

ORDINANCE NO. 5675

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ZONING MAP ON 6th AVENUE SW RELATING TO GOAL 10 HOUSING, ADOPTING FINDINGS, AND DECLARING AN EMERGENCY (FILE ZC-04B-07).

WHEREAS, from time to time it is appropriate to amend the Zoning Map based on changing conditions; and

WHEREAS, the City is in Periodic Review, a process through which the City is updating its Comprehensive Plan and Map, Development Code, and Zoning Map in accordance with a work program approved by the State Department of Land Conservation and Development in 1997; and

WHEREAS, the City made amendments to the Zoning Map in 1996 as part of the Central Albany Transportation and Land Use study including the rezoning of two properties on 6th Avenue SW (Map Number 11S03W07BB; Tax Lots 6900 and 7000) from Office Professional (OP) to Hackleman Monteith (HM); and

WHEREAS, the properties to the north, east and west of the subject properties are zoned Historic Downtown (HD) and Elm Street (ES), and Planning staff thought the subject properties may have been rezoned in error; and

WHEREAS, one of these properties is a professional office and another has been used as a professional office in the past; and

WHEREAS, staff initially recommended the subject properties be zoned HD to be consistent with the adjacent zoning on the these blocks; and

WHEREAS, the proposed Zoning Map amendment to change these properties back to OP from HM would allow office and professional uses and new construction up to 30 feet high; and

WHEREAS, on April 19, 2007, the City mailed a "Measure 56" notice of the Planning Commission and City Council public hearings on the Zoning Map amendments to the affected property owners; and

WHEREAS, the Albany Planning Commission heard testimony at their public hearing April 30, 2007, and decided not to recommend the HD zoning to the City Council; and

WHEREAS, the Albany City Council held a public hearing on May 23, 2007, concerning proposed Zoning Map amendments and one of the property owners in the subject area said he was unaware that the property had been zoned to HM in 1996 and asked the Council to consider rezoning these properties back to OP; and

WHEREAS, the Albany City Council reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

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

Section 1: The Albany Zoning Map is hereby amended from HM to OP as shown on Exhibit A.

Section 2: The Findings and Conclusions attached as Exhibit B are hereby adopted in support of this decision.

Section 3: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Council President.

Passed by the Council: June 27, 2007

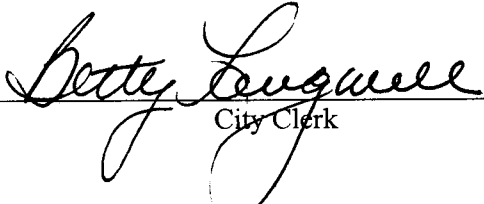
Approved by the Council President June 27, 2007

Effective Date: June 27, 2007



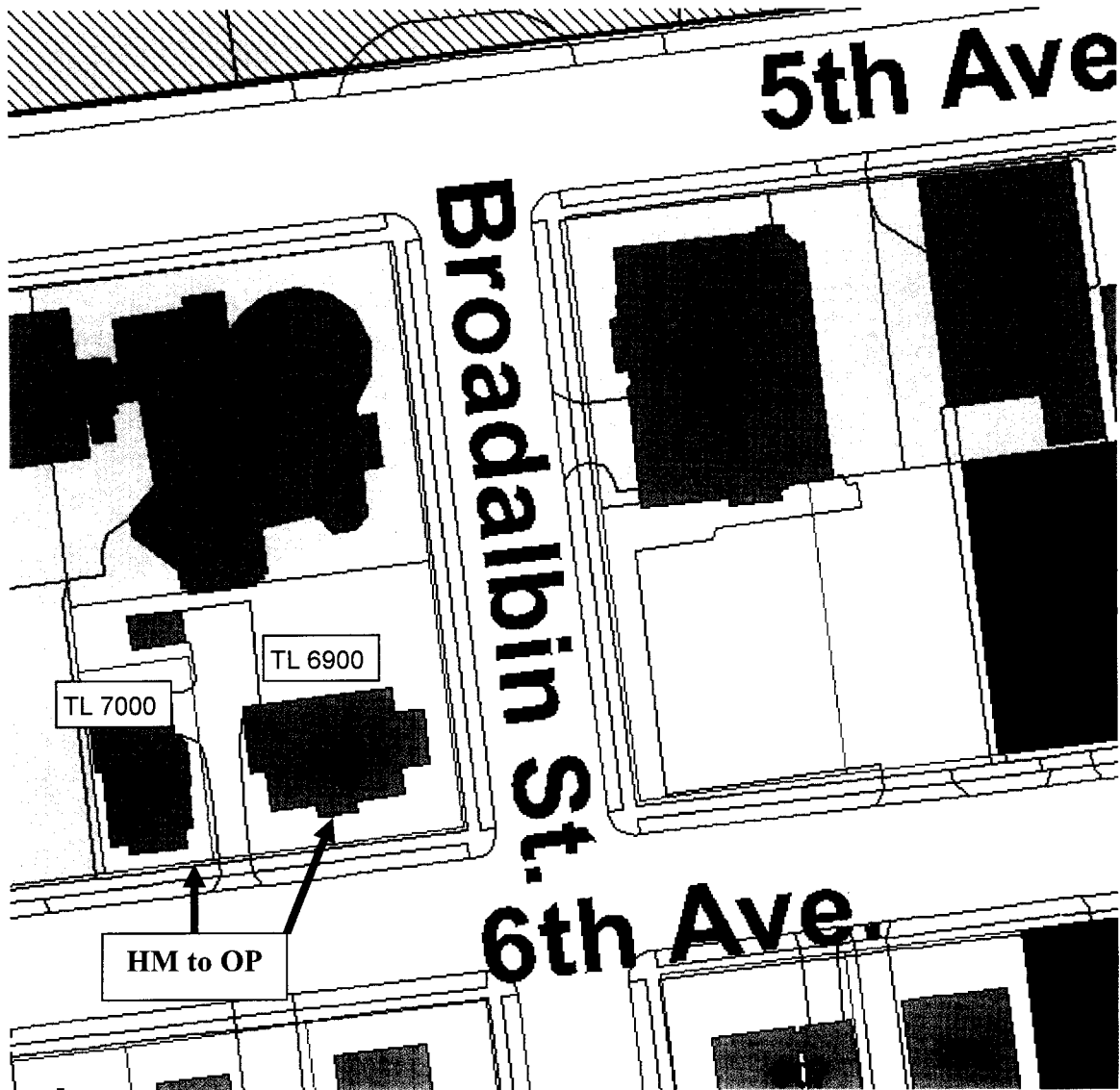
Council President

ATTEST:



City Clerk

PROPERTIES PROPOSED TO BE REZONED TO OP, OFFICE PROFESSIONAL
From HM, HACKLEMAN MONTEITH
Map Number 11S03W07BB, Tax Lots 6900 and 7000
(Properties are indicated by the arrows.)



FINDINGS AND CONCLUSIONS

File ZC-04b-07

Adopted by the Albany City Council on June 27, 2007

ZONING MAP AMENDMENTS

The Albany Development Code contains the following review criteria that must be met for these legislative Zoning Map amendments to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

- (1) ***The proposed base zone is consistent with the Comprehensive Plan Map designation for the entire subject area unless a Plan Map amendment has also been applied for in accordance with Section 2.080.***

FINDINGS OF FACT

- 1.1 The proposed Zoning Map amendment is being coordinated with proposed Development Code and Comprehensive Plan text and Map amendments related to State Planning Goal 10, Housing.
- 1.2 The Zoning Map amendment would change the zoning from Hackleman Monteith (HM) to Office Professional (OP) to better reflect how these properties have developed and how they were zoned prior to 1996.
- 1.3 The Comprehensive Plan designation for these properties is currently Low Density Residential (LDR). The OP zone is compatible with the LDR designation. No Comprehensive Plan Map amendment is necessary.
- 1.4 The Zoning Map amendment is consistent with the zoning district and Plan designation purpose statements.

CONCLUSION

- 1.1 The proposed zone change is consistent with the existing Comprehensive Plan Map designation.
- (2) ***Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.***

FINDINGS OF FACT

- 2.1 The proposed Zoning Map amendment is to an area that has already developed, to better reflect the uses on these properties.
- 2.2 The two properties are located within one block of Ellsworth Street, a major arterial street (U.S. 20);
- 2.3 The proposed zoning amendments were reviewed against the Institute of Transportation Engineers (ITE) Trip Generation manual. The proposed Map amendment will have no net impact or increase in the number of PM peak trips, or were found to generate very few additional trips.

CONCLUSION

- 2.1 The proposed Zoning Map amendment should have little or no impact on current or anticipated transportation facilities outlined in the Albany *Transportation System Plan*. Transportation facilities are adequate to meet future development resulting from the proposed Zoning Map amendments.

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

FINDING OF FACT

- 3.1 The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review. In general, the proposed zone change should not impact the major facility plans.

CONCLUSION

- 3.1 The existing or proposed public utilities can accommodate the proposed zoning change.
- (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic district will not be jeopardized as a result of the proposed rezoning.*

FINDINGS OF FACT

- 4.1 In general, there is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- 4.2 Floodplains. These properties are not in the floodplain.
- 4.3 Wetlands. The local wetland inventories do not identify wetlands on these properties.
- 4.4 Slopes. The properties are flat.
- 4.5 Significant Natural Vegetation. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. The two properties are in the Monteith National Register Historic District. The proposed zone change will not affect the historic status of the two historic buildings. It is highly unlikely that there would be a request to demolish or move these houses due to the desirable National Register status and their location, which would likely eliminate infill on these two properties.

CONCLUSION

- 4.1 There is no development proposal associated with the proposed zone changes. Any unique natural features will be addressed through the development review process.
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

FINDINGS

- 5.1 In general, the proposed Map amendment is consistent with the Comprehensive Plan and Plan Map. The OP zone is compatible with the current LDR Comprehensive Plan designation.
- 5.2 The purpose statement for the OP zone in the Development Code states that it “is intended to provide... a mix of professional offices, personal services, live-work, residential and limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential districts and the desired character of the neighborhood. OP is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.”

Ordinance-Beckham Exhibit B

- 5.3 The two properties are located within one block of the Linn County Courthouse and Ellsworth Street, a major arterial street (U.S. 20); The rest of this block is zoned Historic Downtown (HD) and contains a church parking lot.
- 5.4 The two properties currently contain a law office and a single-family residence which has been used as a professional office in the past. These uses are allowed in the OP zone. The 1996 zone change to HM made these properties non-conforming uses.
- 5.5 It is not uncommon to have office uses in close proximity to houses in desirable, established neighborhoods.
- 5.6 The proposed zoning to OP achieves the Plan and zone purpose statements and the goals and policies of the Plan of providing jobs and services close to where people live and providing a variety of commercial services of different scales and types to meet the needs of Albany's residents.

CONCLUSION

- 5.1 The proposed Zoning Map amendments are consistent with the Comprehensive Plan and the Comprehensive Plan Map. This criterion is satisfied.

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COMMUNITY DEVELOPMENT DEPARTMENT

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NOTICE OF DECISION

DATE OF NOTICE: June 29, 2007
DATE OF DECISION: June 27, 2007
FILES: ZC-04b-07
TYPE OF APPLICATION: Amendments to the Albany Zoning Map relating to Periodic Review that relates to Goal 10 Housing.
REVIEW BODY: City Council
APPLICANT: City of Albany Community Development Department – Planning Division
APPLICANT'S REP: Anne Catlin, Community Development Planner

On June 27, 2007, the Albany City Council adopted Ordinance No. 5675 to make amendments to the Albany Zoning Map. The amendments address a change in residential zoning for two properties on 6th Avenue SW. The City based its decision on the project's conformance with the review criteria listed in the Albany Development Code. Adoption of these amendments to the Comprehensive Plan relate to partial completion of Periodic Review work tasks #1 and #3 (Buildable Lands and Growth Management Implementation).


A copy of Ordinance No. 5675 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community 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 Community Development Director Helen Burns Sharp at (541) 917-7550.

If you believe the City did not satisfactorily complete the partial work tasks or the work tasks did not comply with the statewide planning goals, you may object to the State Department of Land Conservation and Development (DLCD). To file an objection, you must do three things. First, address these requirements in your objection:

1. Show how you participated in the City's periodic review either by speaking at a public hearing or by sending written comments about the work task, and
2. Explain your objection to the action taken by the city. Be specific and try to relate the objection to a specific law or rule that has been violated, and
3. Recommend a specific change to the work task that would resolve your objection.

Second, submit a written objection to DLCD; Attention – Periodic Review Specialist (635 Capitol Street NE, Suite 150; Salem, OR 97301). DLCD must receive the objection no later than **JULY 20, 2007**. Third, send a copy of the letter to the Albany Community Development Department; PO Box 490; Albany, OR 97321. (See Oregon Administrative Rule Chapter 660, Division 25 for specific requirements for participating in periodic review. Note especially OAR 660-025-0149 regarding objections to a work task submittal. http://arcweb.sos.state.or.us/rules/OARS_600/OAR_660/660_025.html) If you have questions about DLCD's review of this work task, call Albany's regional representative, Marguerite Nabeta at (541) 682-3132.

Only those people who participated at the City Council Public Hearing on May 23 are lawfully entitled to this notice. As a courtesy, this notice is also being sent to those who testified at the City Council meetings on June 13, 25 and 27 under Business from the Public. This notice does not confer standing on those who did not participate in the City Council Public Hearing.


Council President