



ORDINANCE NO. 6013

AN ORDINANCE PROCLAIMING ANNEXATION OF PROPERTIES IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W04AC TAX LOTS 701 AND 2100; AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.

WHEREAS, on July 24, 2023, the Albany City Council directed staff to proceed with the voluntary annexation of island properties; and

WHEREAS, the Albany City Council wants to annex right-of-way adjacent to 132 Clover Ridge Road; and

WHEREAS, the application for zoning map amendment would assign a Residential Medium Density (RM) zone to 215 Expo Parkway NE, and Mixed-Use Residential (MUR) zone to 132 Clover Ridge Road NE, concurrent with annexations. The RM zone has an average minimum lot size of 3,500 square feet for single dwelling units and the MUR zone does not have minimum lot size. Prior to annexation, the properties were subject to Linn County zoning and related development requirements; and

WHEREAS, on June 3, 2024, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexations and zoning map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated May 24, 2024, are presented as an attachment to this ordinance as Exhibit D; and

WHEREAS, on June 26, 2024, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and conclusions of the staff report, and testimony presented at the public hearings, and then deliberated.

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

Section 1: The territories described in Exhibit A and shown on the map in Exhibit B of this ordinance are hereby proclaimed to be annexed to the City of Albany.

Section 2: The zoning district map is hereby amended to the RM zoning district for 215 Expo Parkway NE, and the MUR zoning district for 132 Clover Ridge Road NE, located in the City of Albany, Linn County, Oregon, as listed in Exhibit C of this ordinance.

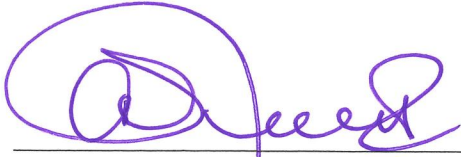
Section 3: The findings of fact and conclusions included in the staff report dated May 24, 2024, in Exhibit D of this ordinance, are hereby adopted in support of the decision.

Section 4: A copy of this ordinance shall be filed in the office of the city clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

Passed by the Council: June 26, 2024

Approved by the Mayor: June 26, 2024

Effective Date: July 26, 2024



Mayor

ATTEST:




City Clerk

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.

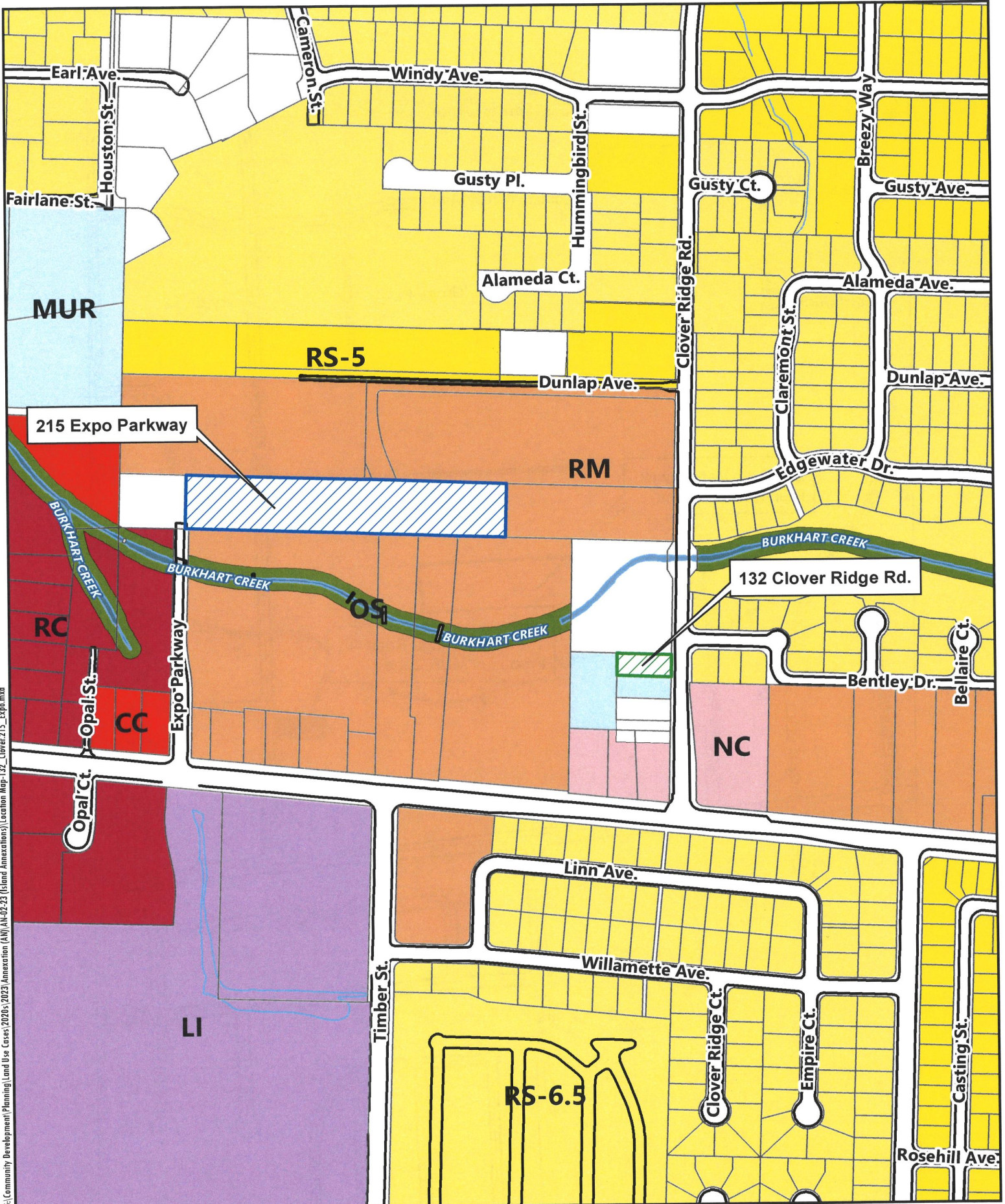
Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.



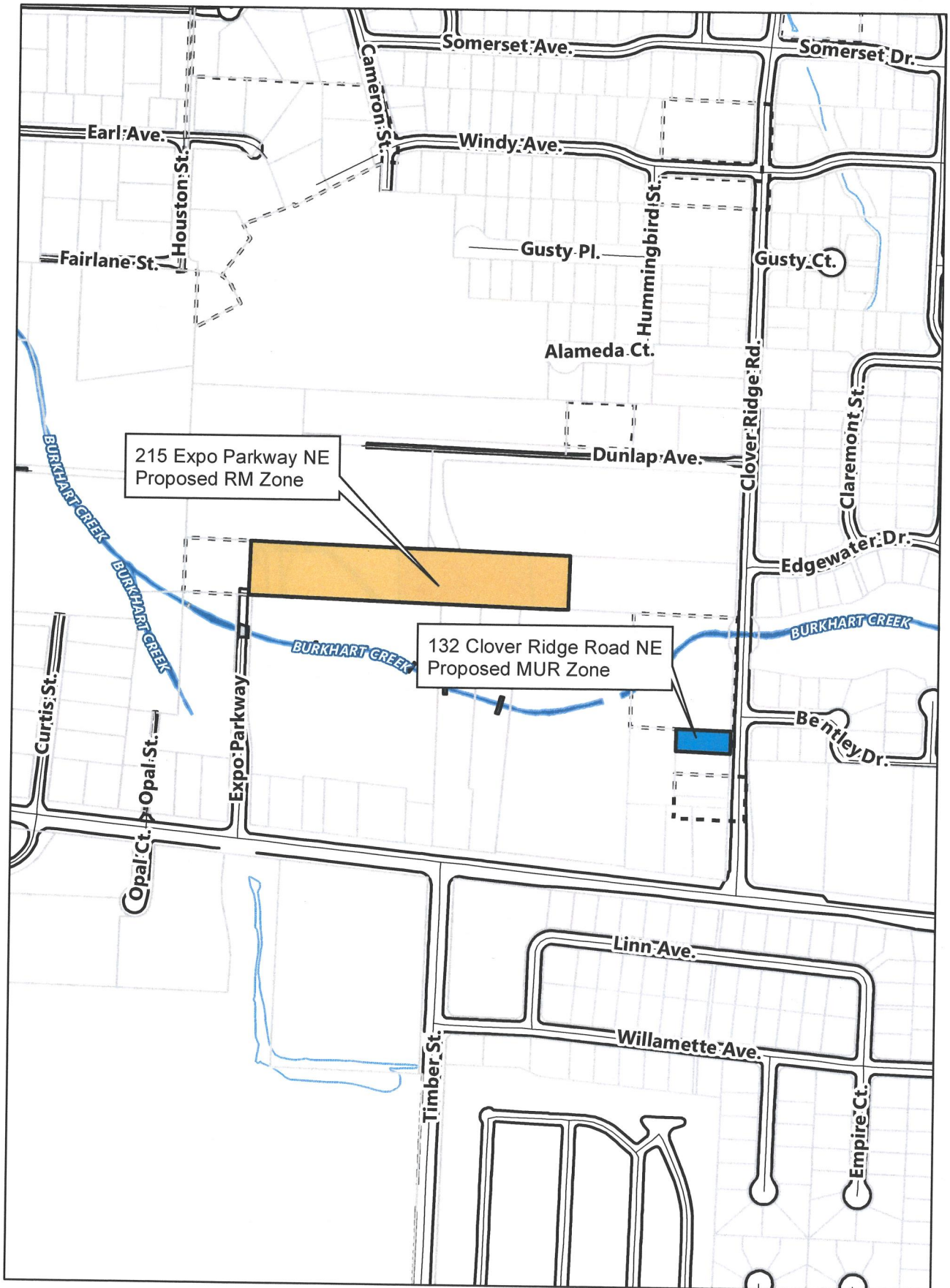
G:\Community Development\Planning\Land Use Cases\2020s\2023\Amexation (AM)\AM-02-23 (Island Annexations)\Location Map-132_Clover215_Expo.mxd

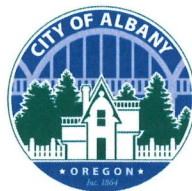


215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany

Location Map





COMMUNITY DEVELOPMENT

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

Staff Report

Annexation with Zoning Map Amendment

AN-02-23 and ZC-05-23

May 24, 2024

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, June 3, 2024, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted at the Albany City Council Chambers

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

<https://council.albanyoregon.gov/groups/plc/zoom>

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

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

Review Body: **City Council**

Hearing Date and Time: **Wednesday, June 26, 2024, at 6:00 p.m.**

Hearing Location: This hearing will be conducted at the Albany City Council Chambers

Virtual: To comment/testify, please email cdaa@albanyoregon.gov with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

Watch on YouTube: <http://www.youtube.com/user/cityofalbany>

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

Summary

Annexation into the city is typically initiated voluntarily by the property owner who is seeking city service or desires to develop their property to urban standards. However, sometimes urban development surrounds a property that has not yet been annexed, creating “islands”, and cities must consider the appropriate time to bring those properties into the city limits.

On July 24, 2023, the Albany City Council received a report from staff about several “islands” of Albany properties that could be considered for annexation. After discussion, the council directed staff to proceed with voluntary annexation of these properties, that is to say, only those property owners of an “island” who are interested in annexation would be annexed. Following public outreach and an open house, two property owners consented to annexation if it was initiated by the City.

The first parcel is addressed 215 Expo Parkway NE, and the second parcel is 132 Clover Ridge Road (see Attachment A). The annexation applications are accompanied by a request for assigning City zoning designation(s) to said parcels. The applicant is the City of Albany, and the property owners are Knox Butte

RV Park LLC (215 Expo Parkway NE), and Juan and Fidelina Plascencia (132 Clover Ridge Road NE) concurrent with Zone Map Amendments from Linn County's UGA-UGM-20 zoning designation to City of Albany's Residential Medium Density (RM) and Mixed-Use Residential (MUR) zoning designations, upon annexation. The Comprehensive Plan map designations of the subject properties are Medium Density Residential (MDR), and Neighborhood Village (NV). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed zoning designations are consistent with the Comprehensive Plan designation of the sites.

The subject properties are eligible for annexation as they are contiguous to the City limits, located within the Albany Urban Growth Boundary (UGB), and can be or are served by public services.

With the annexation, the subject properties will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will be published 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 with CONDITIONS.

Application Information

Proposal:	Annexation of two "island" parcels of land that are outside the city limits along with adjacent right-of-way together with concurrent Zone Map Amendments.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	David Martineau, Project Planner
Applicant:	City of Albany; 333 Broadalbin Street SW; Albany, OR 97321
Addresses/Locations:	1) Knox Butte RV Park LLC; 215 Expo Parkway NE; Albany, OR 97322 2) Juan and Fidelina Plascencia; 132 Clover Ridge Road NE; Albany, OR 97322
Map/Tax Lot:	1) Linn County Assessor's Map No. 11S-03W-04AC; Tax Lot 701 2) Linn County Assessor's Map No. 11S-03W 04AC; Tax Lot 2100
Zoning:	1) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20) 2) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	1) Medium Density Residential 2) Neighborhood Village
Acres:	1) 2.84 acres 2) 0.21 acres
Existing Land Use:	1) RV Park 2) Single dwelling residence

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV 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 April 5, 2024, 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).

Public notices were mailed to 28 property owners within 300 feet of each of the subject properties being annexed on May 13, 2024, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted on each of the subject properties on May 24, 2024, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on May 18, 2024, 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 May 24, 2024, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had received no 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 annexations consist of two properties, and a section of right-of-way along Clover Ridge Road.
- 1.2 The subject properties are each contiguous to the current city limits or are contiguous when the adjoining right-of-way is also annexed.
- 1.3 The subject properties are located within the Albany Urban Growth Boundary (Attachment A).

Conclusions

- 1.1 The subject properties are contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject properties are 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 for fire protection is currently available for these areas. The Albany Fire Department currently provides fire protection to both properties and right-of-way. With the annexation, the subject properties will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 Police: Police service to these properties would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show that both properties have eight-inch sewer mains adjacent to the properties. The sewer mains are deep enough to serve the properties in the future.
- 2.4 Water: City utility maps show that water is adjacent to both properties. The property at 132 Clover Ridge Road NE can be served by the 12-inch water main, and the property at 215 Expo Parkway NE can be served from an 8-inch main from Expo Parkway.
- 2.5 Storm Drainage: Storm drainage facilities are available to serve both properties.
- 2.6 Transportation Infrastructure: Both properties are developed and connected to the public street system.
- 2.7 Clover Ridge Road is classified as a minor collector street in Albany’s Transportation System Plan and is constructed to city standards. Improvements include curb and gutter; sidewalk along the frontage of the development; a vehicle travel lane in each direction; and bike lanes.
- 2.8 Expo Parkway is classified as a major collector street in Albany’s TSP and is partially improved to City standards with curb and gutter and sidewalks on the east side of the street, a travel lane in each direction, and storm drainage improvements.
- 2.9 The TSP shows Expo Parkway, a major collector street, being extended across the western portion of this annexation area. The extension is listed as project L17 in the TSP.
- 2.10 The majority of the required Expo Parkway right-of-way dedication will come from the western parcel (Tax Lot 702) which contains an existing residence. The applicant is prepared to dedicate 30 feet of right-of-way for the future extension of Expo Parkway to the north (see Attachment E). If the annexation is successful, the dedication will be recorded.

Conclusions

- 2.1 Police and Fire services are currently available to serve the properties proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.

- 2.3 The areas proposed for annexation adjoin improved streets.
- 2.4 The transportation system already supports the existing development in each area.
- 2.5 A 30-foot right-of-way dedication will be required to the west of the parcel at 215 Expo Parkway NE in order to provide sufficient right-of-way for the future extension of Expo Parkway.
- 2.6 This criterion is satisfied with the following condition.

Condition

- Condition 1 The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

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 Public infrastructure facility plans in this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.2 The proposed annexations consist of two properties. The right-of-way adjacent to the property at 132 Clover Ridge Road will also be annexed.
- 3.3 The Comprehensive Plan map designations of the subject properties are Medium Density Residential for the property at 215 Expo Parkway NE, and Neighborhood Village for the property at 132 Clover Ridge Road NE. The request includes the application of the City's zoning designation of Residential Medium Density (RM), and Mixed-Use Residential (MUR) which is consistent with the respective plan map designations.
- 3.4 Public facilities required to serve future development on the subject properties are available at or near each site.
- 3.5 As discussed under Criterion 2 (above), an adequate level of urban services and infrastructure are available to serve the subject properties; those findings are included here by reference.

Conclusions

- 3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject properties.
- 3.2 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering these areas.

Criteria 4

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

Findings of Fact

- 4.1 The subject properties abut the existing city limits, and the properties proposed for annexation lie 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 properties proposed for annexation.

- 4.3 The owners of both properties submitted Consent for Annexation Forms whereby they acknowledge that the annexation may have property tax implications, that it's a voluntary act on behalf of the owners, and that city zoning designations will be applied to the properties.
- 4.4 The proposed annexations and zoning designations are consistent with 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 annexations consist of two properties. The parcels are identified on Linn County Assessor's Map No. 11S03W04AC Tax Lots 701 and 2100 (Attachment C).
- 1.2 The subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management UGA-UGM-20.
- 1.3 The proposal is for a zoning map amendment from Linn County's zoning to the Albany's Residential Medium Density (RM) district for the property at 215 Expo Parkway NE and the Mixed-Use Residential (MUR) zone for 132 Clover Ridge Road NE zone upon 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 properties is Medium Density Residential and Neighborhood Village respectively.
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC Table 2.760-1, the RM zoning district is consistent with the Medium Density Residential Comprehensive Plan Map designation. Likewise, the MUR zone is consistent with the Neighborhood Village Comprehensive Plan Map designation.

Conclusion

- 1.1 The proposed RM and MUR zones are consistent with the Comprehensive Plan Map Designations 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 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support further development of the properties under the proposed RM and MUR zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RM and MUR 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 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 development of the sites, as permitted under the proposed RM and MUR 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 property to RM zoning would allow for multiple dwellings at a density of up to 25 units per acre among a range of other permitted uses. The proposed MUR zoning of the property at 132 Clover Ridge Road would permit residential dwelling units at a range of densities. 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 sites 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 and MUR 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 properties is Linn County's UGA-UGM-20, and the proposed zoning for the properties is Albany's RM and MUR zoning districts.
- 4.2 According to ADC 3.020(5), the RM zoning district is "*primarily intended for medium-density residential urban development. Multi-family and townhouse development may not exceed 25 units per gross acre.*" The intent and purpose of the RM zone is consistent with Medium Density Residential (MDR) Comprehensive Plan Map Designation.
- 4.4 According to ADC 5.030(4), the MUR zoning district is "*intended primarily to create a residential district that allows a mixture of neighborhood commercial uses that meet the daily needs of area residents.*" The intent and purpose of the MUR zone is consistent with Neighborhood Village (NV) Comprehensive Plan Map Designation.
- 4.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RM and MUR 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.

- 4.6 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 properties and affected government agencies. Notice of the public hearings was also posted on the subject properties and published in the *Albany Democrat Herald*. People who were notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.

At the public hearings, the application is reviewed based on all criteria relevant to the proposal. Public hearings provide 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.

- 4.7 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 MDR Comprehensive Plan Map Designation includes the RM zoning district, and the NV Designation includes the MUR zoning district.

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 2, the subject properties are located in an area accessible to employment and public services. All City services are available to serve residential development on the subject properties; those findings and conclusions are included here by reference.

- 4.9 The proposed zone amendments from UGA-UGM-20 to RM and MUR are the type of zoning anticipated by the Comprehensive Plan. ADC Table 2.760-1 states that RM is compatible with the MDR designation, and MUR is the compatible zoning district for the NV Comprehensive Plan Map designation. Therefore, the zoning map amendment from UGA-UGM-20 to RM and MUR is 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 proposed, the zone designation of RM and MUR would increase the amount of buildable land supply for development of residential housing at different densities.

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.

- 4.11 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 properties are located within the Urban Growth Boundary.
- 4.12 Public facilities that would be required to serve future development on the subject properties are available at or near the site.
- 4.13 The proposed RM and MUR zones will ensure that development potential is known, and the properties are 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.
- 4.14 The proposed annexation consists of two properties. The property at 215 Expo Parkway lies to the north of an existing RV park, and the property at 132 Clover Ridge Road is occupied by a single dwelling unit. All City services are available to serve further development on the subject properties.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendments adhere to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendments to RM and MUR are compatible with the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations respectively.
- 4.3 Goal 10, Housing. The proposed zoning map amendments will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.
- 4.4 Goal 14, Urbanization. The proposed 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.

- 4.5 The intent and purpose of the proposed RM and MUR zoning districts best satisfy the goals and policies of the Comprehensive Plan.
- 4.6 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. The 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 zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - The City has an acknowledged Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
 - 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 properties comply with these criteria as follows:

- Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject properties as Residential Medium Density and Neighborhood Village. The proposed zoning amendments would not change the comprehensive plan map designations and the RM and MUR zoning districts are implementing zones for the Medium Density Residential and Neighborhood Village Comprehensive Plan Map designations.
 - The Albany TSP assumed these sites would be annexed into the city and developed. The proposed RM and MUR zones are compatible with the long-range plans.
 - The subject properties have been in the City's UGB since the time of adoption of the Comprehensive Plan and were not exempted from the Transportation Planning Rule. The City can find that all three of these requirements are met.
- 5.3 The subject properties have access to improved streets.

Conclusions

- 5.1 The proposed zone amendments to RM and MUR will not modify the transportation pattern envisioned by the TSP.
- 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-20 to Albany Residential Medium Density (RM) and Mixed-Use Residential (MUR) zones satisfy all applicable review criteria outlined in this report.

Conditions

- Condition 1: The applicant for the annexation at 215 Expo Parkway NE shall dedicate right-of-way in

the amount of 30 feet along the west side of the lot for future expansion of Expo Parkway upon approval of the annexation.

Condition 2: At the time of annexation, the subject properties shall be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD) into the Albany Fire District.

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.

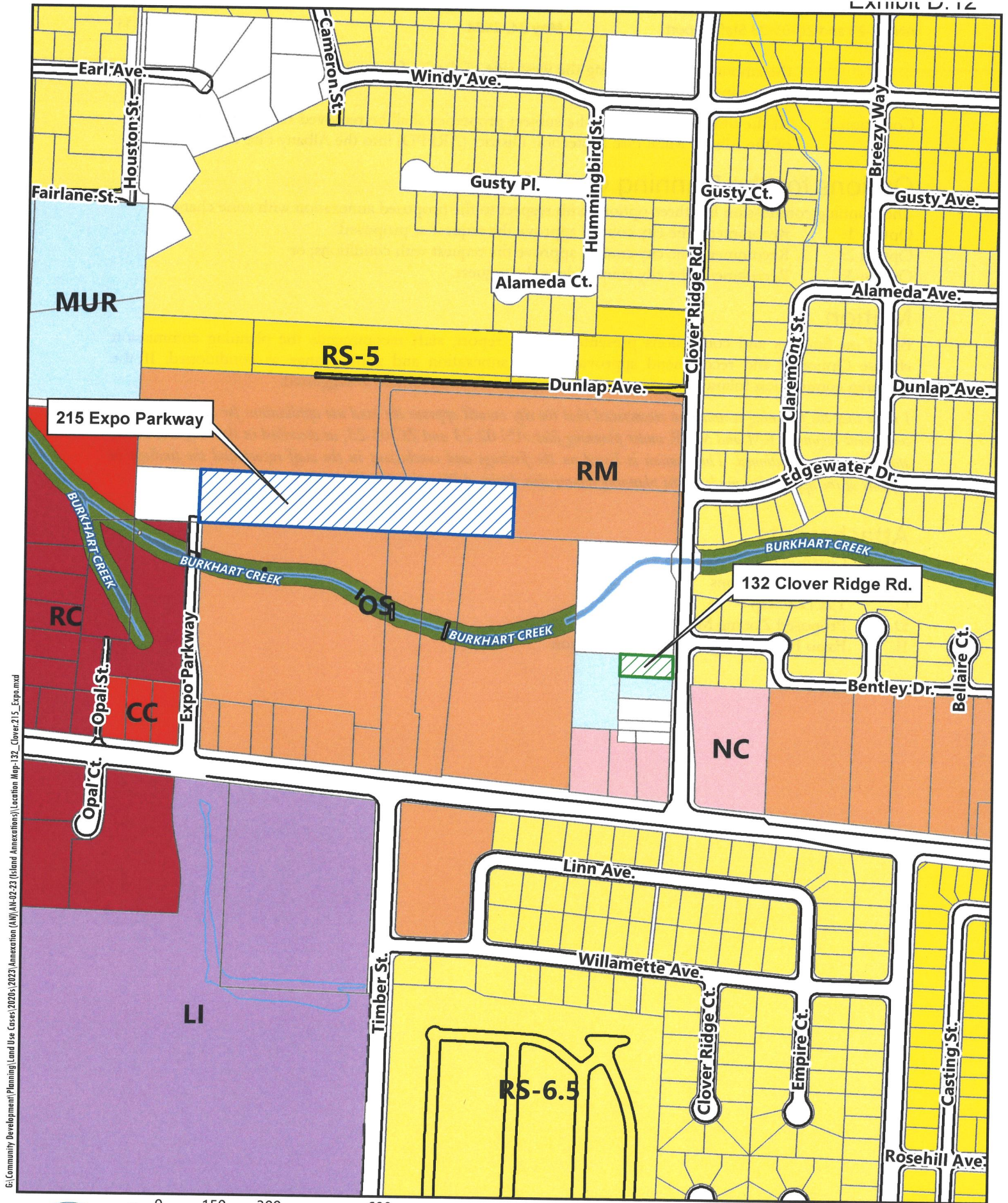
Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 2 and recommend approval of the annexation and zone change as conditioned. 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 applications for annexation with concurrent rezoning to RM and MUR under planning files AN-02-23 and ZC-05-23, as described in the May 24, 2024, staff report as conditioned. 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. Legal Descriptions
- C. Tax Lot Map
- D. Proposed Zoning Map
- E. Expo Parkway Right-of-Way Dedication



G:\Community Development\Planning\Land Use Cases\2023\Annexation (AW)\AW0223 (Island Annexations)\Location Map-132_Clover215_Expo.mxd



215 Expo Parkway & 132 Clover Ridge Rd.

Date: 4/4/2024 Map Source: City of Albany

Location Map

Exhibit A – Legal Description for 132 Clover Ridge Road Island Annexation

Annexing a portion of Clover Ridge Road NE and 132 Clover Ridge Road NE, more particularly described below.

All of Lot 1 of Harvey's Subdivision, recorded in Volume 9, Page 44, Book of Plats in Linn County, Oregon.

ALSO, commencing at the northeast corner of said Lot 1, thence easterly on the extension of the north property line of Lot 1 to the Albany City Limit line, lying within the Right of Way of Clover Ridge Road NE; thence southerly on said Albany City Limit line and parallel to the east line of Lot 1 to its intersection with the extension of the south property line of Lot 1; thence westerly on said extension to the southeast corner of said Lot 1.

As shown on attached map labeled Exhibit B, attached hereto and made a part hereof this legal description.

Exhibit A – Legal Description for 215 Expo Parkway NE Island Annexation

Annexing an island area surrounded by City limits at 215 Expo Parkway NE, more particularly described below.

Beginning at the northeast corner of that tract of land conveyed to Burkhart Creek, LLC, by a deed recorded in Linn County Deed Records 2019-05884, said point lying on the Albany City limits line; thence easterly 855 feet more or less, on the existing Albany City limits line, to the west property line of the property conveyed to Grace Point Church of the Nazarene by a deed recorded in Linn County Deed Records 2009-09358, said west property line also being the Albany City limit line; thence southerly 144 feet more or less, on the west property line of said Grace Point Church of the Nazarene property, said line also being the Albany City limit line, to the southwest corner of said Grace Point Church of the Nazarene property, said southwest corner also being coincident to the north line of the property conveyed to Knox Butte Apartments LLC by a deed recorded in Linn County Deed Records MF1146-0639, said property line also being the Albany City limits line; thence westerly 855 feet more or less, on the Albany City limit line, to the east property line of the property conveyed to Burkhart Creek, LLC, by deed recorded in Linn County Deed Records 2019-05884; thence northerly 145 feet more or less, on the east line of said Burkhart Creek, LLC property, to the point of beginning.

As shown on attached Exhibit B, attached hereto and made a part hereof this legal description.

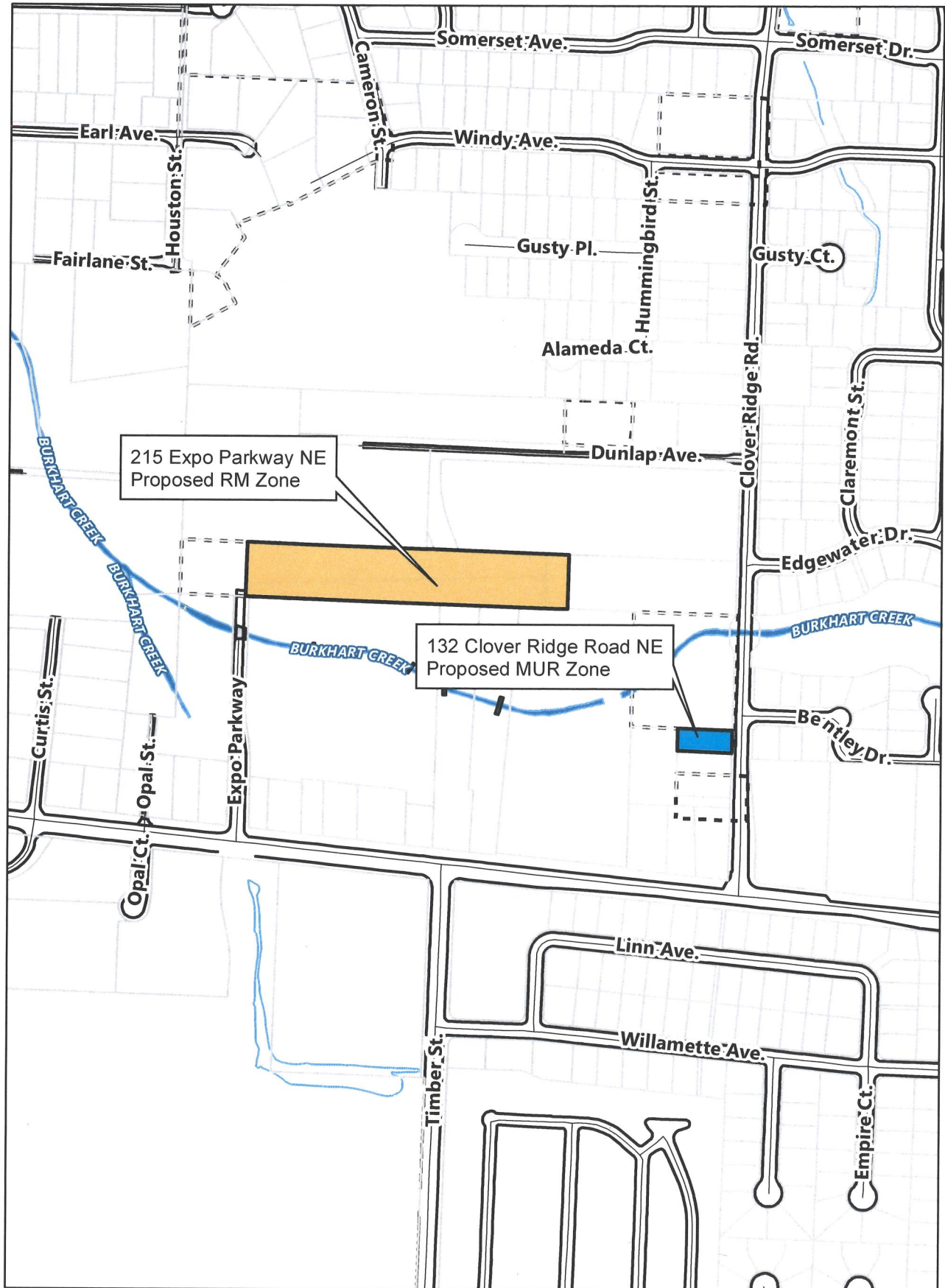


EXHIBIT 'A'

AN EVEN WIDTH THIRTY FOOT WIDE STRIP LOCATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, IN LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE LAND DESCRIBED IN DEED DOCUMENT NO. 2019-05884; THENCE NORTH 00°05'00" EAST 145.00 FEET TO THE NORTHEAST CORNER OF SAID LAND; THENCE NORTH 89°39'00" WEST 30.00 FEET; THENCE SOUTH 0°05'00" WEST 145.00 FEET TO THE SOUTH LINE OF SAID LAND; THENCE SOUTH 89°39'00" EAST 30.00 FEET TO THE POINT OF BEGINNING.

DESCRIBED AREA IS 4,323 SQUARE FEET, MORE OR LESS.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kyle W Latimer

Digitally signed by
Kyle W Latimer
Date: 2024.01.26
09:43:43-08'00'

OREGON
JUNE 12, 2013
KYLE W. LATIMER
80442

RENEWS: 12/31/24

Udell Engineering & Land Surveying, LLC
63 East Ash Street, Lebanon, OR 97355
Ph: 541-451-5125 • Fax: 541-451-1366

212 EXPO PARKWAY NE
ALBANY, OREGON
LINN COUNTY TAX LOT 702
MAP 115.03W/04AC

DN2019-05884

S00°05'00"W 145.00'

N00°05'00"E 145.00'

N89°39'00"W 30.00'

30' EASEMENT

S89°39'00"E 30.00'

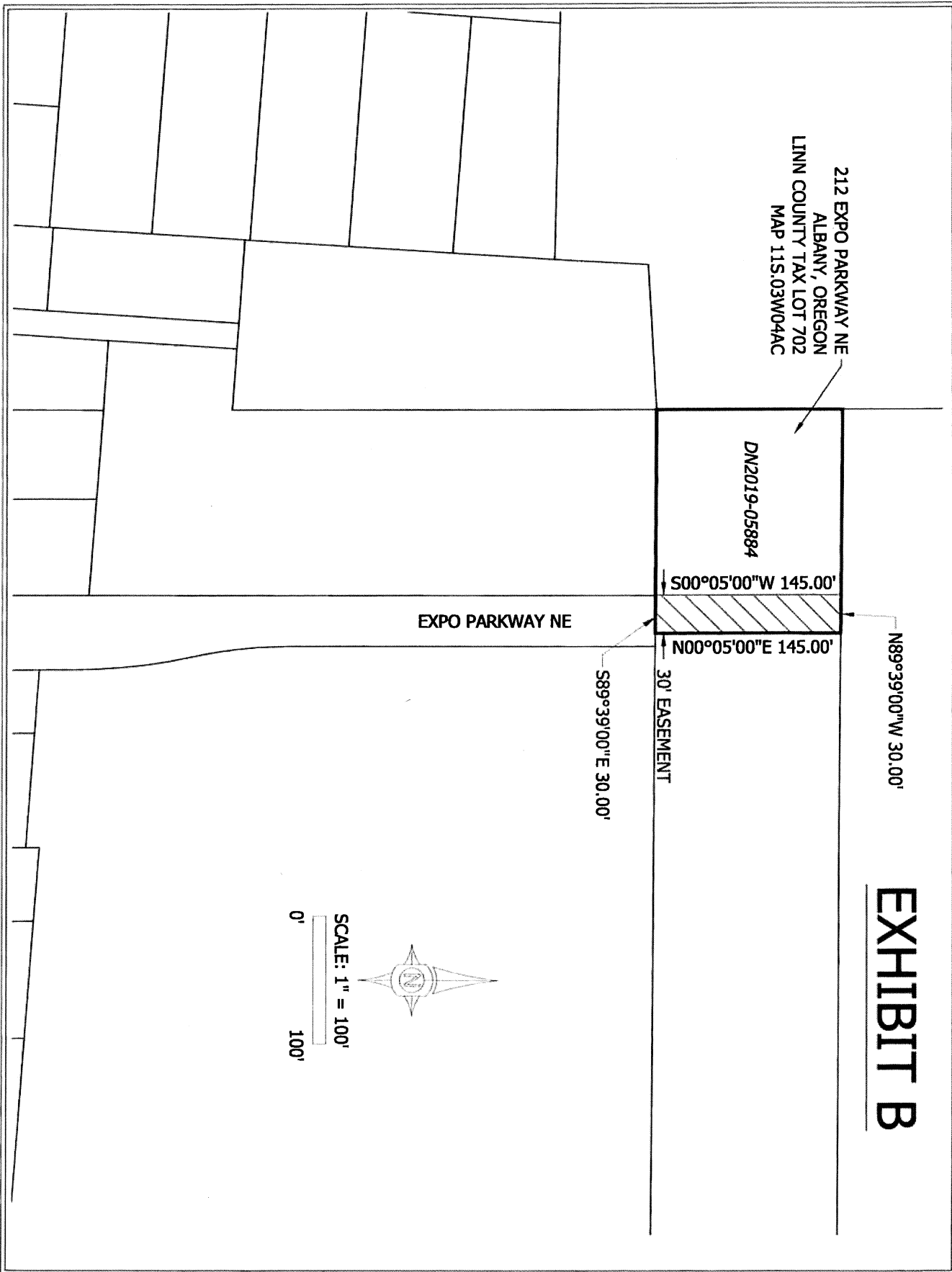
EXPO PARKWAY NE

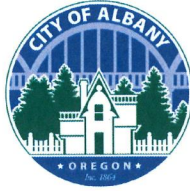
EXHIBIT B



SCALE: 1" = 100'

0' 100'





COMMUNITY DEVELOPMENT

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

Notice of Decision

Annexation with Concurrent Zoning Map Amendment

AN-02-23 and ZC-05-23

June 26, 2024

MAIL DATE:	June 28, 2024
DECISION DATE:	June 26, 2024
TYPE OF APPLICATION:	1) Annexation of 2.84-acre tract of land, together with a concurrent Zone Map Amendment from UGA/UGM-20 to RM for future development. 2) Annexation of a 0.21-acre parcel together with a concurrent Zone Map Amendment from UGA/UGM-20 to MUR.
REVIEW BODY:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
APPLICANT:	City of Albany, Community Development Department, 333 Broadalbin Street SW, Albany, OR 97321
PROPERTY OWNERS:	1) Knox Butte RV Park LLC; 215 Expo Parkway NE; Albany, OR 97322 2) Juan and Fidelina Plascencia; 132 Clover Ridge Road NE; Albany, OR 97322
ADDRESSES:	Same as above.
MAP/TAX LOT:	1) Linn County Assessor's Map No. 11S-03W-04AC; Tax Lot 701 2) Linn County Assessor's Map No. 11S-03W 04AC; Tax Lot 2100
ZONING:	1) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20) 2) Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
COMPREHENSIVE PLAN:	1) Medium Density Residential 2) Neighborhood Village

On June 26, 2024, the Albany City Council adopted Ordinance No. 6043 to annex the subject properties and amend the zoning map as described above.

On June 26, 2024, the Albany City Council adopted Ordinance No. 6044 to withdraw the subject properties from the Albany Rural Fire Protection District.

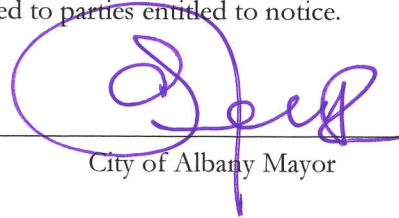
A copy of Ordinance No. 6043 and Ordinance No. 6044 are available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community

albanyoregon.gov/cd



Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact David Martineau, project planner, at 541-917-7555 or david.martineau@albanyoregon.gov.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830, a Notice of Intent to Appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of decision is mailed or otherwise submitted to parties entitled to notice.



City of Albany Mayor

Appeal to LUBA Expiration Date: July 19, 2024

Information for the Applicant

Please read the following requirements. This list is not meant to be all-inclusive; we have tried to compile requirements that relate to your specific type of development. These requirements are not conditions of the land use decision. They are Albany Municipal Code (AMC) or Albany Development Code (ADC) regulations or administrative policies of the Planning, Engineering, Fire, or Building Departments that you must meet as part of the development process. You must comply with state, federal, and local law. The issuance of this permit by the City of Albany does not eliminate the need for compliance with other federal, state, or local regulations. It is the applicant's responsibility to contact other federal, state, or local agencies or departments to ensure compliance with all applicable regulations.

ENGINEERING

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.