

CHAPTER 9: LAND USE PLANNING

GOAL 1: CITIZEN INVOLVEMENT

No Changes are proposed to Goal 1 Plan content, so this section is not show.

GOAL 2: LAND USE PLANNING

UPDATING AND AMENDING THE COMPREHENSIVE PLAN BACKGROUND SUMMARY

The Comprehensive Plan is the City of Albany's most significant expression of the community's values, image, and goals for the future. Because we live in a complex and ever-changing world, the Comprehensive Plan must not become outdated and inflexible. The Plan's usefulness over time is dependent upon its ability to keep pace with changing circumstances and needs. The goals and policies within the Comprehensive Plan are based upon known community characteristics and data and on assumptions and predictions that utilize known information. For example, assumptions concerning economic activity and population growth were used to project future urban land needs. As time passes, some projections and predictions within the Plan may prove accurate, but others will certainly show need for revision.

The Comprehensive Plan also reflects current community attitudes and priorities. These change over time as well. Changes often occur in financial and funding situations, new laws, and political conditions. Factors outside the community also affect the character of the Comprehensive Plan. The Plan must have the ability to respond to a dynamic state and national political environment. Since Albany's Comprehensive Plan was first adopted in 1980, there have been a number of judicial, legislative, and administrative revisions undertaken that affect the statewide land use planning process.

One of the most significant legislative changes that affected Albany's Comprehensive Plan was ORS 197.640.649 passed in 1983, which resulted in the Periodic Review Rule (OAR-660-Division 19). It was the intent of the Oregon Legislature to protect the State's investment in the planning process by avoiding Comprehensive Plan obsolescence. Jurisdictions are now required to review and update their Comprehensive Plans on a periodic basis. Senate Bill 2295 also included other substantive issues that must be addressed during the Comprehensive Plan Periodic Review process.

Cities and counties must undertake planning to provide adequate opportunities for industrial and commercial development and adopt a public facilities plan that demonstrates how key public facilities will be provided to meet anticipated development and growth. Planning for industrial and commercial development and public facilities are addressed as part of Goal 9: Economic Development, Goal 11: Public Facilities and Services, and Goal 12: Transportation.

Any effort to change the Comprehensive Plan must be based on meeting a particular public need and compliance with statewide planning goals and administrative rules. Albany's Comprehensive Plan should not be subject to capricious or arbitrary changes. The Plan is used as the policy basis for many day-to-day decisions and as a long-range planning tool. Its success on both a current and long-range basis depends on the City's ability to achieve the goals and policies identified as being important to the community. The Comprehensive Plan must achieve the balance between maintaining flexibility with changing circumstances and observing a degree of permanence and reliability over time.

Because the Comprehensive Plan was written to cover a 20-year planning period and includes many subjects, it is obvious that all desired actions cannot take place in any one year. Thus, statements within the Plan must be prioritized according to Albany's needs and available funds. Decisions must be made as to what specific projects to accomplish and allocation of staff time. These decisions are made on a frequent basis, and do not

require amendment to the Comprehensive Plan. However, at the time of Plan Periodic Review and Update, a more thorough evaluation priorities can be made. At this time, goals, policies, and implementation methods can be reviewed and updated to reflect new conditions and priorities.

GOAL 2: LAND USE PLANNING

UPDATING AND AMENDING THE PLAN GOALS, POLICIES, AND IMPLEMENTATION METHODS

GOAL

Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:

1. Remains current and responsive to community needs.
2. Retains long-range reliability.
3. Incorporates the most recent and reliable information.
4. Remains consistent with state laws and administrative rules.

POLICIES

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.
2. Base approval of Comprehensive Plan amendments upon consideration of the following:
 - a. Conformance with goals and policies of the Plan.
 - b. Citizen review and comment.
 - c. Applicable Statewide Planning Goals.
 - d. Input from affected governmental units and other agencies.
 - e. Short- and long-term impacts of the proposed change.
 - f. Demonstration of public need for the change.
 - g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.
 - h. Any additional information as required by the Planning Commission or City Council.
3. Consider periodic review as the most appropriate time to receive requests to amend the Urban Growth Boundary. Amendment requests shall be based on:
 - a. Criteria required for amendment of the affected jurisdictions' comprehensive plans.
 - b. Demonstration that the amendment request will not impair the City's ability to implement the public facility plan to provide services.
 - c. The facility plan can be concurrently amended to provide services to the affected area.
4. Undertake periodic review and/or update of the Albany Comprehensive Plan at least every four to seven years.

IMPLEMENTATION METHODS

1. Concurrent with each Periodic Review or major revision, the City should undertake the following:
 - a. Evaluate the Comprehensive Plan and implementing ordinances to assure plan and ordinance

consistency.

- b. Evaluate past and ongoing City actions (Council decisions, improvement projects, planning approvals, completed developments etc.) to determine if they have achieved the intent of the Plan.
 - c. Utilize up-to-date data and other information to evaluate the applicability of Plan goal and policy statements and implementing ordinances.
 - d. Review the effectiveness of the City's Citizen Involvement Program in providing for citizen involvement in the planning process.
2. Provide adequate staff resources to monitor changing community conditions and to maintain the information and data base needed to update the Comprehensive Plan.
 3. Prioritize implementation methods and improvement projects intended to implement Plan goals and policies and prepare a periodic schedule for updating the Comprehensive Plan background reports. Monitor and record new information that documents changing circumstances, including development activity to assure adequate land is available for commercial, industrial, and housing development activities.
 4. Monitor land prices and housing costs to determine any artificial non-market price impacts or other trends that result from implementation of Plan goals and policies or other City actions.
 5. Annually review the Capital Improvement Program (CIP) element of the Public Facility Plan (PFP) to determine progress in achieving the objectives of the PFP.

RECOMMENDATIONS

1. Encourage the State to provide funds commensurate with the costs of maintaining the Comprehensive Plan and conducting periodic review.
2. Encourage state agencies such as the Department of Environmental Quality (DEQ), Economic Development Department (EDD), Oregon Department of Transportation (ODOT), and the Oregon Housing Division to provide the City with new information and data relevant to the City's land use planning program as it becomes available.

GOAL 2: LAND USE PLANNING

LAND USE DESIGNATIONS BACKGROUND SUMMARY

COMPREHENSIVE PLAN MAP DESIGNATIONS

The land use designations on the Comprehensive Plan Map (Plate 14) indicate the type, location, and density of land development and redevelopment that will be permitted in the future. The map shows where various kinds of land use activities are appropriate for all areas within the Urban Growth Boundary. Although future development in Albany may never correspond exactly to the Plan Map, the map does show where different kinds of activities are appropriate and directs growth to these areas. The map also identifies potential development opportunities for meeting Albany's housing, commercial, and employment needs.

The Comprehensive Plan Map has five general categories of designations (residential, mixed-use, commercial, industrial, and special uses). Each general category is broken down into more specific categories as described below. [Ord. 5543, 10/23/2002]

Staff Comment: Updating zoning designations to reflect modifications to the zoning district names and the types of housing that are permitted.

RESIDENTIAL: GENERAL REQUIREMENTS

The two residential plan designations have the following common elements: 1) they provide for the establishment of dwelling units; 2) home occupations are permitted subject to Development Code requirements; 3) Office Professional and Neighborhood Commercial zoning are permitted within all residential Plan designations without a Plan change, but will be subject to rezoning requirements and conformance to special standards; 4) ~~density~~ development increase bonuses ~~will~~ may be permitted subject to Development Code regulations; and 5) schools, parks, cemeteries, churches, and certain public facilities may also be compatible in the residential Plan designations. [Ord. 5667, 4/25/2007]

LOW DENSITY RESIDENTIAL (LDR): Identifies areas predominantly suited or used for detached single-family dwelling units, and middle housing (duplex, triplex, fourplex, townhouses, cottage clusters), and small single room occupancy development. Manufactured home parks may be permitted by Site Plan Review. Cluster housing is ~~permitted in Cluster and Planned Unit Developments~~ are permitted with density ranging by zone. (~~Density as stated is gross density, unless specifically mentioned otherwise.~~) [Ord. 5667, 4/25/2007; Ord. 5968, 1/14/2022]

MEDIUM DENSITY RESIDENTIAL (MDR): Identifies areas suitable for multiple-family and middle housing development of three to five stories at densities ~~up to 35 units per acre~~. Manufactured home parks are permitted with Site Plan Review. MDR lands are located on collector or arterial streets. [Ord. 5667, 4/25/2007; Ord. 5968, 1/14/2022]

HIGH DENSITY RESIDENTIAL (HDR): Identifies areas suitable for high-density urban residential development up to 7 stories with densities ~~up to 50 dwelling units per acre~~. HDR lands located adjacent to land designated Village Center or for commercial or employment uses, and on collector and arterial streets. A variety of housing types and other compatible uses may be permitted. [Ord. 5667, 4/25/2007; Ord. 6010, 7/1/2023]

URBAN RESIDENTIAL RESERVE (URR): Identifies areas between the developed urban area and the Urban Growth Boundary within which a variety of residential zones may be permitted to accommodate all needed housing types without a Plan change. All zoning decisions will be based upon criteria as specified in the

Development Code. However, the three following policies which will be utilized in converting Urban Residential Reserve (URR) land to a particular residential zoning classification:

1. The average developed density within the URR designation will be up to 35 units per acre. [Ord. 5667, 4/25/2007]
2. The City will at all times maintain at least a 5-year supply of land designated for low-, medium-, and high-density residential uses.
3. Land within the URR designation will be changed to low- and medium-density Plan designations if such changes are needed to develop accurate 5-year capital improvement plans involving any such area or, in some cases, upon annexation to the City.

In addition to residential uses, it is anticipated that approximately 20 to 50 acres of the Urban Residential Reserve land will be utilized for neighborhood commercial and office professional uses to 2025. Approximately 100 acres will be needed for new school and park sites to 2025. [Ord. 5667, 4/25/2007]

MIXED USE: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]

VILLAGE CENTER: Provides for a mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development. Within the Village Center Plan designation there will be at least two zones. One is a mixed-use commercial zone, the other is a medium- to high-density residential zone that provides a mix of housing choices. Sub-categories of this designation may further specify the compatible zoning districts and intended purpose and character of village centers located in particular areas of the city, such as in East Albany. [Ord. 6010, 7/1/2023]

In order for additional land to be designated Village Center, applicants must demonstrate the need for the Village Center in a particular location and what residential populations it is intended to serve.

- **Village Center - East:** This designation is specific to the East Albany Plan Area. The Village East designation is considered a sub-category of the Village Center designation; its compatible zoning districts are limited to those identified for the East Albany Plan area. This designation provides for a mixture of uses to serve nearby neighborhoods, including residential uses, retail, office, community and personal services, live-work units, and similar uses. Development within the Village East designation will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods, and prevent the appearance of strip commercial development. [Ord. 6010, 7/1/2023]

COMMERCIAL: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]

NEIGHBORHOOD VILLAGE: Provides for a mix of residential and limited commercial activities that include smaller scale office professional and neighborhood commercial uses that meet the frequent needs of area residents. This designation is used to provide a buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial areas in close proximity to residential areas that fit the character of nearby neighborhoods are easily accessible and pedestrian friendly. [Ord. 6010, 7/1/2023]

GENERAL COMMERCIAL: Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of "strip commercial" development in order to more efficiently serve the shopping needs of the community and region.

INDUSTRIAL: GENERAL REQUIREMENTS [Ord. 5543, 10/23/2002]

EMPLOYMENT: Identifies land that allows for a variety of employment opportunities, including larger employers in light industrial, office, and flex-space developments typically designed for multiple use types. Employment uses may include corporate offices, research and development, creative services, medical campuses, manufacturing, wholesaling, and other accessory, and compatible uses that have minimal environmental effects. Retail uses are allowed but are limited in intensity so as to maintain adequate employment development opportunities. [Ord. 6010, 7/1/ 2023]

LIGHT INDUSTRIAL: Identifies areas suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial Zones.

HEAVY INDUSTRIAL: Provides for most types of manufacturing and processing, storage and distribution, and other types of industrial uses that require large amounts of land in proportion to the number of employees and are potentially incompatible with most other uses but comply with the development and environmental standards of the Development Code.

SPECIAL USE DESIGNATIONS

OPEN SPACE: Identifies and protects areas where development is infeasible or undesirable and where it is in the public interest to protect lands for the maintenance of natural drainageways and flood channels, to protect fish and wildlife habitats, to enhance scenic and historic areas, to protect natural resources, and to protect potential recreation trails and park sites. The principal private uses of these areas will include one single-family dwelling per property, grazing and crop production, and recreation and open space uses.

PUBLIC AND SEMI-PUBLIC: Identifies existing public and semi-public uses including public parks, schools, the community college, cemeteries, and other public buildings as well as major utility facilities. Planned locations for such facilities are also included within this designation; however, future sites and public facility developments may take place within other Plan designations subject to special regulations.

WATER BODY: Identifies those areas which are more or less permanently inundated by major natural or man-made water features. Development within a water body is limited to water-dependent uses. Developments which occur adjacent to these features must be sensitive to the resource and comply with all other applicable Comprehensive Plan and Development Code provisions. [Ord. 5543, 10/23/2002]

SITES OF SPECIAL INTEREST: Identifies areas where additional, unique policies apply due to conditions or circumstances associated with the site. Because of the limited applicability of these policies, they are site specific. Each special interest site has been assigned a number and identified on a map which can be found on Plate 15, page 146. For each site with a map number, there are corresponding policies. These policies can be found on pages 147 and 148 of this chapter.

OVERLAY DESIGNATIONS [Ord. 5764, 12/01/11]

The following overlay designations are used to designate areas within the City where additional regulations apply to the standards of the base zoning district. The overlay designations will be applied at the time of annexation in accordance with the Comprehensive Plan Plate maps.

FLOOD PLAIN (/FP): Identifies lands located within the 100-year flood plain as determined by the Federal Emergency Management Agency on the Federal Insurance Rate Maps, as augmented by best available local knowledge.

HABITAT ASSESSMENT (/HA): Identifies lands where significant habitat for species listed as threatened,

endangered, or sensitive by the state or federal governments have been documented as shown on Plate 3.

HILLSIDE DEVELOPMENT (/HD): Identifies lands that have hillsides with slopes of 12 percent or greater as shown on Plate 7.

RIPARIAN CORRIDOR (/RC): Identifies significant riparian corridors adjacent to Albany's rivers, creeks, streams and drainageways as shown on Plate 4.

WETLANDS (/SW): Identifies lands located in the City's Local Wetland Inventory that are classified as significant wetlands, and which are subject to local, state, and/or federal land use regulations. Significant and non-significant wetlands are identified on Plate 6.

WILLAMETTE RIVER GREENWAY (/GW): Identifies lands located within the Willamette River Greenway boundary which are subject to special regulations intended to "protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River."

ZONING DISTRICTS

Zoning is a major "tool" for implementing the Comprehensive Plan. By law, zoning must be "consistent" with the Comprehensive Plan. However, this does not mean that zoning designations simply duplicate Comprehensive Plan designations. The zoning cannot permit uses or intensities that are not allowed under the particular Plan category. It is possible to have zoning that is more restrictive than the Plan designation (e.g., if the land is not needed for such uses in the short run, or a particular area is not currently suitable for such development). In those instances, the zoning intensity would be increased when the land was needed and/or the suitability of the land for a particular use was assured.

Zone changes will occur since minor adjustments to the Comprehensive Plan undoubtedly will occur. Zone changes may also ~~will~~ occur concurrently with annexations, although the particular zone(s) attached to each annexation depends on the Plan classification, the need for the intended uses, and the suitability of the land for a particular use.

Zoning regulations within the Urban Growth Boundary will be administered by the City of Albany for areas inside the city limits and by Linn County for land outside the city limits. Zone changes in the urbanizing area will be reviewed by the City of Albany subject to the requirements of the joint Urban Growth Management Agreements with Linn County.

The Albany Development Code describes the zoning districts that apply within the city limits. For information on zones that apply in the urbanizing area, refer to the Linn County zoning code. [Ord. 5543, 10/23/2002]

PLAN MATRIX

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.

It should be noted that the listing of a zoning district as compatible does not mean that the referenced zone can automatically occur anywhere in the specified Plan designation. For example, a number of commercial zones (Neighborhood Commercial, Community Commercial, etc.) are compatible with the General Commercial Plan designation, but 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.

Districts not listed in the table as compatible zoning districts for a particular Comprehensive Plan designation require both a zone change and a Comprehensive Plan change. [Ord. 5543, 10/23/2002]

Staff Comment: Updating matrix to reflect modifications to the zoning district names adding zoning compatible zoning allowances from the East Albany Plan.

PLAN DESIGNATION ZONING MATRIX

Plan Designation	Compatible Zoning Districts
Employment*	Employment (EMP), Industrial Park (IP), Office Professional (OP), <u>and land zoned Light Industrial (LI)* in the East Albany Plan area prior to June 30, 2023</u>
Light Industrial	Industrial Park (IP), Light Industrial (LI), Transit District (TD)
Heavy Industrial	Light Industrial (LI), Heavy Industrial (HI)
General Commercial	Neighborhood Commercial (NC), Office Professional (OP), Community Commercial (CC), Regional Commercial (RC)
Neighborhood Village	Neighborhood Commercial (NC), Office Professional (OP), Mixed Use Residential (MUR)
Village Center	Historic Downtown (HD), Downtown Mixed Use (DMU), Central Business (CB), Lyon-Ellsworth (LE), Elm Street (ES), Main Street (MS), Pacific Boulevard (PB), Waterfront (WF), Mixed-Use Commercial (MUC), Mixed-Use Residential (MUR), Residential Medium Density (RM), Office Professional (OP), Community Commercial (CC)
	Village Center - East (East Albany Plan Area only): Mixed Use Commercial (MUC), Mixed Use Residential (MUR)
High Density Residential**	High Density Residential (HDR), <u>Residential Medium Density Attached (RMA), Mixed Use Residential (MUR); and land zoned Residential Medium Density (RM) in East Albany Plan area prior to June 30, 2023</u>
Medium Density Residential	<u>R-5 Residential Single Family (RS-5)</u> , Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Low Density Residential	<u>R-10, R-6.5 and R-5 Residential Single Family (RS-10, RS-6.5, RS-5);</u> Hackleman Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)
Urban Residential Reserve	<u>R-10, R-6.5 and R-5 Residential Single Family (RS-10, RS-6.5, RS-5);</u> Residential Reserve (RR), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Public & Semi-Public	All zones
Open Space	Open Space (OS)

*Light Industrial – Properties in the East Albany Plan area that were zoned Light Industrial on June 30, 2023, may remain zoned Light Industrial, including those designated Employment on the Comprehensive Plan map.

**Residential Medium Density (RM) – Properties in the East Albany Plan area that were zoned RM on June 30, 2023, may

| remain zoned RM, including those designated High Density Residential on the Comprehensive Plan Map.

[Ord. 5443, 10/23/2002; Ord. 5667, 4/25,2007; Ord. 5895, 10/14/2017; Ord. 6010, 7/1/2023]