

Annexation with Zoning Map Amendment



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COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Annexation with Zoning Map Amendment

AN-01-22 and ZC-01-22

April 25, 2022

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, May 2, 2022	Wednesday, May 25, 2022
HEARING TIMES:	5:15 P.M.	6:00 P.M.

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, May 2, 2022, at 5:15 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual Option: At 5:15 p.m., join the meeting using the link below:

<https://council.cityofalbany.net/groups/plc/zoom>

Phone: 1-253-215-8782; meeting id: 837-8633-4863; passcode: 464432

Review Body: **City Council**

Hearing Date and Time: **Wednesday, May 25, 2022, at 6:00 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual Option:

To comment, please email david.martineau@cityofalbany.net by noon the day of the meeting with your name and subject of the public hearing, or mail your comments to Albany Planning Division; PO Box 490, Albany, OR 97321.

To testify, please email cdaa@cityofalbany.net by noon the day of the meeting with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

In-person:

Appear in person at the meeting and register to speak using the sign-up sheet.

Watch Livestream at 6:00 p.m.: <http://www.cityofalbany.net/livestream>

Summary

The application is a request to annex a 22-acre parcel south of Ellingson Road, southeast of the Ellingson Road and Lochner Road intersection, as well as abutting Ellingson Road SE right-of-way (see Attachment C). The subject property is identified on Linn County Tax Assessor's Map No. 11S-03W-29 Tax Lot 501, and immediately west of 1252 Ellingson Road SE. This property is eligible for annexation as it is contiguous to the current city limits, located within the Albany Urban Growth Boundary (UGB), and public services are available to serve the property.

The zone map will be amended to the Residential Single-Family (RS-5) zone and Medium Density Residential (RM) zone, concurrent with annexation and in accordance with the Albany Comprehensive Plan and South Albany Area Plan (SAAP). Prior to annexation, the subject property was subject to the Linn County zoning

and related development requirements, under the Linn County “Urban Growth Management/Urban Growth Area 5-acre (UGA/UGM-5).” The proposed RS-5 and RM zones will ensure the development potential is known, and the property is subject to the applicable City development regulations.

The proposed RS-5 and RM zoning districts are consistent with the long-range land use designations that are planned for the subject property because the Comprehensive Plan Map designation for the property is “Urban Residential Reserve (URR).” The subject property is also located within the boundary of the SAAP, which calls for a low- and medium-density residential pattern already established in the vicinity of the parcel.

With the annexation, the subject property will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will publish prior to the city council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in ADC 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

As shown in this report, the proposal satisfies all applicable review criteria; therefore, the staff recommendation for the proposal is to grant APPROVAL.

Application Information

Proposal:	Annexation with concurrent Zone Map Amendment from UGA/UGM-5 to RS-5 and RM for future development.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	David Martineau, project planner
Property Owner:	Justin Gross, 3483 Buena Vista Road S., Jefferson, OR 97352
Applicant’s Representative:	Laura LaRoque, Udell Engineering and Land Surveying 63 E. Ash Street, Lebanon, OR 97355
Address/Location:	Unaddressed – West of 1252 Ellingson Road SE.
Map/Tax Lot:	Linn County Assessor’s Map No. 11S-03W-29; Tax Lot 501
Zoning:	Linn County Zone: Urban Growth Area – Urban Growth Management 5-acre minimum (UGA-UGM-5)
Comprehensive Plan Map:	Urban Residential Reserve
Acres:	22 acres
Existing Land Use:	Agricultural
Neighborhood:	South Albany
Surrounding Zoning:	North: UGA-UGM-20 South: Exclusive Farm Use (EFU) East: RS-5, RM West: EFU
Surrounding Uses:	North: Rural Residential, Agriculture South: Agriculture East: Rural Residential West: Agriculture
Prior History:	None.

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV legislative and quasi-judicial land use review process. The planning commission will hold a public hearing to consider proposed amendments and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the city council will deliberate and make a final decision.

Within five days of the city council's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. The city council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a notice of intent to appeal not later than 21 days after the notice of decision is mailed [ADC 1.250(8) and (9)].

Public Notice

Public notice was provided in accordance with Type IV legislative and quasi-judicial procedures. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on March 9, 2022, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and ADC 1.250(4) and 1.260(2).

A public notice was mailed to surrounding property owners within 300 feet of the subject property on April 11, 2022, in accordance with ADC 1.250(3) and ADC 1.260(2). A public notice was posted on the property by April 25, 2022, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on April 22, and 29, 2022, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on April 25, 2022, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had not received any written comments regarding the proposed project.

Analysis of Development Code Criteria

The ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in **bold** followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Annexation (ADC 2.110)

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

Criteria 1

Eligibility Criteria: The City shall determine that property is eligible for annexation based on the following criteria:

- (a) The property is contiguous to the existing city limits; and***
- (b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

Findings of Fact

- 1.1 The proposed annexation is a 22-acre parcel south of Ellingson Road, southeast of the Lochner Road and Ellingson Road intersection, as well as the abutting Ellingson Road SE right-of-way. The subject property is identified as Linn County Assessor's Map No. 11S-03W-29 Tax Lot 501, and immediately west of 1252 Ellingson Road SE (Attachment A).
- 1.2 The subject property is contiguous to the current city limits to the east. The property is currently under the jurisdiction of Linn County and designated as "Urban Growth Area – Urban Growth Management 5-Acre Minimum (UGA-UGM-5)."
- 1.3 The subject property is located within the Albany Urban Growth Boundary (UGB) and designated on the Comprehensive Plan Map designation as Urban Residential Reserve (URR) (Attachment B).

Conclusions

- 1.1 The subject property is contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject property is eligible for annexation and these criteria are satisfied.

Criteria 2

Infrastructure Criteria: The City shall determine that it is timely to annex property based on the following criterion:

- (a) ***An adequate level of urban services and infrastructure is available or will be made available in a timely manner.***
- (b) ***As used in this section:***
 - i. ***“Adequate level” means conforms to adopted plans and ordinances.***
 - ii. ***“Urban services” means police, fire, and other City-provided services.***
 - iii. ***“Infrastructure” means sanitary sewer, water, storm drainage, and streets.***
 - iv. ***“Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.***

Findings of Fact

- 2.1 **Fire:** Adequate public water and access for fire protection is available for this area. There are properties to the east that are currently being served by the Albany Fire Department. Fire service to this property would be a logical expansion of the current service boundaries. With the annexation, the subject property will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 **Police:** There are properties to the east that are currently being served by the Albany Police Department. Police service to this property would be a logical expansion of the current service boundaries.
- 2.3 **Sanitary Sewer:** City utility maps show no public sanitary sewer facilities adjacent to the subject property. The nearest sewer that can be extended to serve the property is approximately 2100 feet west of the site in Ellingson Road SE. The public sewer east of the site serves a different sewer basin and is not intended to serve this property.
- 2.4 Future development on the subject property will require public sanitary sewer facilities be available to each lot proposed in a development. This will necessitate that the public sewer in Ellingson Road SE, west of the subject property, be extended easterly approximately 3400 feet to the easternmost boundary of the subject property.
- 2.5 The City’s Wastewater Collection Facility Plan calls for oversized piping in Ellingson Road SE. The existing main in Ellingson Road SE, west of the site, is 24-inch diameter. It is anticipated the extension of this main to the east will be a 10-inch diameter line.
- 2.6 **Water:** City utility maps show no public water facilities adjacent to the subject property. The nearest water facilities are being constructed in Ellingson Road SE approximately 500 feet east of the site. These water facilities have not yet been accepted by the City as public. It is expected that the utilities being constructed for the development to the east will be accepted as public within the next few months.
- 2.7 Future development on the subject property will require that public water facilities be available to each lot proposed in a development. This will necessitate that the public water in Ellingson Road SE, east of the subject property, be extended westerly approximately 1900 feet to the westernmost boundary of the subject property.

- 2.8 The City's Water Facility Plan calls for oversized piping in Ellingson Road SE. The existing main in Ellingson Road SE, west of the site, is 24-inch diameter and the main east of the site is 16-inch diameter. It is anticipated the extension of the 16-inch main from the east will remain 16-inch diameter at least to Lochner Road SE at the northwest corner of the subject property.
- 2.9 Storm Drainage: City utility maps show no piped public storm drainage improvements in Ellingson Road SE along the subject property's frontage. Ellingson Road SE, in this area, is not improved to City standards, as it lacks curb, gutters, and piped storm drainage.
- 2.10 The subject property generally slopes down in a southeast-to-northwest direction. There is a shallow drainage swale that runs through the eastern portion of the site in that same direction.
- 2.11 Future development on the subject property will require that Ellingson Road SE be improved to City standards with curb, gutter, and public storm drainage facilities. Upon development of the site, the developer must submit a drainage study showing how stormwater runoff from this area will be accommodated by improvements to the property and Ellingson Road SE. This study will help determine what type of storm drainage improvements will be needed for a development on this site.
- 2.12 Transportation Infrastructure: The proposed annexation is a 22-acre parcel south of Lochner Road, southeast of the Lochner Road and Ellingson Road intersection. The site's north boundary adjoins Ellingson Road SE. Ellingson Road SE is classified as a principal arterial and unimproved along the property's north frontage, except for two paved travel lanes. A condition to improve curb, gutter, and sidewalk along the site's north frontage can be applied to a future development proposal for the site.
- 2.13 Albany's Transportation System Plan (TSP) assumed this site would be annexed into the City and developed with low- to medium-density residential uses.
- 2.14 Albany's TSP assumed this site would be annexed into the City and developed with residential uses. The TSP does not identify any street improvements internal to this site.

Conclusions

- 2.1 Police and Fire services are currently available to serve the property proposed for annexation.
- 2.2 No public utilities (sanitary sewer, water, storm drainage) exist adjacent to the subject property.
- 2.3 Future development of the subject property will necessitate that all public utilities be extended/constructed along the property's Ellingson Road SE frontage and within the site as needed to provide utility services to the proposed development.
- 2.4 Utility extensions needed to serve the subject property may require off-site improvements and oversized piping to be installed to satisfy the recommendations of the various Facilities Plans.
- 2.5 The area proposed for annexation adjoins a principal arterial street that requires an improvement of curb, gutter, and sidewalk along the site's north frontage. Any future development application on the site can be conditioned to require street dedication and installation of improvements.
- 2.6 Albany's TSP was developed with the assumption that this site would develop with residential uses and does not identify any transportation related improvements occurring within the interior of the site.
- 2.7 The transportation system can support development of the site.
- 2.8 This criterion is satisfied without conditions.

Criteria 3

Planning Criteria: *The City shall determine that adequate planning has occurred based on the following criterion:*

Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Findings of Fact

- 3.1 The proposed annexation is a 22-acre parcel to the south of Ellingson Road, southeast of the Lochner Road and Ellingson Road intersection, as well as abutting Ellingson Road SE right-of-way. The Comprehensive Plan Map designation for the subject property is Urban Residential Reserve (URR). The proposed includes a concurrent request to apply a City of Albany zoning district of RS-5 and RM, which are consistent with the URR plan map designation.
- 3.2 The site is also located within the South Albany Area Plan (SAAP) planning area, and the SAAP was adopted as part of the Comprehensive Plan. The SAAP shows the area as planned for low- and medium-density residential development. The proposed RS-5 and RM zones are consistent with the SAAP land use designation.
- 3.3 Public infrastructure facility plans that deal with this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.4 Public facilities that would be required to serve future development on the subject property are available at or near the site. As discussed under Criterion Two (above), an adequate level of urban services and infrastructure are available to serve the subject property; those findings are included herein by reference.

Conclusions

- 3.1 Long range planning has been conducted for the region of the subject property. These plans include various public facilities plans, the SAAP, and the Albany Comprehensive Plan.
- 3.2 As discussed under Criterion Two, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.3 Low- to medium-density residential development under the proposed RS-5 and RM zonings are consistent with the Comprehensive Plan.

Criteria 4

Reasonableness: The city council shall determine that the proposed annexation is reasonable.

Findings of Fact

- 4.1 The subject property abuts the existing city limits and the property proposed for annexation lies within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the property proposed for annexation.
- 4.3 The annexation is requested by the property owner and applicant.
- 4.4 The proposed annexation is consistent with the SAAP of the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is located within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all of the following criteria are met.

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.

Findings of Fact

- 1.1 The proposed annexation is a 22-acre parcel south of Ellingson Road, southeast of the Lochner Road and Ellingson Road intersection, as well as the abutting Ellingson Road SE right-of-way. The subject property is identified as a portion of Linn County Assessor's Map No. 11S-03W-29 Tax Lot 501, and it is located immediately west of 1252 Ellingson Road SE.
- 1.2 The subject property is currently under Linn County zoning as "Urban Growth Area – Urban Growth Management 5-acre minimum (UGA-UGM-5)."
- 1.3 The proposal is for a zoning map amendment from the UGA-UGM-5 to the Albany's Low Density (RS-5) and Medium Density Residential (RM) zoning districts, concurrent with annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the property is "Urban Residential Reserve (URR).:" The subject property is also located within the boundary of the SAAP, which calls for a low- to medium-density residential pattern already established in the vicinity of the parcel.
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-5 and RM zoning districts are consistent with the URR Comprehensive Plan Map Designation. In addition, the RS-5 and RM zoning districts are compatible with the low- to medium-density land use planned for the area in the SAAP.

Conclusion

- 1.1 The proposed RS-5 and RM zones are consistent with the Comprehensive Plan Map Designation and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

Criterion 2

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

Findings of Fact

- 2.1 This criterion is addressed under Criterion Two of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support residential development of the site as permitted under the proposed RS-5 and RM zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-5 and RM zoning districts.
- 2.2 This criterion is satisfied.

Criterion 3

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

Findings of Fact

- 3.1 This criterion is addressed under Criterion Two of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential residential development of the site, as permitted under the proposed RS-5 and RM zoning districts.
- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.

- 3.4 The proposed zoning of the property to RS-5 and RM zoning districts would allow for single-family development up to 25 units per acre. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RS-5 and RM zoning districts.
- 3.2 This criterion is satisfied.

Criterion 4

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

Findings of Fact

- 4.1 The current zone of the subject property is Linn County UGA-UGM-5, and the proposed zone for the property is the Albany RS-5 and RM zoning districts.
- 4.2 According to ADC 3.020(4)(5), the RS-5 zoning district is “intended primarily for low- to moderate-density single-family development.” The RM zoning 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.” The intent and purpose of the RS-5 and RM zoning districts are consistent with URR Comprehensive Plan Map Designation and with the low- to medium-density land use planned for the area in the SAAP.
- 4.3 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-5 and 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.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policy 2: When making land use and other planning decisions:

- a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. Utilize all criteria relevant to the issue.***
- c. Ensure the long-range interests of the general public are considered.***
- d. Give particular attention to input provided by the public.***
- e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.***

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

- 4.4 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject site and affected government agencies. Notice of the public hearings was also posted on the subject property and published in the Albany Democrat Herald. People who are notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.
- 4.5 At the public hearing, the application is reviewed based on all criteria relevant to the proposal. The public hearing provides the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning

commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning 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 decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.6 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.” The URR Comprehensive Plan Map Designation includes the RS-5 and RM zoning districts.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (Chapter 1)

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

Policy 1: Protect and enhance wetlands adopted as significant in the Local Wetland Inventory.

Policy 2: Prohibit development within significant wetlands except for planned public utilities and infrastructure.

Policy 3: Within the city limits, wetlands within a floodway or significant riparian corridor shall receive protection and any development proposed shall not degrade the resource.

- 4.7 The proposed rezone is for a 22-acre parcel south of Ellingson Road, southeast of Lochner Road and Ellingson Road intersection. The Riparian Corridor natural resource overlay (Oak Creek) transverses the subject property from the north to southeast.
- 4.8 The Comprehensive Plan goals and policies for protection of natural resources are implemented through Article 6 of the ADC through discretionary standards or clear and objective development standards. Future development of the site under the proposed RS-5 and RM zones will require land use review, which will include evaluation of impacts to the Riparian Corridor overlay district. As such, future development can be conditioned to avoid impacts to significant natural resources through application of the ADC.
- 4.9 As shown on the submittal, the subject property also contains non-significant local wetlands that are regulated by the Oregon Department of State Lands (DSL). If impact to these wetlands occur in the future, a permit from DSL will be required before development could occur.
- 4.10 According to FEMA FIRM Panel No. 41043C0529G, dated September 29, 2010, the subject property is entirely within Zone X, outside of the Special Flood Hazard Area.

Statewide Planning Goal 10: Housing (Chapter 4)

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 1: Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

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.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

- 4.11 As discussed under Annexation Criterion Two, the subject property is located in an area accessible to employment and public services. All City services are available to serve residential development on the subject property; those findings and conclusions are included here by reference.
- 4.12 The proposed zone change to RS-5 and RM is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-5 and RM zoning districts are compatible zoning district for the URR Comprehensive Plan Map land use designation. Therefore, the zoning map amendment from UGA-UGM-5 to RS-5 and RM is consistent with applicable housing policies of the Comprehensive Plan. The City's vision was refined in the SAAP, which shows the area as appropriate for low- to medium-density residential development. The RS-5 and RM zones are consistent with the low- to medium-density residential development pattern envisioned for this site by the SAAP. Therefore, the zoning map amendment from UGA-UGM-5 to RS-5 and RM zones are consistent with applicable housing policies of the Comprehensive Plan.
- 4.13 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within city limits and the Urban Growth Boundary to 2040. As shown in Chapter 4, Figure 6.4 of the Comprehensive Plan, there is a forecasted deficit of 269 units and 25 acres of medium-density land within the city limits for new middle housing types. As proposed, the zone designation of RS-5 and RM would increase the amount of buildable land supply for development of medium density residential housing.

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

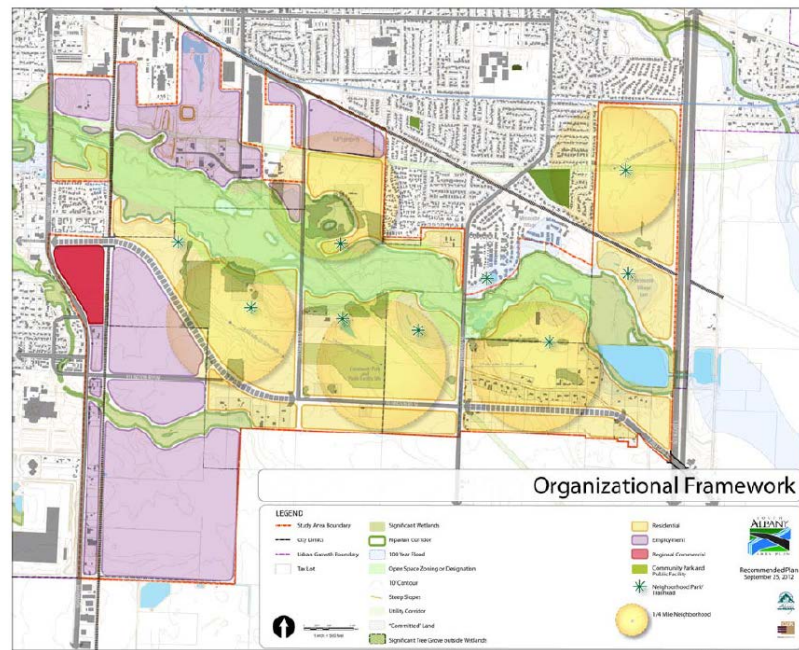
Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.14 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject property is located within the Urban Growth Boundary and within the SAAP study area.
- 4.15 Public facilities that would be required to serve future development on the subject property are available at or near the site. Connection charges for sanitary sewer, water, and storm drainage will be due when development occurs.
- 4.16 The proposed RS-5 and RM zones will ensure that development potential is known, and the property is subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and City services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.

Statewide Planning Goal 14: Urbanization South Albany Area Plan (Chapter 8)

Policy 3: South Albany's overall land use pattern of residential, employment, and open space areas shall be generally consistent with the Organizational Framework:



Policy 4: Development patterns in South Albany should promote the efficient use of land and infrastructure and conservation of significant natural resources.

Policy 17: Comprehensive Plan and Zoning Map designations shall implement the Land Use Plan..., and be consistent with the following table:

SAAP Land Use Concept	Comprehensive Plan Map Designation	Zone Map Designation*
Low Density Residential	Low Density Residential	RS-5, RS-6.5, RS-10
Medium Density Residential	Village Center at the Lochner and Columbus centers	RM
	Medium Density Residential elsewhere	RM, RS-5
Neighborhood Center	Village Center at the Lochner and Columbus centers	MUC
	Medium Density Residential at Mennonite Village	NC
Regional Commercial	General Residential	RC
Neighborhood Commercial	Light Commercial	NC
Industrial Park	Light Commercial	IP
Light Industrial	Light Industrial	LI
Heavy Industrial	Heavy Industrial	HI
Community Park	Low Density Residential	RS-5
Open Space	Open Space	OS

*Note: Overlay districts apply as applicable.

- 4.17 As shown on the SAAP Organization Framework Map, the subject property is intended for residential use. The proposed RS-5 and RM zones are consistent with the long-term vision for the property as residential use. As shown on the SAAP Land Use Map, the subject property is intended for low to medium density residential use. The table above shows the SAAP Land Use Concept of Low-Density Residential is compatible with the proposed RS-5 zone, and the Medium Density Residential designation is compatible with the proposed RM zone. The subject property is a vacant parcel that is located in an area accessible to public services. All City services are available to serve residential development on the subject property. Development of the property supports the efficient use of land and existing infrastructure.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendment adheres to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendment to RS-5 and RM is compatible with the Urban Residential Reserve (URR) Comprehensive Plan Map designation.

- 4.3 Goal 5, Open Spaces – Wetlands. A wetland listed on the Local Wetland Inventory is located on the subject property. Future development of the site under the proposed RS-5 and RM zones will require land use review, which will include evaluation of impacts to the wetland and notification of the Department of State Lands.
- 4.4 Goal 10, Housing. The RS-5 and RM zoning district is intended primarily for low-density to medium-density residential urban development. The proposed zoning map amendment to RS-5 and RM zones will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
- 4.5 Goal 14, Urbanization. The proposed RS-5 and RM zones are consistent with policies contained in the Comprehensive Plan and SAAP. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.
- 4.6 The intent and purpose of the proposed RS-5 and RM zoning districts best satisfies the goals and policies of the Comprehensive Plan.
- 4.7 This criterion is satisfied.

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.

Findings of Fact and Conclusion

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP and the SAAP. The site is located within the SAAP planning area, which was adopted as part of the Albany Comprehensive Plan. TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:
 - a. A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - b. The City has acknowledged the TSP and the proposed zoning is consistent with the TSP; and
 - c. The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject property complies with these criteria as follows:

- a. Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject property low- to medium-density residential. The proposed zoning amendment would not change the comprehensive plan map designation and the RS-5 and RM zoning designation are implementing zones for the low- and medium-density residential designations.
 - b. The Albany TSP assumed this site would be annexed into the City and developed with low- to medium-density residential uses. The proposed RS-5 and RM zones are compatible with the long plan for low- to medium-density residential uses.
 - c. The subject property has been in the City's UGB since the time of adoption of the Comprehensive Plan and was not exempted from the TPR. The City can find that all three (3) of these requirements are met.
- 5.3 The subject property adjoins a principal arterial street that is unimproved to City standards, except for two paved travel lanes.

- 5.4 Any future development application on the site can be conditioned to install required improvements, consistent with the TSP and SAAP.

Conclusions

- 5.1 The proposed zone change to RS-5 and RM zoning districts will not modify the transportation pattern envisioned by the TSP or SAAP.
- 5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment from Linn County zone UGA-UGM-5 to Albany Single Family Residential (RS-5) and Medium Density Residential (RM) zoning designation satisfies all applicable review criteria outlined in this report.

Options for the Planning Commission

The planning commission has three options with respect to the proposed annexation with zone change:

- Option 1: Recommend the city council approve the request as proposed.
- Option 2: Recommend the city council approve the request with conditions; or
- Option 3: Recommend the city council deny the request.

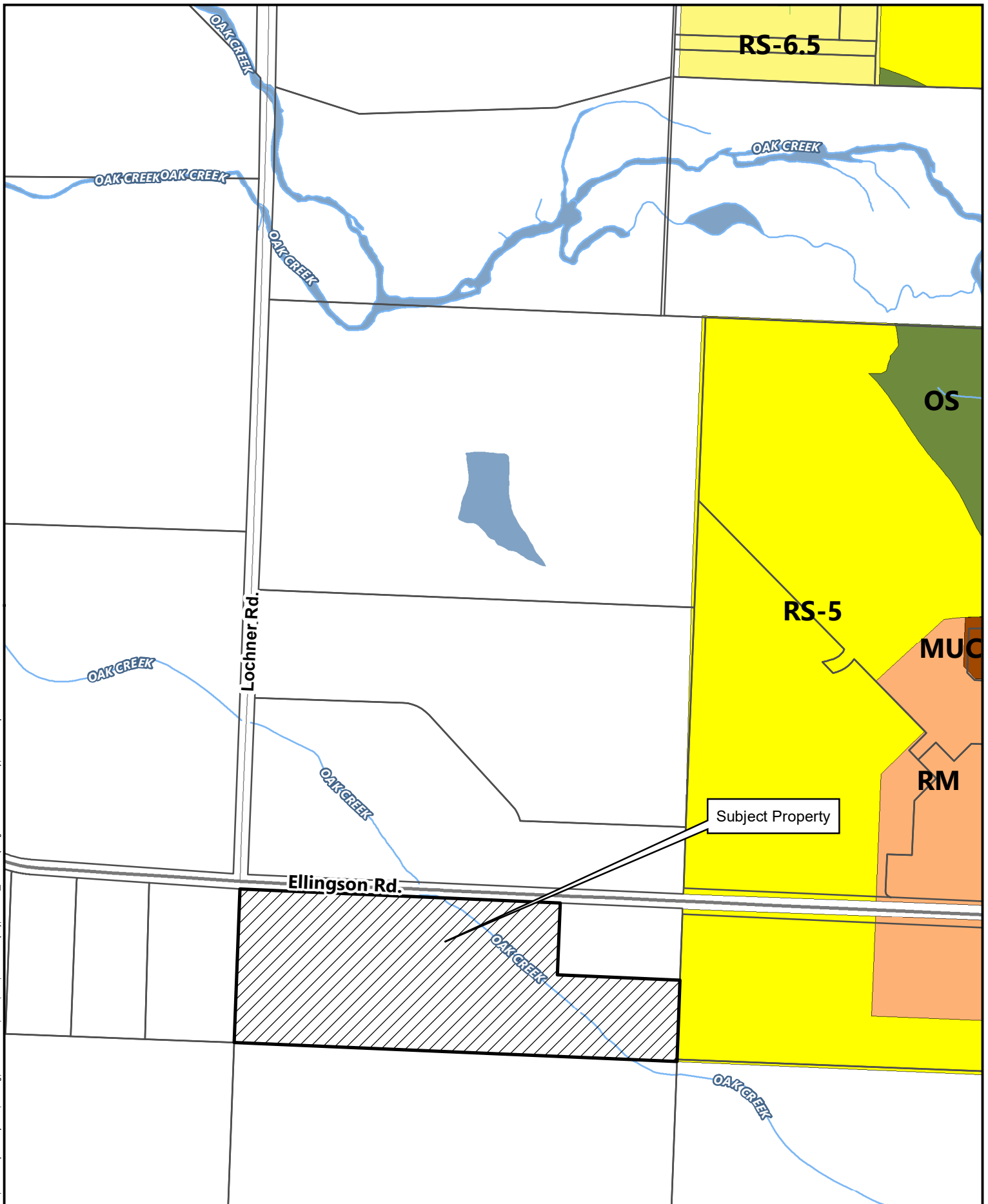
Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 1 and recommend approval of the annexation and zone change as proposed. If the planning commission follows this recommendation, the following motion is suggested:

I move that the planning commission recommend that the city council approve the land use application for annexation with concurrent rezone to RS-5 and RM under planning files AN-01-22 and ZC-01-22, as described in the April 25, 2022, staff report. This motion is based on the findings and conclusions in the staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Comprehensive Plan Map
- C. Annexation Site Plan
- D. Legal Description
- E. Narrative



G:\Community Development\Planning\Land Use Cases\2020's\2022 Amencation (ANI) AN-01-22_21-01-22 (Ellingson Rd & Lochner Rd)\Location Map.mxd



05000200

Feet

South side of Ellingson Road SE

Date: 1/27/2022 Map Source: City of Albany

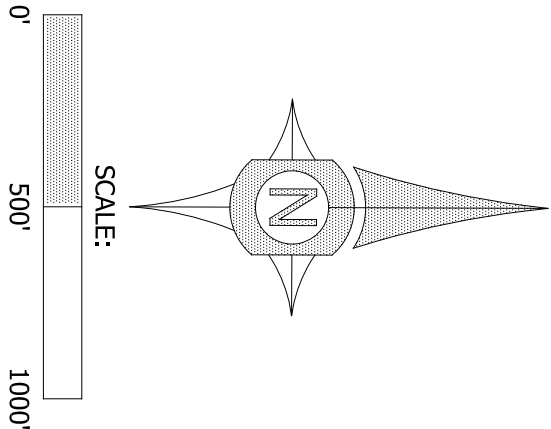
Location Map



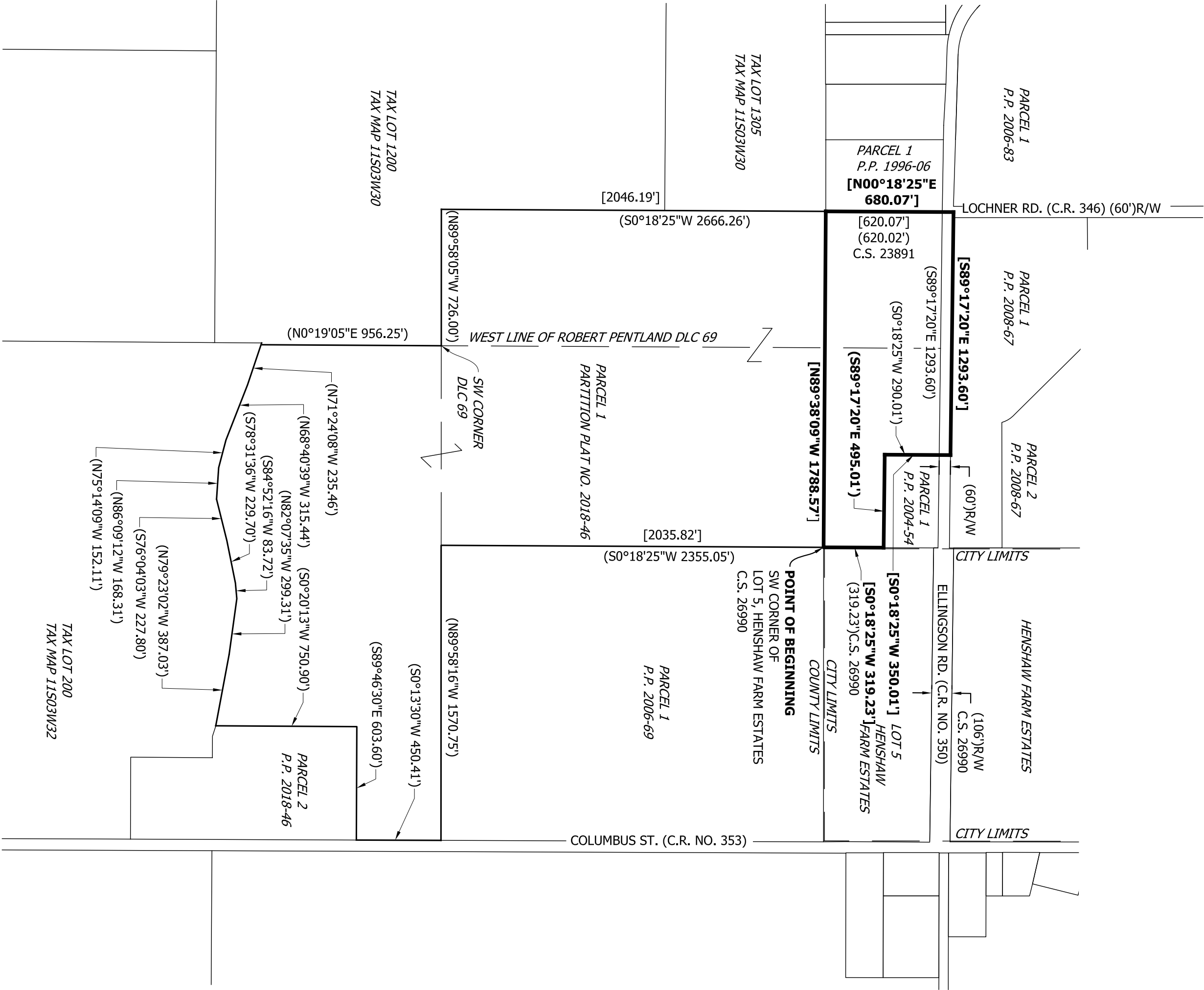
Date: 4/19/2022 Map Source: City of Albany

Comprehensive Plan Map

ANNEXATION MAP
AT THE REQUEST OF
CITY OF ALBANY
A PORTION IN THE ROBERT PENTLAND, DLC 69
IN THE NORTHEAST 1/4 OF SEC. 30 AND NORTHWEST 1/4 OF SEC. 29,
OF T. 11 S., R. 3 W., W.M.
CITY OF ALBANY, LINN COUNTY, OREGON
JANUARY 18, 2022



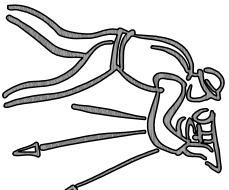
- LEGEND:
- () DATA OF RECORD PER C.S. 26485 OR AS NOTED
 - [] CALCULATED DATA
 - C.S. COUNTY SURVEY
 - P.P. PARTITION PLAT
 - ANNEXATION AREA 23.73 ± ACRES
- REFERENCE SURVEY: C.S. 26485 (PARTITION PLAT NO. 2018-46), C.S. 26990 (HENSHAW FARM ESTATES), C.S. 23891 (PARTITION PLAT NO. 2004-54).



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442
EXPIRES 12-31-2022

SHEET 1 OF 1



ENGINEERING & LAND
SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OR 97355
PH. (541) 451-5125
FAX (541) 451-1366
21-207 GROSS ANNEX GSR

ANNEXATION to CITY OF ALBANY

AN AREA LOCATED IN THE NORTHEAST QUARTER OF SECTION 30 AND NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF PARCEL 1, PARTITION PLAT NO. 2018-46 BEING THE SOUTHWEST CORNER OF LOT 5, HENSHAW FARM ESTATES, CITY OF ALBANY, LINN COUNTY, OREGON; THENCE LEAVING SAID EAST LINE NORTH 89°38'09" WEST 1788.57 FEET TO A POINT ON THE WEST LINE OF SAID PARCEL 1, BEING THE SOUTHEAST CORNER OF PARCEL 1, PARTITION PLAT NO. 1996-06; THENCE ALONG SAID WEST LINE NORTH 0°18'25" EAST 680.07 FEET TO THE NORTH RIGHT OF WAY OF ELLINGSON RD. (C.R. NO. 350); THENCE ALONG SAID NORTH RIGHT OF WAY SOUTH 89°17'20" EAST 1293.60 FEET; THENCE LEAVING SAID RIGHT OF WAY SOUTH 0°18'25" WEST 350.01 FEET TO THE SOUTHWEST CORNER OF PARCEL 1, PARTITION PLAT NO. 2004-54; THENCE SOUTH 89°17'20" EAST 495.01 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 1, PARTITION PLAT NO. 2004-54 THENCE SOUTH 0°18'25" WEST 319.23 FEET TO THE POINT OF BEGINNING.

LINN COUNTY SURVEY NO. 26485 WAS USED AS A REFERENCE.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWES: 12-31-22

ANNEXATION AND ZONE MAP AMENDMENT APPLICATIONS

Submitted to:	City of Albany Planning Division P.O. Box 490 Albany, Oregon 97321-0144 541-917-7550 cd.customerservice@cityofalbany.net
Applicants/Property Owners:	Justin Gross 3483 Buena Vista Rd. S Jefferson, OR 97352 (541) 974-7786 Grossjustin25@gmail.com
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355 Contact: Laura LaRoque Email: laura@udelleng.com Phone: (541) 990-8661
Site Location:	Unassigned - West of 1252 Ellingson Rd. SE
Linn County Assessor's Map No.:	Portion of 11S-03W-29 Tax Lot 501
Site Size:	±22-acres
Existing Land Use:	Rural / Agriculture
Zone Designation:	Urban Growth Area – Urban Growth Management 5-Acre Minimum (UGA-UGM-5)
Comprehensive Plan Designation:	Urban Residential Reserve (URR)
Overlay:	South Albany Area Plan (SAAP) - Low Density Residential (LDR) / Medium Density Residential (MDR)
Surrounding Zoning:	North: UGA-UGM-20 South: EFU East: RS-5, RM West: EFU
Surrounding Uses:	North: Rural Residential/Agriculture South: Agriculture East: Rural Residential West: Agriculture



22-207 Gross
Ellingson Rd.
Annexation/Zone Map Amendment

January 24, 2022

Page 1 of 16

I. Executive Summary

The application is a request to annex a 22-acre parcel south of Ellingson Road, southeast of the Ellingson Road and Lochner Road SE intersection as well as abutting Ellingson Road right-of-way (see Exhibit A). The subject property is identified on Linn County Tax Assessor's Map No. 11S-03W-29 Tax Lot 501, and immediately west of 1252 Ellingson Rd. SE. This property is eligible for annexation as it is contiguous to the current city limits, located within the Albany Urban Growth Boundary (UGB), and public services are available to serve the property.

The zone map will be amended to the Residential Single-Family (RS-5) zone and Medium Density Residential (RM) zone, concurrent with annexation and in accordance with the Albany Comprehensive Plan and South Albany Area Plan. Prior to annexation, the subject property was subject to the Linn County zoning and related development requirements, under the Linn County "Urban Growth Management/Urban Growth Area 5-acre (UGA/UGM-5)." The proposed RS-5 and RM zones will ensure the development potential is known, and the property is subject to the applicable City development regulations.

The proposed RS-5 and RM zoning districts are consistent with the long-range land use designations that are planned for the subject property because the Comprehensive Plan Map designation for the property is "Urban Rural Reserve (URR)." The subject property is also located within the boundary of the South Albany Area Plan (SAAP), which calls for a low and medium density residential pattern already established in the vicinity of the parcel.

With the annexation, the subject property will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will publish prior to the City Council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in Albany Development Code (ADC) 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

II. Analysis of Development Code Criteria

According to ADC 2.110, when an application has been properly initiated to ORS 222.111, 222.115, 222.125, 222.170, or 222.840, the review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with the review criteria. The review criteria of ADC 2.110 are written below in **bold** and are followed by findings and conclusions.

III. Analysis of Applicable Criteria: Annexation

1. Eligibility Criteria: The City shall determine that property is eligible for annexation based on the following criteria:

- a. **The property is contiguous to the existing city limits; and**



b. The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.

Finding of Fact

- 1.1 The proposed annexation is a 22-acre parcel south of Ellingson Road, southeast of the Lochner Road SE and Ellingson Road SE intersection as well as the abutting Ellingson Road right-of-way. The subject property is identified as Linn County Assessor's Map No. 11S-03W-29 Tax Lot 501, and immediately west of 1252 Ellingson Rd. SE.
- 1.2 The subject property is contiguous to the current city limits to the east. The property is currently under the jurisdiction of Linn County and designated as "Urban Growth Area – Urban Growth Management 5-Acre Minimum (UGA-UGM-5)."
- 1.3 The subject property is located within the Albany Urban Growth Boundary (UGB) and designated on the Comprehensive Plan Map designation as Urban Residential Reserve (URR).

Conclusions

- 1.1 The subject property is contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
 - 1.2 The subject property is eligible for annexation and these criteria are satisfied.
- 2. Infrastructure Criteria: The City shall determine that it is timely to annex property based on the following criterion:**
- a. An adequate level of urban services and infrastructure is available or will be made available in a timely manner.
 - b. As used in this section:
 - i. "Adequate level" means conforms to adopted plans and ordinances.
 - ii. "Urban services" means police, fire, and other City-provided services.
 - iii. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.
 - iv. "Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.

Finding of Fact

- 2.1 Fire: Adequate public water and access for fire protection is available for this area. There are properties to the east that are currently being served by the Albany Fire Department. Fire service to this property would be a logical expansion of the current service boundaries.

- 2.2 Police: There are properties to the east that are currently being served by the Albany Police Department. Police service to this property would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show an 18-inch public sanitary sewer force main running within the Ellingson Road rights-of-way, Basin 8, approximately 2,000 feet west of the property.

ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line. Therefore, future development of the subject property will require connection(s) to the public sanitary sewer systems.

Albany Municipal Code (AMC) 10.01.010 (1) states the objective of the AMC requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

The property to the northeast is currently approved for development (Henshaw Farms Phase 1) and is under construction. The approved street and utility plans for Henshaw Farms Phase 1 include urbanized street improvements within Ellingson Road with utilities such as sewer, water, and storm drainage to within 500 feet of the subject annexation property. This street and included utilities can be extended west to serve the subject annexation property at the time of a future development proposal.

The above-mentioned sanitary sewer being constructed with Henshaw Farms Phase 1 is within the City of Albany's Sewer Master Plan Basin 8 which is not identified to serve the subject annexation property. The subject annexation property is identified in the City of Albany Sewer Master Plan to be served with sanitary sewer from the Basin 9 sewer system. Currently the sanitary sewer within said Basin 9 is approximately 2,000 feet to the west in the Ellingson Road right of way. This sanitary sewer is available to the subject annexation property by an extension easterly from its currently location within the Ellingson Road right of way.

The financial responsibility of the required street and utility improvements will be the responsibility of the developer of the subject annexation property upon development. Cost sharing with developers of the property immediately north of the subject annexation property is likely. Establishing a Capital Recovery Program for the portion of the improvements that are not adjacent to the subject annexation property (approximately 500 feet to the east and approximately 2,000 feet to the west) is also a possibility.

The needed infrastructure is nearby, the right of way for the required infrastructure extensions to serve the proposed annexation property is in place and funding mechanisms exist that will place the primary economic burden on the developer of the land proposed for annexation. Based on this conclusion and above discussion supporting the conclusion

it can be determined that City Infrastructure can “be made available in a timely manner” for the proposed annexation property.

- 2.4 Water: City utility maps show a 24-inch public water main in Ellingson Road right-of-way approximately 2,000 feet west of the property, a 16-inch public water main in Lochner Road SE, and an 8-inch public water main in Nolan Avenue right-of-way at the Ellingson Road intersection 500 feet from the property’s east property frontage.

ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main. Therefore, future development on the subject property will require the connection(s) of the public water system.

AMC 11.01.100 (1) states to be eligible to receive public water service, public mains of sufficient size to provide adequate service (domestic, commercial, industrial, and/or fire) to the applicant without detriment to existing customers, must be in place adjacent to all property frontages, or as specified by the City Engineer.

AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.

AMC 11.01.120 (2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City’s water facility plan. All public water system improvements, to be built under a private contract, require the developer to obtain a Permit for Private Construction of Public Improvements.

AMC 11.01.120 (2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.

AMC 11.01.120(2)(b) states all public water systems improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water extensions will be a dedicated street right-of-way.

The City has the sole authority to make discretionary determinations required by this code. Such discretionary determinations are required where the code calls for approvals, determinations, reasonableness, authorization, standards (or reductions thereof), judgments, estimates, requirements, sufficiency, options, impacts upon the water system and/or customers thereof, and similar words or phrases. In each case where such words or phrases are stated or implied, they will be understood to mean “subject to the approval or determination of the City” (AMC 11.01.300).

- 2.5 Storm Drainage: City utility maps show a 12-inch public storm drainage main in the Ellingson Road right-of-way approximately 2,000 feet west of the subject property, a 42-

inch public storm drainage main in Lochner Road SE, and a 12-inch public storm drainage main in Nolan Avenue right-of-way at the Ellingson Road intersection 500 feet from the property's east property frontage. Future development on the subject property will likely require the construction of stormwater quality facilities.

It is the property owner's responsibility to ensure any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.

ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer.

AMC 12.45.030 and 12.45.040 require a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development, where more than 8,100 square feet of impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).

- 2.6 Transportation Infrastructure: The proposed annexation is a 22-acre parcel south of Lochner Road, southeast of the Lochner Road SE and Ellingson Road intersection. The site's north boundary adjoins Ellingson Road. Ellingson Road is classified as a principle arterial and unimproved along the property's north frontage, except for two paved travel lanes. A condition to improve curb, gutter, sidewalk along the site's north frontage can be applied to a future development proposal for the site.

Albany's Transportation System Plan (TSP) assumed this site would be annexed into the city and developed with low- to medium-density residential uses.

Conclusions

- 2.1 Police and Fire services are currently available to serve the property proposed for annexation.
- 2.2 Public utilities are available to serve the site upon development. Future development of the site will require extensions of public utilities within the subject property and along the property's Ellingson Road frontage. Any future development application for the site (i.e., residential subdivision), can be conditioned to extend public utilities to serve the site.
- 2.3 The area proposed for annexation adjoins a principle arterial street that requires an improvement of curb, gutter, sidewalk along the site's north frontage. Any future development application on the site can be conditioned to require street dedication and installation of improvements.

- 2.4 The transportation system can support development of the site.
 - 2.5 An adequate level of urban services and infrastructure is available or will be made available in a timely manner.
3. **Planning Criteria:** The City shall determine that adequate planning has occurred based on the following criterion:

Sufficient planning and engineering data has been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable land inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Finding of Fact

- 3.1 The proposed annexation is a 22-acre parcel to the south of Ellingson Road, southeast of the Lochner Road and Ellingson Road intersection as well as abutting Ellingson Road right-of-way. The Comprehensive Plan Map designation for the subject property is Urban Residential Reserve (URR). The proposed includes a concurrent request to apply a City of Albany zoning district of RS-5 and RM, which are consistent with the URR plan map designation.
- 3.2 The site is also located within the SAAP planning area, and the SAAP was adopted as part of the Comprehensive Plan. The SAAP not only shows the area as planned for low-and medium density residential development. The proposed RS-5 and RM zones are consistent with the SAAP land use designation.
- 3.3 Public infrastructure facility plans that deal with this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.4 Public facilities that would be required to serve future development on the subject property are available at or near the site. As discussed under Criterion Two (above), an adequate level of urban services and infrastructure are available to serve the subject property; those findings are included herein by reference.

Conclusions

- 3.1 Long range planning has been conducted for the region of the subject property. These plans include various public facilities plans, the SAAP, and the Albany Comprehensive Plan.
- 3.2 As discussed under Criterion Two, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.3 Low to medium residential development under the proposed RS-5 and RM zonings are consistent with the Comprehensive Plan.

- 3.4 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering this area

4. Reasonableness: The city council shall determine that the proposed annexation is reasonable.

Finding of Fact

- 4.1 The subject property abuts the existing city limits and the property proposed for annexation lies within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the property proposed for annexation.
- 4.3 The annexation is requested by the property owner and applicant.
- 4.4 The proposed annexation is consistent with the SAAP of the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

IV. Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all the following criteria are met.

1. The proposed based zone is consistent with the Comprehensive Plan Map Designation for the entire subject area unless a Plan map amendment has also been applied for.

Finding of Fact

- 1.1 The proposed annexation is a 22-acre parcel south of Ellingson Road, southeast of the Lochner Road SE and Ellingson Road SE intersection as well as the abutting Ellingson Road right-of-way. The subject property is identified as a portion of Linn County Assessor's Map No. 11S-03W-29 Tax Lot 501, and it is located immediately west of 1252 Ellingson Rd. SE.
- 1.2 The subject property is currently under Linn County zoning as "Urban Growth Area – Urban Growth Management 5-acre minimum (UGA-UGM-5)."
- 1.3 The proposal is for a zoning map amendment from the UGA-UGM-5 to the Albany's Low Density (RS-5) and Medium Density Residential (RM) zoning districts, concurrent with annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the property is "Urban Residential Reserve (URR).". The subject property is also located within the boundary of the South Albany Area

Plan (SAA), which calls for a low- to medium- density residential pattern already established in the vicinity of the parcel.

- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-5 and RM zoning districts are consistent with the URR Comprehensive Plan Map Designation. In addition, the RS-5 and RM zoning districts are compatible with the low- to medium density land use planned for the area in the SAAP.

Conclusions

- 1.1 The proposed RS-5 and RM zones are consistent with the Comprehensive Plan Map Designation and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

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

Finding of Fact

- 2.1 This criterion is addressed under Criterion Two of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support residential development of the site as permitted under the proposed RS-5 and RM zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-5 and RM zoning districts.
- 2.2 This criterion is satisfied.

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

Finding of Fact

- 3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential residential development of the site, as permitted under the proposed RM zoning district.
- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.
- 3.4 The proposed zoning of the property to RS-5 and RM zoning districts would allow for residential development up to 25 units per acre. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time

this staff report was published. Any new residential development on the site may be obligated to pay school System Development Charges to support the school system infrastructure and services.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RM zoning district.
- 3.2 This criterion is satisfied.
- 4. **The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.**

Finding of Fact

- 4.1 The current zone of the subject property is Linn County's UGA-UGM-5, and the proposed zone for the property is the Albany RS-5 and RM zoning districts.
- 4.2 According to ADC 3.020(4)(5), the RS-5 zoning district is "intended primarily for low-to moderate-density single-family development." The RM zoning 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." The intent and purpose of the RS-5 and RM zoning districts are consistent with URR Comprehensive Plan Map Designation and with the low-to medium-density land use planned for the area in the SAAP.
- 4.3 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-5 and 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.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policy 2: When making land use and other planning decisions:

- a) Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b) Utilize all criteria relevant to the issue.***
- c) Ensure the long-range interests of the general public are considered.***
- d) Give particular attention to input provided by the public.***
- e) Where opposing viewpoints are expressed, attempt to reach consensus where possible. Policy 3: Involve the general public in the use, evaluation, and periodic***

review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

- 4.4 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV, quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject site and affected government agencies. Notice of the public hearings were also posted on the subject property and published in the Albany Democrat Herald. People who are notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.
- 4.5 At the public hearing, the application is reviewed based on all criteria relevant to the proposal. The public hearing provides the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning 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 decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.6 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”. The URR Comprehensive Plan Map Designation includes the RS-5 and RM zoning districts.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (Chapter 1)

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

Policy 1: Protect and enhance wetlands adopted as significant in the Local Wetland Inventory.

Policy 2: Prohibit development within significant wetlands except for planned public utilities and infrastructure.

Policy 3: Within the city limits, wetlands within a floodway or significant riparian corridor shall receive protection and any development proposed shall not degrade the resource.

- 4.7 The proposed rezone is for a 22-acre parcel south of Ellingson Road, southeast of Lochner Road and Ellingson Road intersection. The Riparian Corridor natural resource overlay (Oak Creek) transverses the subject property from the north to southeast.

The Comprehensive Plan goals and policies for protection of natural resources are implemented through Article 6 of the ADC through clear and objective development standards. Future development of the site under the proposed RS- 5 and RM zones will require land use review, which will include evaluation of impacts to the Riparian Corridor overlay district. As such, future development can be conditioned to avoid impacts to significant natural resources through application of the ADC.

As shown on the submittal, the subject property also contains non-significant local wetlands that are regulated by the Oregon Department of State Lands (DSL). If impact to these wetlands occur in the future, a permit from DSL will be required before development could occur.

Statewide Planning Goal 10: Housing (Chapter 4)

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 1: Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

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.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

- 4.8 As discussed under Annexation Criterion Two, the subject property is located in an area accessible to employment and public services. All City services are available to serve residential development on the subject property; those findings and conclusions are included here by reference.

- 4.9 The proposed zone change to RS-5 and RM is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-5 and RM zoning districts are compatible zoning district for the URR Comprehensive Plan Map land use designation. Therefore, the zoning map amendment from UGA-UGM-5 to RM is consistent with applicable housing policies of the Comprehensive Plan. The city future refined this area in the SAAP, which shows the area as appropriate for low to medium-density residential development. The RS-5 and RM zones are consistent with the low- to medium- density residential development pattern

envisioned for this site by the SAAP. Therefore, the zoning map amendment from UGA-UGM-5 to RS- 5 and RM zones are consistent with applicable housing policies of the Comprehensive Plan.

- 4.10 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within City limits and the Urban Growth Boundary to 2040. As shown in Chapter 4, Figure 6.4 of the Comprehensive Plan, there is a forecasted deficit of 269 units and 25-acres of Medium Density land within the city limits for new middle housing types. As proposed, the zone designations of RS-5 and RM would increase the amount of buildable land supply for development of medium density residential housing.

4.11 **Statewide Planning Goal 14: Urbanization (Chapter 8)**

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.12 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject property is located within the Urban Growth Boundary and within the SAAP study area.

Public facilities that would be required to serve future development on the subject property are available at or near the site. Connection charges for sanitary sewer, water, and storm drainage will be due when development occurs.

The proposed RS- 5 and RM zone swill ensure that development potential is known, and the property is subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and city services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.

Statewide Planning Goal 14, Urbanization: South Albany Area Plan (Chapter 8)

Policy 3: South Albany's overall land use pattern of residential, employment, and open space areas shall be generally consistent with the Organizational Framework (see Figure 1).

Policy 4: Development patterns in South Albany should promote the efficient use of land and infrastructure and conservation of significant natural resources.

Policy 17: Comprehensive Plan and Zoning Map designations shall implement the Land Use Plan (see Figure 5), and be consistent with the following table:

SAAP Land Use Concept	Comprehensive Plan Map Designation	Zone Map Designation
Low-Density Residential	Low-Density Residential	RS-5, RS-6.5, RS-10
Medium Density Residential	Village Center <i>at the Lochner and Columbus centers</i>	RM
	Medium Density Residential <i>at Mennonite Village</i>	NC
Regional Commercial	General Residential	RC
Neighborhood Commercial	Light Commercial	NC
Industrial Park	Light Commercial	IP
Light Industrial	Light Industrial	LI
Heavy Industrial	Heavy Industrial	HI
Community Park	Low-Density Residential	RS-5
Open Space	Open Space	OS

- 4.3 As shown on the SAAP Organization Framework Map, the subject property is intended for residential use. The proposed RS- 5 and RM zones are consistent with the long-term vision for the property as residential use.

As shown on the SAAP Land Use Map, the subject property is intended for low to medium density residential use. The table above shows the SAAP Land Use Concept of Low-Density

Residential is compatible with the proposed RM zone.

The subject property is vacant parcel that is located in an area accessible to public services. All City services are available to serve residential development on the subject property. Development of the property supports the efficient use of land and existing infrastructure.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendment adheres to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
 - 4.2 Goal 2, Land Use Planning. The proposed zoning map amendment to RS-5 and RM are compatible with the Urban Residential Reserve (URR) Comprehensive Plan Map designation.
 - 4.3 Goal 5, Open Spaces – Wetlands. A Riparian Corridor natural resource overlay is located on the subject property. Future development of the site under the proposed RS- 5 and RM zones will require land use review, which will include evaluation of impacts to the Riparian Corridor overlay district.
 - 4.4 Goal 10, Housing. The RS-5 and RM zoning districts are intended primarily for low-density to medium residential urban development. The proposed zoning map amendment to RS- 5 and RM zones will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
 - 4.5 Goal 14, Urbanization. The proposed RS-5 and RM zones are consistent with policies contained in the Comprehensive Plan. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.
 - 4.6 The intent and purpose of the proposed RS-5 and RM zoning districts best satisfies the goals and policies of the Comprehensive Plan.
 - 4.7 This criterion is satisfied.
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.**

Finding of Fact

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP and the SAAP. The site is located within the SAAP planning area, which was adopted as part of the Albany Comprehensive Plan. TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:

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- a. A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
- b. The City has acknowledged the Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
- c. The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject property complies with these criteria as follows:

- a. Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject property low- to medium density residential. The proposed zoning amendment would not change the comprehensive plan map designation and the RS-5 and RM zoning designations are implementing zones for the low- and medium density residential designations.
 - b. The Albany TSP assumed this site would be annexed into the city and developed with low- to medium density residential uses. The proposed RS-5 and RM zones are compatible with the long-range plan for low- to medium density residential uses.
 - c. The subject property has been in the City's UGB since the time of adoption of the Comprehensive Plan and was not exempted from the Transportation Planning Rule. The City can find that all three (3) of these requirements are met.
- 5.1 The subject property adjoins a principle arterial street that is unimproved to City standards, except for two paved travel lanes.
 - 5.2 Any future development application on the site can be conditioned to install required improvements, consistent with the TSP and SAAP.

Conclusions

- 5.1 The proposed zone change to RS- 5 and RM zoning districts will not modify the transportation pattern envisioned by the TSP or SAAP.
- 5.2 This criterion is satisfied.

V. Overall Conclusion

Based on the above analysis, the applications for Annexation concurrent with a Zone Map Amendment from Linn County zone UGA-UGM-5 to Albany's Single-Family Residential (RS-5) and Medium Density Residential (RM) zoning designation satisfies all applicable review criteria outlined in this report.

VI. Attachments

- A. Annexation Map
- B. Legal Description