

ORDINANCE NO. 5799

AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 1055 QUEEN AVENUE SW

WHEREAS, the Albany Planning Commission held a public hearing on November 5, 2012, on the proposed map amendment and recommended approval based on evidence presented in the staff report and testimony presented at the public hearing for City of Albany Planning File ZC-06-12; and

WHEREAS, the Albany City Council held a public hearing on the same application on December 5, 2012, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated; and

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 Ordinance Exhibit A are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of the properties described in Ordinance Exhibit B is hereby amended from Neighborhood Commercial, NC, to Residential Medium Density, RM.

Section 3: A copy of the map showing the amendment to the Zoning Map shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 4: A copy of the legal description of the affected property is attached as Ordinance Exhibit C. It 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.

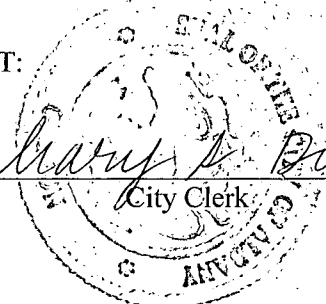

Passed by the Council: Dec 5, 2012

Approved by the Mayor: Dec 5, 2012

Effective Date: Dec 5, 2012

  
\_\_\_\_\_  
Mayor

ATTEST:

  
  
\_\_\_\_\_  
City Clerk



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

Phone: 541-917-7550 Facsimile: 541-917-7598  
[www.cityofalbany.net](http://www.cityofalbany.net)

# Community Development Department

## STAFF REPORT Zoning Map Amendment (ZC-06-12)

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<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, December 5, 2012
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **EXECUTIVE SUMMARY**

This application is a request to rezone one 8,475 sq. ft. parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM). The applicants are seeking this change in order to change the status of their existing multifamily dwelling to an allowed use subject to Site Plan Review. The applicants are Roger and Terry Wylie, and the address of the subject property is 1055 Queen Avenue SW. Multifamily housing is considered a nonconforming use in the NC district. The Comprehensive Plan designation for the property is Medium Density Residential (MDR). According to the Plan Designation Zoning Matrix in Albany Development Code (ADC) 2.760, both NC and RM are compatible with the MDR designation. Assessor's records indicate the structure was built in 1949 and was originally used as an office. Residential units above or attached to a business are allowed in the NC district through Site Plan Review. In 2003, the Assessor's office noted that the building had offices on the main floor together with two apartments on the upper floor. The new owners of record (the applicants) indicate that the building contained four dwelling units and no offices at the time they purchased the building. No permit copies or records regarding these apartments appear in the City's records. However in the absence of a business, multifamily uses are not permitted in the NC zone.

This Zoning Map Amendment application was deemed complete on September 25, 2012 (Attachment I). The applicants are Roger and Terry Wylie, and the location of the subject property is 1055 Queen Avenue SW, across the street from Memorial Middle School (Attachment II). The criteria for amending the zoning map are found in Albany Development Code (ADC) 2.740, and are addressed in detail in the staff report below.

### **PLANNING COMMISSION AND STAFF RECOMMENDATION**

APPROVAL of the proposed zoning map amendment based on the findings and conclusions of the staff report and testimony presented at the public hearing.

### **GENERAL INFORMATION**

DATE OF REPORT:	November 28, 2012
FILE:	ZC-06-12
TYPE OF APPLICATION:	Quasi-Judicial Zoning Map Amendment (Type IV) to change a 8,475 sq. ft. parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM)
REVIEW BODY:	Planning Commission and City Council

STAFF REPORT PREPARED BY: David Martineau, Project Planner

PROPERTY OWNER/  
APPLICANT: Roger B. & Terry J. Wylie; 4904 NW Scenic Drive; Albany, OR 97321;  
(541) 979-1280

ADDRESS/LOCATION: 1055 Queen Avenue SW

MAP/TAX LOT: Linn County Assessor's Map No. 11S-04W-12DB; Tax Lot 15500

ZONING: NC (Neighborhood Commercial) District

CP DESIGNATION: MDR (Medium Density Residential)

EXISTING LAND USE: Multifamily dwelling units (four-plex)

NEIGHBORHOOD: Broadway

SURROUNDING ZONING: North: RM (Residential Medium Density)  
South: RS-6.5 (Residential Single Family)  
East: NC (Neighborhood Commercial)  
West: RM

SURROUNDING USES: Memorial Middle School is located across Queen Avenue to the south; a single family residence is to the west. Additional single family residences are located to the north. One of these has a concrete parking lot in the rear yard adjacent to the subject property. A single family residence is on the abutting property to the east.

PRIOR HISTORY: While under previous ownership, a Site Plan Review (SP-13-06) to convert a retail/office space in an existing building to an apartment was denied because the property was zoned Neighborhood Commercial (NC), and three or more residential units were not allowed unless the units were located above a business.

### **NOTICE INFORMATION**

A Notice of Public Hearing was mailed to surrounding property owners on October 24, 2012 (Attachment III). The Notice of Public Hearing was posted on the subject property at one location on October 29, 2012. The Zoning Map Amendment staff report was posted on the City's website October 29, 2012. At the time this staff report was completed, no comments had been received.

### **APPEALS**

Within five days of the City Council's final action on this application, the Community Development Director will provide written notice of the decisions to the applicant and any other 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.

### **STAFF ANALYSIS**

#### **Zoning Map Amendment File ZC-06-12**

The Albany Development Code (ADC) includes 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. Note: Findings and conclusions submitted by the applicant can be found in Attachment VI.

***Criterion (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 (ADC 2.740 (1)).***

#### FINDINGS OF FACT

- 1.1 The applicant proposes to change the zoning of 8,475 square feet (0.19 acre) from Neighborhood Commercial (NC) to Residential Medium Density (RM).
- 1.2 The current Comprehensive Plan map designation of the subject site is Medium Density Residential (MDR). According to the Plan Designation Zoning Matrix table found in ADC 2.760, both the current NC and proposed RM zoning is consistent with the MDR Plan designation of the site (see Attachments IV and V).

#### CONCLUSIONS

- 1.1 The existing zone, Neighborhood Commercial, and the proposed zone, Residential Medium Density are both compatible with the Comprehensive Plan designation of Medium Density Residential.
- 1.2 This criterion is satisfied.

***Criterion (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).***

#### FINDINGS OF FACT

- 2.1 The site is located on the north side of Queen Avenue about 220 feet west of Elm Street. The zone change would change the designation of a 8,475 square foot parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM).
- 2.2 The site is currently occupied by a residential four-plex.
- 2.3 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.4 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.5 The applicant did not submit trip generation information with the application.
- 2.6 For trip generation purposes, staff believes that most intense use that could reasonably be expected to occur on the site under the current NC zone designation would be to retain the residential uses on the second floor of the existing structure, and convert the lower floor to commercial uses. Based on ITE trip generation rates for apartments, the two units on the second floor of the structure can be expected to generate 13.30 vehicle trips per day, of which 1.24 would occur during the peak pm traffic hour. Based on 1,800 square feet of first floor area and ITE trip generation rates for specialty retail, the lower floor can be expected to generate 79.78 vehicle trips per day, of which 4.09 would occur during the peak pm traffic hour. The total number of vehicle trips that could be expected from development under the current NC zone designation is 93.08 vehicle trips per day, and 5.33 trips during the peak pm traffic hour. Use of a 50% pass-by factor for the commercial trips would result in 53.19 net trips per day, and 3.91 net peak pm traffic hour trips on the street system.

Staff believes that the most intense use that could reasonably be expected to occur on the site under the requested RM zone designation is a continuation of the existing residential four-plex use. Based on ITE trip generation rates for apartments, a four-plex can be expected to generate 26.60 vehicle trips per day, of which 2.48 would occur during the peak pm traffic hour.

## CONCLUSIONS

- 2.1 The proposed zone change would change the designation of an 8,475 square foot parcel from NC to RM.
- 2.2 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.3 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a "significant affect".
- 2.4 The reasonable worst cases use allowed on the site under the requested zone designation would generate fewer average day and PM peak hour trips on the street system than would the reasonable worst case use allowed under the current zone designation. Because it would result in reduction in vehicle trip generation, the requested zone designation would not have a significant affect on the transportation system.
- 2.5 This review criterion is met without conditions.

***Criterion (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 (ADC 2.740 (3)).***

### Sanitary Sewer.

- 3.1 City utility maps show an 8-inch public sanitary sewer main along the back (north) property line. The existing building is currently connected to this public sewer main.
- 3.2 Based on the size of the parcel, it is not expected that the zone change will result in development that will exceed the capacity of the public sewer system in this area.

### Water.

- 3.3 City utility maps show a 10-inch public water main in Queen Avenue. The existing building is currently connected to this public water main.
- 3.4 Based on the size of the parcel, it is not expected that the zone change will result in development that will exceed the capacity of the public water system in this area.

### Storm Drainage.

- 3.5 City utility maps show a 10-inch public storm drainage main in Queen Avenue. Storm water runoff from the site currently discharges to the existing public storm drainage facilities in Queen Avenue.
- 3.6 The existing development on the site currently exceeds the lot coverage standards for either the NC zone or the proposed RM zone. It is unlikely that any additional impervious surface area would be allowed on the property. So, there will be no increase in storm water runoff as a result of the proposed zone change.

## Police and Fire Protection.

- 3.7 The Albany Police Department and Fire Department serve the property. No adverse impact is expected to result for this zoning map amendment.

## CONCLUSIONS

- 3.1 The existing public utilities (sanitary sewer, water, storm drainage) and services are adequate to accommodate development on the subject property under the proposed RM zone.
- 3.2 This review criterion is met.

***Criterion (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).***

## FINDINGS OF FACT

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is NC (Neighborhood Commercial) District. The proposed zoning is RM (Residential Medium Density) District.
- 4.2 Records indicate that the property has been zoned Neighborhood Commercial (NC) or some variant of it since 1976. Comprehensive Plan designation maps from the 1980s revealed that the subject property had two designations: Light Commercial and High Density Residential. In 2002, the property owner at the time requested the designation be changed from Light Commercial to High Density Residential for the whole property. Changes to residential designations related to Goal 10-Housing updates led to a change in designation from High Density Residential to Medium Density Residential in 2007. The zoning was not changed at that time to be consistent with the actual use. According to the Schedule of Permitted Uses in ADC Section 4.050, multi-family residential units are not allowed in the NC district unless the units are above or attached to a business. Under the RM zoning district however, multi-family units are allowed through an approved Site Plan Review.

## Zoning District Intent and Purposes

- 4.3 According to Section 4.020(2) of the Albany Development Code (ADC), the Neighborhood Commercial (NC) district is “intended primarily for small areas of retail establishments serving nearby residents’ frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.”
- 4.4 Multi-family residential uses are not permitted in the NC district unless the units are above or attached to a business. Offices; small-scale, convenience-oriented retail sales and service; restaurants with or without drive-thru; certain institutional uses including community services, religious institutions and daycares are allowed conditionally or through Site Plan Review. Single family and two family dwellings and residential care or treatment facilities are allowed through Site Plan Review.
- 4.5 According to Section 3.020(5) of the ADC, the Residential Medium Density (RM) District “is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre.”
- 4.6 The uses that may be allowed RM zoning district outright include detached and attached single family units, duplexes, and primary residences with one accessory unit. Child, adult, residential or group homes are generally allowed outright as well. Multi-family dwellings, rooming or boarding houses, manufactured home parks, and self-service storage uses are allowed through an approved Site Plan Review. Conditional uses

include assisted living, bed and breakfasts, most institutional uses, and indoor/outdoor entertainment and recreation.

- 4.7 The applicants state that the current use of the property is multi-family residential. There are currently four families living in the four-plex. It is close to neighborhood amenities such as schools, parks and bus stops. Areas north and west of the property are characterized by residential uses. South of the site lies Memorial Middle School, with West Albany High School just to the west. Development to the east transitions to more commercial uses including a convenience store and veterinary clinic as one approaches Pacific Boulevard.

#### Comprehensive Plan Goals and Policies Relevant to the Request

- 4.8 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in *bold italic* print.

4.9 **Goal 2: Land Use Planning-Land Use Designations (Chapter 9)**

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix.’ This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation,” (p. 9-12).

The Medium Density Residential designation includes the following compatible zoning districts: Residential Single Family (RS-5); Residential Medium Density (RM); Residential Medium Density Attached (RMA); Mixed Use Residential (MUR); Office Professional (OP); and Neighborhood Commercial (NC). Which zone should be used in a particular area depends on the location and characteristics of the site and the need for the uses allowed in that zone.

4.10 **Goal 10: Housing (Chapter 4)**

*To provide for the housing needs of citizens of the state.*

***Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.***

***Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.***

***Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.***

The RM district is intended primarily for medium density residential urban development. Allowable uses include a range of residential dwellings from single family to multifamily apartments or condominiums. RM-zoned districts are located in several areas of Albany in order to provide a variety of housing choices for residents. Due to its proximity to commercial areas around town, it is a zone which provides residents easy access to transit, employment sites, shopping, and community services.

The Housing Needs Analysis data in the Comprehensive Plan estimated there was about 1,700 acres of developable residential land in the city limits, with over 1,450 acres designated/zoned for single-family development and roughly 150 acres for medium density development. The analysis projects residential land need between 2005 and 2025 will be roughly 650 acres. The analysis concludes that there will be a surplus of

low-density land, including 162 acres of land zoned RS-5. There will be a shortage of medium density land, with an estimated need of about 70 additional acres.

## CONCLUSIONS

- 4.1 Goal 2, Land Use Planning. The Medium Density Residential Comprehensive Plan designation lists both the NC and RM as compatible zoning districts.
- 4.2 Goal 10, Housing. The RM district is intended primarily for medium density residential urban development. Rezoning the subject property from NC to RM will make the current use consistent with the intent of the Goal 10-Housing updates in 2007, as well as the current use.
- 4.3 The subject property abuts RM-zoned land to the west and north. The current use of the site is multifamily residential development.
- 4.4 The RM zoning district best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.5 This criterion has been met.

***Criterion (5) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study (ADC 2.740 (5)).***

## FINDINGS OF FACT

- 5.1 Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.
- 5.2 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

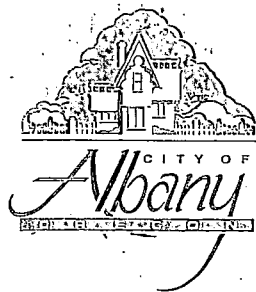
## CONCLUSIONS

- 5.1 The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.
- 5.2 This criterion is met.

## ATTACHMENTS

- I Determination of Completeness Letter
- II Location Map
- III Notice of Public Hearing
- IV Current Comprehensive Plan & Zoning Designation
- V Proposed Comprehensive Plan & Zoning Designation
- VI Applicant's Findings and Conclusions
- VII Legal Description of Zone Map Amendment Area





September 25, 2012

Roger and Terry Wylie  
4904 NW Scenic Drive  
Albany, OR 97321

Dear Roger and Terry:

**CITY OF ALBANY FILE ZC-06-12  
ZONING MAP AMENDMENT  
LINN COUNTY ASSESSOR'S MAP NO. 11S-04W-12DB; Tax Lot 15500**

As of September 25, 2012, the above application has been deemed complete. By state law, the City has 120 days from the date the application is deemed complete to issue a final decision, including all appeals.

Now that the application is deemed complete, the City will process it with the information submitted. If at any time you submit revised materials, the 120-day processing time may reset to a new date. If additional application or plan revisions are submitted after the date of this letter, additional fees and public notice may be necessary.

Please understand that nothing in this letter constitutes an approval of your applications or a finding of compliance with any city policy or standard. With this letter, the staff is declaring only that the application materials are sufficient for the city to begin review of the application for compliance.

If you have any questions, please contact me by phone at 541-917-7561, or by e-mail at [david.martineau@cityofalbany.net](mailto:david.martineau@cityofalbany.net).

Sincerely,

David Martineau  
Lead Current Planner

cc: File: ZC-06-12  
Ron Irish, Transportation Analyst

**CITY HALL**  
333 Broadalbin SW  
P.O. Box 490  
Albany, OR 97321-0144  
[www.cityofalbany.net](http://www.cityofalbany.net)

(541) 917-7500

**ADMINISTRATIVE SERVICES**  
City Manager's Office  
(541) 917-7500  
FAX (541) 917-7511

Finance/Recorder  
(541) 917-7500  
FAX (541) 917-7511

Municipal Court  
(541) 917-7740  
FAX (541) 917-7748

**COMMUNITY DEVELOPMENT**  
Planning  
(541) 917-7550  
FAX (541) 917-7598

Building Division  
(541) 917-7553  
FAX (541) 917-7598

**ECONOMIC DEVELOPMENT**  
(541) 917-7500  
FAX (541) 917-7511

Call-A-Ride  
(541) 917-7770  
FAX (541) 917-7573  
TDD (541) 917-7762

Transit  
(541) 917-7667  
FAX (541) 917-7573  
TDD (541) 917-7678

**FIRE ADMINISTRATION**  
(541) 917-7700  
FAX (541) 917-7716

**HUMAN RESOURCES**  
(541) 917-7500  
FAX (541) 704-2324

**INFORMATION TECHNOLOGY**  
221 Third Avenue SW  
(541) 917-7500  
FAX (541) 917-7511

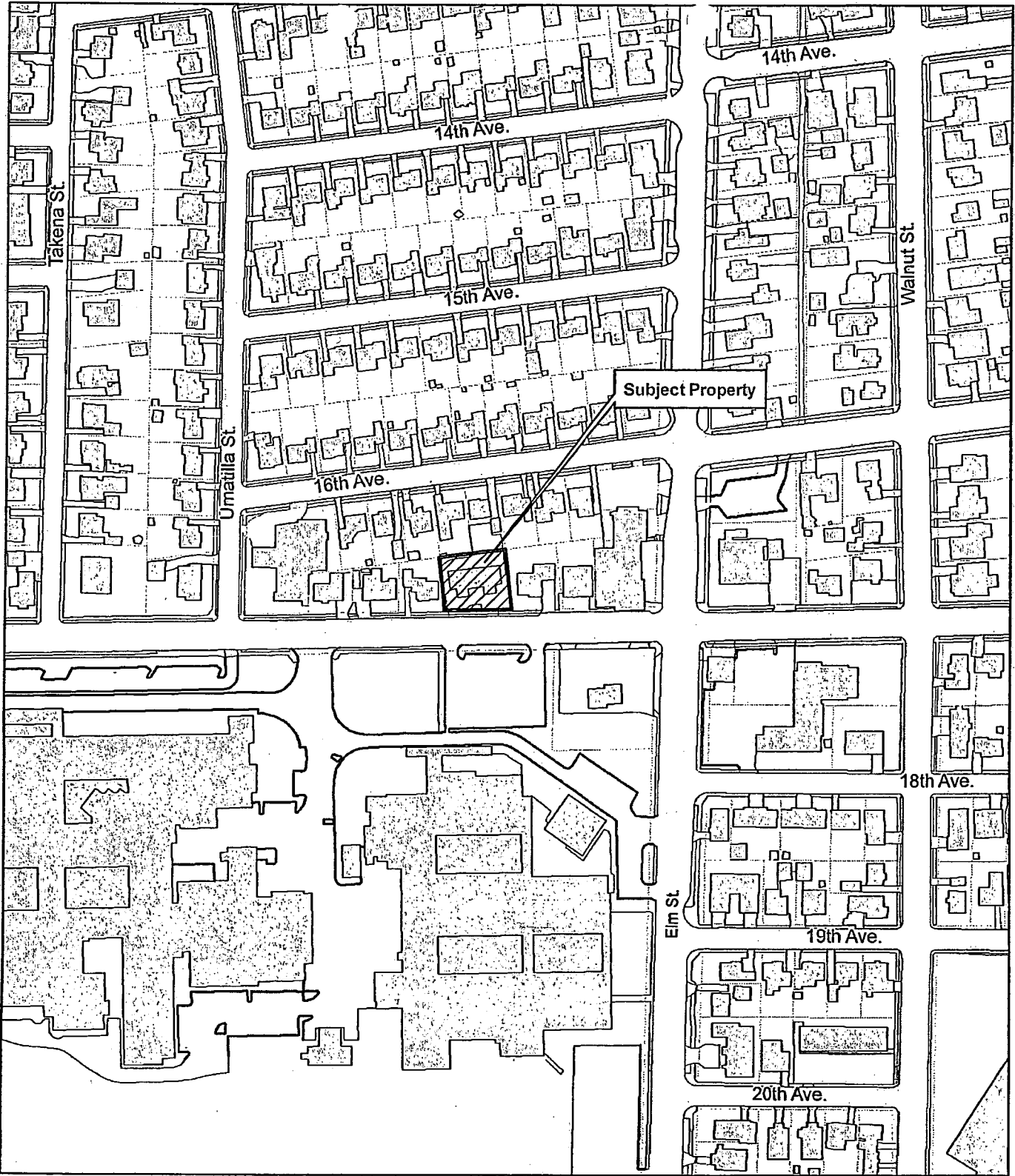
**PARKS & RECREATION ADMINISTRATION**  
(541) 917-7777  
FAX (541) 917-7776

Urban Forestry/  
Building Maintenance  
(541) 917-7679  
FAX (541) 917-7776

**PUBLIC WORKS**  
Engineering  
(541) 917-7676  
FAX (541) 917-7573

Water/Sewer Billing  
(541) 917-7547  
FAX (541) 917-7511

ATTACHMENT I



## LOCATION MAP: 1055 Queen Avenue SW



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 of the data provided represents current information to the best of our knowledge. While the data provided is generally believed to be accurate, occasional errors may be present; their occurrence is not warranted. Prior to making any property purchase or other investment based in full or in part upon the material provided, it is specifically advised that you independently verify the



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 Feet

August 6, 2012

Planning Division

City of Albany - 333 Broadalbin St. SW



# COMMUNITY DEVELOPMENT DEPARTMENT

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

Phone: 541-917-7550 Fax: 541-917-7598  
[www.cityofalbany.net](http://www.cityofalbany.net)

## NOTICE OF PUBLIC HEARING

<b><u>HEARING BODY</u></b>	PLANNING COMMISSION	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Monday, November 5, 2012	Wednesday, December 5, 2012
<b><u>HEARING TIME</u></b>	5:15 p.m.	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

### **GENERAL INFORMATION**

DATE OF NOTICE:	October 26, 2012
FILE:	ZC-06-12
TYPE OF APPLICATION:	Quasi-Judicial Zoning Map Amendment (Type IV) to change a 8,475 sq. ft. parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM)
REVIEW BODIES:	Planning Commission and City Council
PROPERTY OWNER/ APPLICANT:	Roger B. & Terry J. Wylie; 4904 NW Scenic Drive; Albany, OR 97321; (541) 979-1280
ADDRESS/LOCATION:	1055 Queen Avenue SW
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-04W-12DB; Tax Lot 15500
ZONING:	NC (Neighborhood Commercial) District
CP DESIGNATION:	MDR (Medium Density Residential)
EXISTING LAND USE:	Multifamily dwelling units (four-plex)
SURROUNDING ZONING:	North: RM (Residential Medium Density) South: RS-6.5 (Residential Single Family) East: NC (Neighborhood Commercial) West: RM
SURROUNDING USES:	Memorial Middle School is located across Queen Avenue to the south; a single family residence is to the west. Additional single family residences are located to the north. One of these has a concrete parking lot in the rear yard adjacent to the subject property. A single family residence is on the abutting property to the east.

The Planning Division has received a Zoning Map Amendment application referenced above and has scheduled a Public Hearing before the Planning Commission and City Council. We are mailing notice of this public hearing to property owners within 300 feet of the property where the map amendments are proposed. We invite your comments, either in writing prior to the day of the public hearing or in person at the hearing. Comments will be taken into account when the Planning Commission and City Council make decisions on these applications.

We have attached location maps that show the current and proposed property zoning designations. All documents and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The Staff Report will be available by 5:00 p.m. on October 29, 2012. A copy will be available at the City's web site at the following link: [www.cityofalbany.net/departments/community-development/current-planning-projects](http://www.cityofalbany.net/departments/community-development/current-planning-projects), or at the Planning Division located in City Hall. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information, please contact Project Planner David Martineau at 541-917-7550. Submit any written comments to the Planning Division, P.O. Box 490, Albany OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of ORS 227.178.

### **YOUR COMMENTS**

All testimony and evidence must be directed toward the approval standards for the applications listed in this notice. Failure to raise an issue by letter, or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission and City Council an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

### **PUBLIC HEARING PROCEDURE**

The Public Hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the Staff Report from the Planning staff. Then the applicant will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

### **APPROVAL STANDARDS FOR THIS REQUEST**

The Albany Development Code contains the following review criteria that must be met for this application to be approved:

#### **QUASI-JUDICIAL ZONING MAP AMENDMENT (ADC 2.740)**

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

- (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.
- (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
- (5) The land use and transportation patter recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

The following Comprehensive Plan goals and policies are relevant to the Zoning Map amendment.

Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 10: Housing (Chapter 4)

To provide for the housing needs of citizens of the state.

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

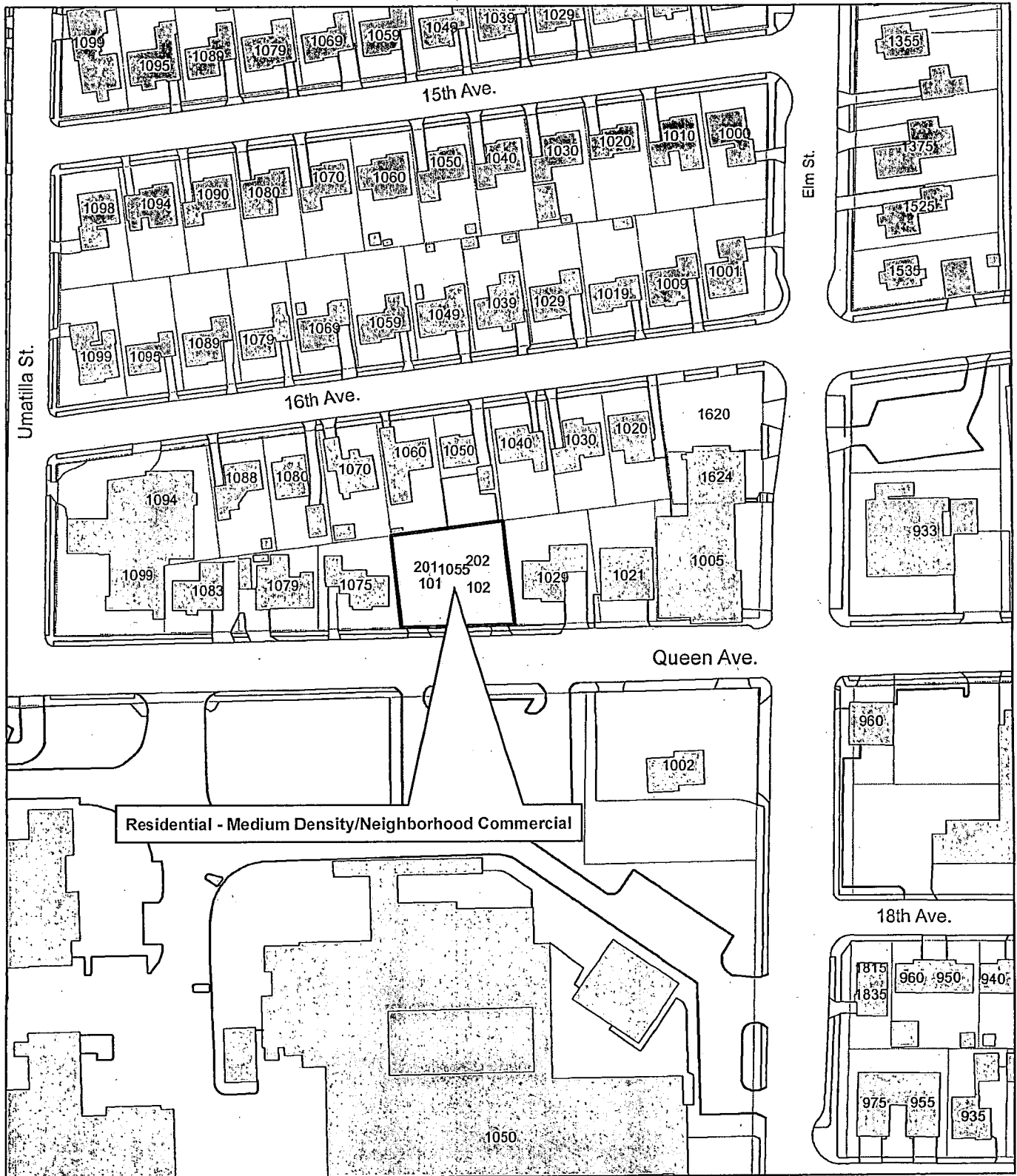
Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 541-917-7501.*

Attachments: Location Maps

Distribution

Property Owner/Applicant	1
Applicant Rep	0
Affected Property Owners	39
File: ZC-06-12	1
City Council	0
Post	1



Residential - Medium Density/Neighborhood Commercial

## Current Comprehensive Plan and Zoning Designation: 1055 Queen Avenue SW



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 of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect; thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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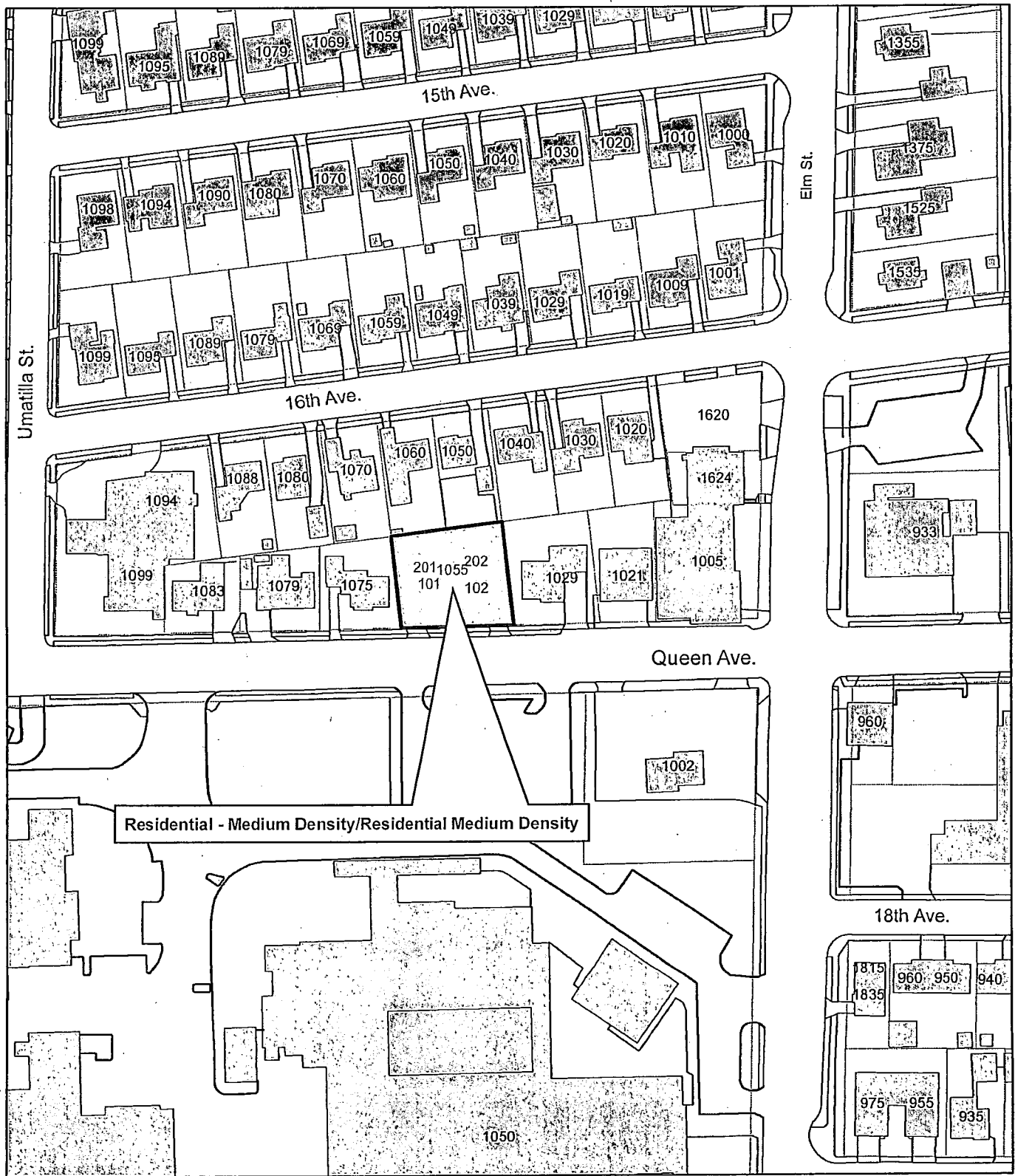


0 25 50 100 150 200 Feet

August 6, 2012

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



Residential - Medium Density/Residential Medium Density

**Proposed Comprehensive Plan and Zoning Designation: 1055 Queen Avenue SW**



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0 25 50 100 150 200 Feet

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## REVIEW CRITERIA

*Criterion 1      The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless and Plan map amendment has also been applied.*

Findings of Fact: Current Zone map designates property in question as NC. Adjoining properties to the West and to the North are currently designated RM. Adjoining properties to the East extending to Elm St. are designated NC. To the South across Queen Ave. is Memorial Middle School. The comprehensive plan maps have no special call-outs for changes in this area.

Conclusion: Rezoning the property in question is consistent with the map as the Comprehensive Plan shows this area as Medium Density Residential.

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

Findings of Fact: The property in question is a residential 4-plex with no commercial traffic implications.

Conclusion: The proposed zone change would have less impact on transportation. A residential building would have less traffic than a commercial establishment.

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*Criterion 3      Existing or anticipated services (water, sanitary sewers, storm sewers, school, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.*

Findings of Fact: The property currently has all aforementioned city services with no service changes resulting from this zone change amendment.

Conclusion: There would be no additional impact with the proposed zone change.

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*Criterion 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: The property in question has no natural features or special areas according to comprehensive plan maps.

Conclusion: No impact.

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

Findings of Fact: The property in question is located directly across from Memorial Middle school and just East of West Albany High School and just blocks from Takina and Liberty Elementary Schools. There are currently four families residing in this 4-plex including four children, three of which are school age. The Albany bus route has a stop within one block of this property. The apartments in this building are large (over 900 sq. ft. each) with affordable rents, off-street parking, and easy access to neighborhood amenities and parks.

The Comprehensive Plan calls for the need for affordable housing that aligns with the growth projections. Section 4 of the Comprehensive Plan calls for the following:



1. Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services
2. Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.
3. Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives.  
Examples include:
  - d. Neighborhoods with a variety of lot and housing sizes and types. [Ord.5667, 4/25/2007]
4. Encourage residential development that conserves energy and water; uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services.[Ord. 5667, 4/25/2007]
5. Encourage the use of Cluster and Planned Unit Developments to:
  - d. Maintain a development pattern that is compatible with the surrounding area as determined by the Comprehensive Plan designation.

Affordable and Special Needs Housing

16. Encourage the development of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses. [Ord. 5667, 4/25/2007]

Under the policies within Section 9 is a requirement to ensure that the public interest is met, stating:

1. Applications for Comprehensive Plan Amendments submitted by property owners shall be reviewed semi-annually by the Planning Commission. The City Council or Planning Commission may also initiate Plan amendments at any time they determine that the public interest would be best served by so doing.

Conclusion: The Comprehensive plan designates the property in question as Medium Density Residential and this amendment application is requesting a change to RM.

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*Criterion 6 The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.*

This Criterion does not apply because there are no area plans or studies in this neighborhood

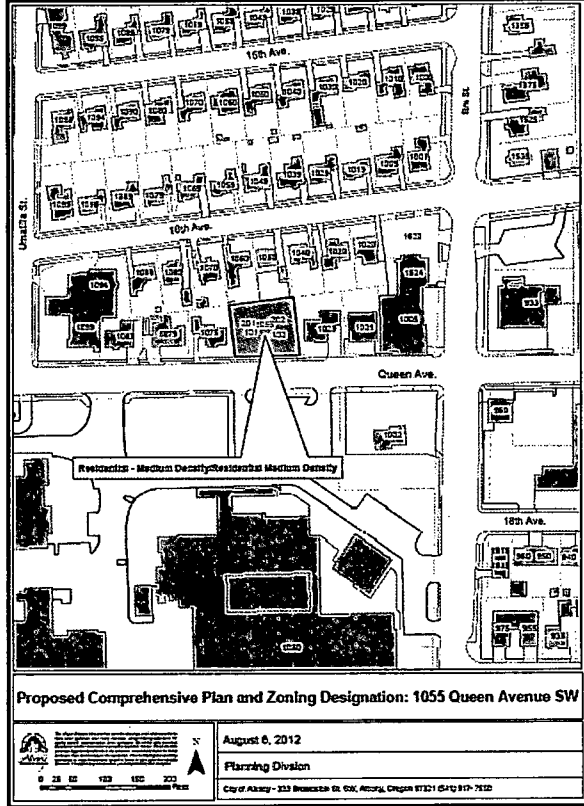
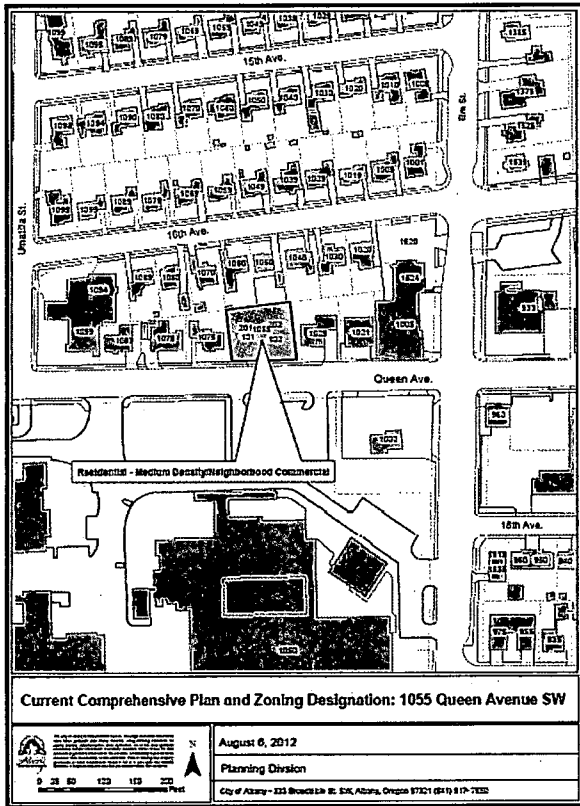
EXHIBIT "A"

LEGAL DESCRIPTION

Lots 18 and 19, Block 9, LINNMONT ADDITION to Albany, Linn County, State of Oregon.

# ZC-06-12, Zoning Map Amendment

A Zoning Map Amendment that would change the designation of an 8,475 sq. ft. parcel of land from Neighborhood Commercial (NC) District to Residential Medium Density (RM) District as shown on the following maps:



## LEGAL DESCRIPTION

Lots 18 and 19, Block 9, LINNMONT ADDITION to Albany, Linn County, State of Oregon.