single-family zones.
- 3.2 The public storm drainage system in this area is not adequate, as many of the streets serving the area do not include curb and gutter or storm drainage facilities. Multi-family development typically requires larger storm drainage facilities to accommodate the larger amount of impervious surfaces associated with larger buildings and parking areas.
- 3.3 Changing the zoning from a multi-family zone to a single-family zone will decrease the potential number of dwelling units within this area. Single-family zoning typically results in development which requires lower levels of public utility capabilities than development in multi-family zoning.

(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, the proposal to rezone this area from RM to RS-5 would allow for similar residential uses at a slightly lower overall density. There is no development proposal associated with the proposed zone change. Any unique natural features will be addressed through the development review process (Site Plan, Conditional Use, or Land Division review).

- 4.2 Floodplains. According to the FEMA/FIRM panel 410137 0004F, dated 1999, some of the properties in this area are in the 100-year floodplain. When development is proposed in these areas, it will be required to meet standards for floodplain development.
- 4.3 Wetlands. The local wetland inventories do not identify wetlands in this area.
- 4.4 Slopes. The properties proposed to be rezoned are level to gently sloping.
- 4.5 Significant Natural Vegetation. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. This area is outside of the National Register historic districts. A couple of properties are on the City's Local Historic Inventory.

CONCLUSION

- 4.1 There is no development proposal associated with the proposed zone change. 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

- 5.1 The proposed Zoning Map amendment is being considered concurrently with an amendment to the Albany Comprehensive Plan Map. The proposed Comprehensive Plan designation of Residential Low Density is compatible with the RS-5 zone.
- 5.2 The proposed zone changes achieve the Plan and zone purpose statements and the goals and policies of the Plan.
- 5.3 The Comprehensive Plan goals and policies are addressed under the Comprehensive Plan amendments Criterion 2 (File CP-05-07).

CONCLUSION

- 5.1 The proposed Zoning Map amendments are compatible with the goals and policies of the Comprehensive Plan.
- 5.2 The proposed Zoning Map amendment is consistent with the proposed amendment to the Comprehensive Plan Map. This criterion is satisfied.