



## 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-01-21 and ZC-03-21

March 7, 2022

HEARING BODIES: Planning Commission City Council  
HEARING DATES: Monday, March 14, 2022 Wednesday, April 13, 2022  
HEARING TIMES: 5:15 P.M. 6:00 P.M.

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, March 14, 2022, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted virtually:

Virtual: 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, April 13, 2022, at 6:00 p.m.**

Hearing Location: This hearing will be conducted virtually:

Virtual:

To comment, please email [david.martineau@cityofalbany.net](mailto: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](mailto: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.

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

## Summary

This application is a request to annex a 0.90-acre parcel, located at 420 Clover Ridge Road NE, concurrently with a Zone Map Amendment from Linn County's Urban Growth Management/Urban Growth Area – 20-acre (UGA/UGM-20) zoning designation to Albany's Residential Single Family (RS-5) zoning designation upon annexation (Attachment A). The Comprehensive Plan map designation of the subject site is Low Density Residential (LDR). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed RS-5 zoning designation is consistent with the Comprehensive Plan designation of the site (Attachment B).

The subject property is eligible for annexation as it is contiguous to the city limits, located within the Albany Urban Growth Boundary (UGB), and can be served by public services.

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-20 to RS-5 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:	Seth Taylor; 1712 Bryans Place NW; Albany, OR 97321
Applicant's Representative:	Laura LaRoque, Udell Engineering and Land Surveying 63 E. Ash Street; Lebanon, OR 97355
Address/Location:	420 Clover Ridge Road NE, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-04AB; Tax Lot 300
Zoning:	Linn County Zone: Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	Residential Low Density
Acres:	0.94 acres
Existing Land Use:	Single dwelling unit
Neighborhood:	East Albany
Surrounding Zoning:	North: UGA-UGM-20 South: Residential Single Family (RS-6.5) East: RS-6.5 West: RS-6.5
Surrounding Uses:	North: Single dwelling unit South: Single dwelling unit East: Single dwelling unit West: Single dwelling unit
Prior History:	The existing residence was built in 1941.

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## 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 February 3, 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 February 18, 2022, in accordance with ADC 1.250(3) and ADC 1.260(2). A public notice was posted on the property by March 7, 2022, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on March 4, 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 March 7, 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 0.90-acre parcel located approximately 77 feet south of Windy Avenue NE on the west side of Clover Ridge Road NE and east side of Hummingbird Street NE. The subject property is identified on Linn County Assessor's Map No. 11S-03W-04AB as Tax Lot 300 with an assigned address of 420 Clover Ridge Road NE (Attachment A).
- 1.2 The subject property is contiguous to the current city limits on three sides: to the east, south, and west. The property is currently designated as Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).
- 1.3 The subject property is located within the Albany Urban Growth Boundary (UGB) and designated on the Comprehensive Plan Map designation as Low Density Residential (LDR) (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 for fire protection is currently available for this area. There are properties on three sides currently being served by the City’s Fire Services. 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 on three sides currently being served by the City’s Police Services. Police service to this property would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show an 8-inch public sanitary sewer main in Clover Ridge Road NE and an 8-inch main in Hummingbird Street NE. The property has never been assessed for, nor contributed to the cost of these existing public sewer facilities. The existing house on the subject property is not connected to the public sanitary sewer system but is served by a private septic system. Existing public sanitary sewer facilities are adequate to accommodate future development on the subject property. Future development on the subject property will be required to connect to the public sewer system. Connection charges for the existing sanitary sewer improvements in Clover Ridge Road NE and Hummingbird Street NE will be due prior to any development of the site.
- 2.4 Water: City utility maps show a 12-inch public water main in Clover Ridge Road NE and an 8-inch main in Hummingbird Street NE. The property has never been assessed for, nor contributed to, the cost of these existing public water facilities. The existing house on the subject property is not connected to the public water system but is served by a private well. Existing public water facilities are adequate to accommodate future development on the subject property. Future development on the subject property will be required to connect to the public water system. Connection charges for the existing water improvements in Clover Ridge Road NE and Hummingbird Street NE will be due prior to any development of the site.
- 2.5 Storm Drainage: City utility maps show a 12-inch public storm drainage main in Hummingbird Street NE, but the east side of this street is not improved with curb and gutter. The public storm drainage main and other street improvements were made to the street as a result of a previous development in this area. Clover Ridge Road NE is improved to City standards with curb and gutter on both sides of the street. Public storm drainage facilities are adequate to accommodate future development on the subject property, except that curb and gutter improvements along the property’s Hummingbird Street NE frontage will be required as part of any development on the site. Connection charges for the existing street and storm drainage improvements in Clover Ridge Road NE will be due prior to any development of the site.
- 2.6 Transportation Infrastructure: The proposed annexation area is located 77 feet south of Windy Avenue NE and has frontage on both Clover Ridge Road NE and Hummingbird Street NE.
- 2.7 The site’s east boundary adjoins Clover Ridge Road NE. Clover Ridge Road NE is classified as a major collector street and is improved to City standards along the site’s frontage. Improvements include curb, gutter, and sidewalk; a vehicle travel lane in each direction; and on-street bike lanes.
- 2.8 The site’s west boundary adjoins Hummingbird Street NE. Hummingbird Street NE is classified as a local street and is improved to partial width standards across the frontage of the site. The road lacks

curb, gutter, and sidewalk along the east side of the road. Improvements include curb, gutter, and sidewalk along the west side of the road; and 24 feet of pavement providing for a vehicle travel lane in each direction.

- 2.9 Albany's Transportation System Plan (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.
- 2.10 Any development proposal after annexation that requires a land use action would need to comply with the development code. In those situations, compliance with the development code will require completion of street improvements along the site's frontage along Hummingbird Street NE.

## Conclusions

- 2.1 Police and Fire services are currently available to serve the property proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject property, except that curb and gutter improvements along the subject property's Hummingbird Street NE frontage will be a requirement for any future development on the site.
- 2.3 Connection charges will be due for all existing public infrastructure along the subject property's Clover Ridge Road NE and Hummingbird Street NE frontages.
- 2.4 The area proposed for annexation adjoins a major collector street improved to City standards, and a local street that lacks City standard improvements along its frontage. Any future development application on the site that requires a land use decision can be conditioned to install the street improvements.
- 2.5 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.
- 2.6 The transportation system can support development of the site.
- 2.7 This criterion is satisfied.

## 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 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.
- 3.2 The annexation request is for one 0.90-acre parcel located approximately 77 feet south of Windy Avenue NE on the west side of Clover Ridge Road NE and east side of Hummingbird Street NE.
- 3.3 The Comprehensive Plan Map designation for the subject property is Low Density Residential (LDR). The request includes the application of the City's zoning designation of RS-5, which is consistent with the LDR plan map designation.
- 3.4 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.
- 3.5 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 here by reference.

## Conclusions

- 3.1 As discussed under Criterion Two, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.2 Low-density residential development under the proposed RS-5 zoning is consistent with the Comprehensive Plan.
- 3.3 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering this area.

## 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 (Attachment E).
- 4.4 The proposed annexation is 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 subject property is a 0.90-acre parcel located approximately 77 feet south of Windy Avenue NE, on the west side of Clover Ridge Road NE. The parcel is identified on Linn County Assessor's Map No. 11S-03W-04AB as Tax Lot 300 with an assigned address of 420 Clover Ridge Road NE (Attachment A).
- 1.2 The subject property is zoned Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).
- 1.3 The proposal is for a zoning map amendment from Linn County's UGA-UGM-20 to the Albany's Single-Family Residential (RS-5) 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 property is Low Density Residential (LDR).
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-5 zoning district is consistent with the LDR Comprehensive Plan Map Designation.

### Conclusion

- 1.1 The proposed RS-5 zone is 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 zoning district.

### Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-5 zoning district.
- 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 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 would allow for single-family development up to eight 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 RS-5 zoning district.
- 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-20, and the proposed zone for the property is the Albany RS-5 zoning district.
- 4.2 According to ADC 3.020(4), the RS-5 zoning district is *“intended primarily for low- to moderate-density single family residential development. The average minimum single-family lot size is 5,000 square feet.”* The intent and purpose of the RS-5 zone is consistent with LDR Comprehensive Plan Map Designation.
- 4.3 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-5 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.

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.*

- 4.5 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 LDR Comprehensive Plan Map Designation includes the RS-5 zoning district.

**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.*

- 4.6 According to the City’s Local Wetland Inventory and National Wetland Inventory no significant or non-significant wetlands are located on the subject site.



- 4.7 According to FEMA FIRM Panel No. 41043C0218G, dated September 29, 2010, the subject property is entirely within Zone X, outside of the Special Flood Hazard Area.
- 4.8 Additionally, there are no riparian corridors traversing or in proximity of the subject property.

**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.*

- 4.9 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.
- 4.10 The proposed zone change to RS-5 is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-5 is a compatible zoning district for the LDR Comprehensive Plan Map land use designation. Therefore, the zoning map amendment from UGA-UGM-20 to RS-5 is consistent with applicable housing policies of the Comprehensive Plan.
- 4.11 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 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.**

- 4.12 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.

- 4.13 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.
- 4.14 The proposed RS-5 zone 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.
- 4.15 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 is compatible with the Low Density Residential Comprehensive Plan Map designation.
- 4.3 Goal 5, Open Spaces – Wetlands. Natural resource overlays are not located on the subject property.
- 4.4 Goal 10, Housing. The RS-5 zoning district is intended primarily for low density residential urban development. The proposed zoning map amendment to RS-5 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 zone is consistent with policies contained in the Comprehensive Plan and South Albany Area 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 zoning district 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. 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 acknowledged the 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 property complies with these criteria as follows:

- Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject property Low Density Residential. The proposed zoning amendment

would not change the comprehensive plan map designation and the RS-5 zoning designation is an implementing zone for the Low-Density Residential designation.

- b. The Albany TSP assumed this site would be annexed into the city and developed with low-density residential uses. The proposed RS-5 zone is compatible with the long plan for low-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.
- 5.3 The subject property adjoins Clover Ridge Road NE and Hummingbird Street NE. Clover Ridge Road NE is classified as a minor collector and improved to City standards. Hummingbird Street NE is classified as a local road and not improved to City standards along the frontage of this property.
- 5.4 Any future development application on the site can be conditioned to improve Hummingbird Street NE along the property frontage to City standard, consistent with the TSP.

## Conclusions

- 5.1 The proposed zone change to RS-5 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 Single Family Residential (RS-5) zone 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.

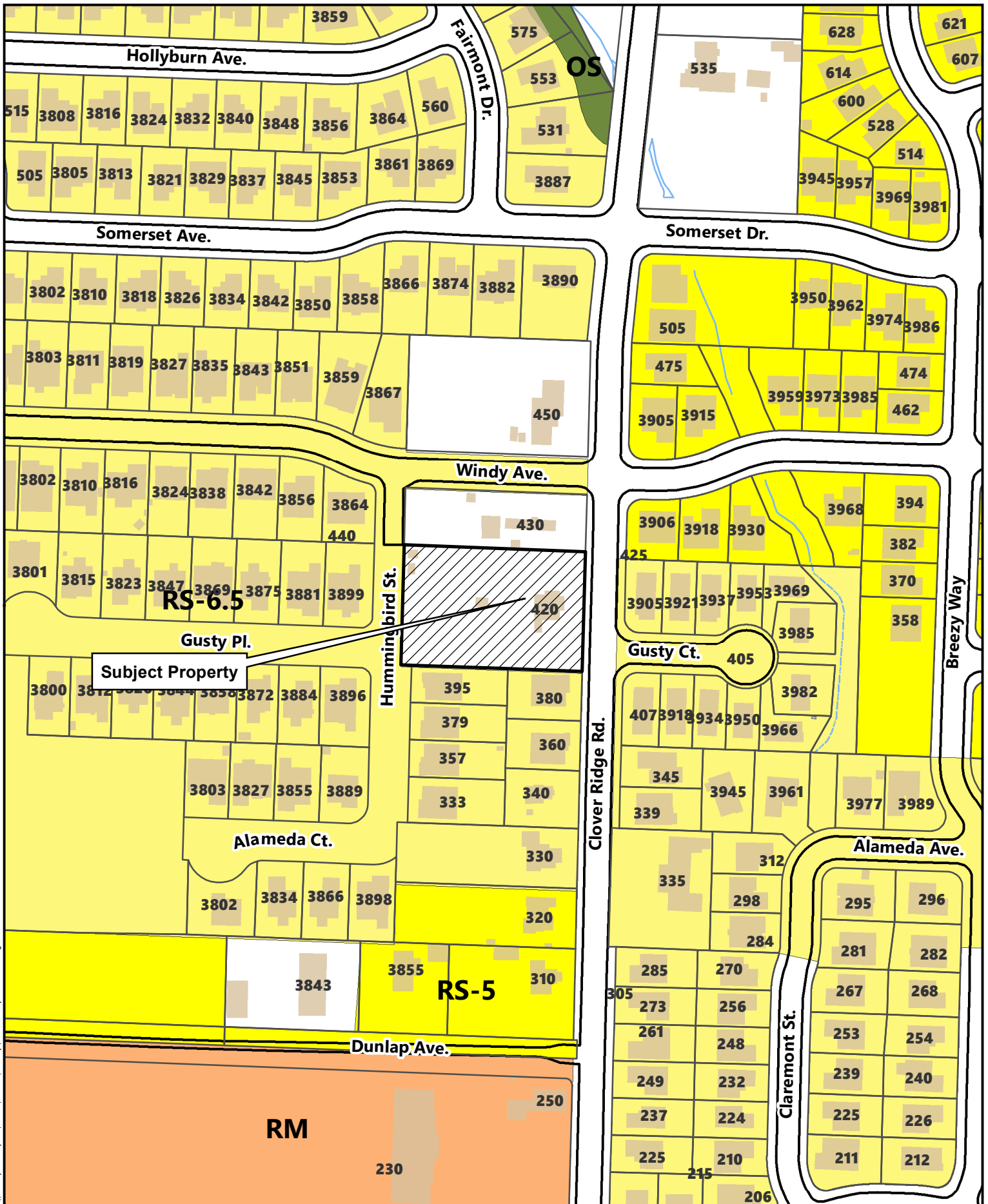
## Motion

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 rezoning to RS-5 under planning files AN-01-21 and ZC-03-21, as described in the March 7, 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



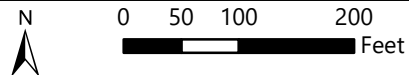
Subject Property

RS-6.5

RS-5

RM

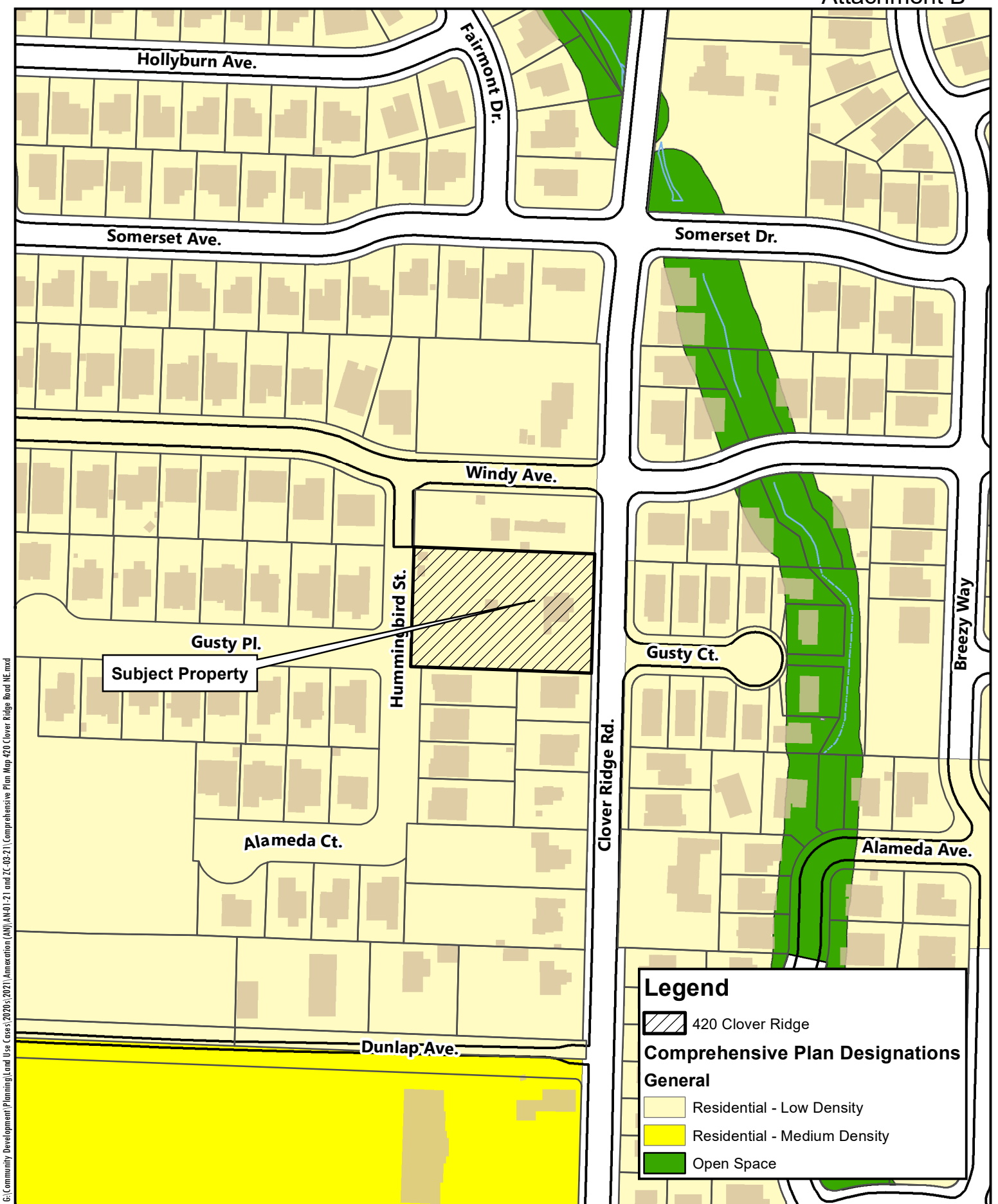
\\cnc.cityofalbany.net\homes\DAVIDM\Desktop\Location Map 420 Clover Ridge Road NE.mxd



Date: 1/11/2022 Map Source: City of Albany





420 Clover Ridge Road NE

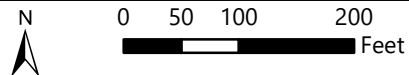
Zoning Map



G:\Community Development\Planning\Land Use Cases\2020\2021\Amendment (AN) AN-01-21 and ZC-03-21\Comprehensive Plan Map 420 Clover Ridge Road NE.mxd

**Legend**

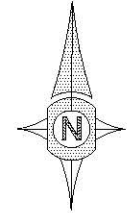
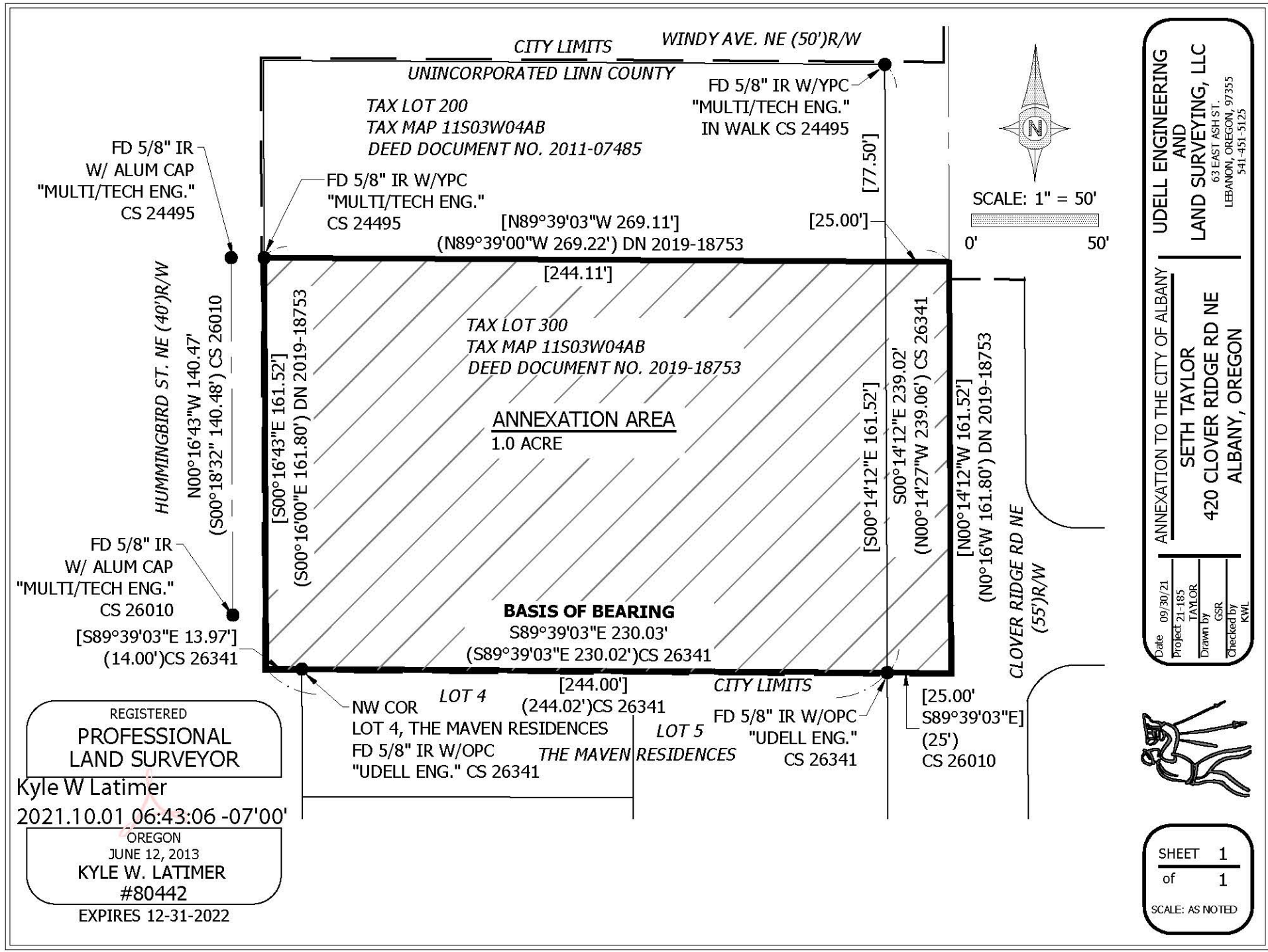
-  420 Clover Ridge
- Comprehensive Plan Designations**
- General**
-  Residential - Low Density
-  Residential - Medium Density
-  Open Space



Date: 3/2/2022 Map Source: City of Albany

# 420 Clover Ridge Road NE

## Comprehensive Plan Map



SCALE: 1" = 50'

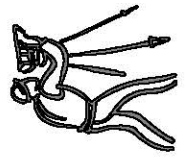
**UDELL ENGINEERING AND LAND SURVEYING, LLC**  
 63 EAST ASH ST.  
 LEBANON, OREGON, 97355  
 541-451-5125

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ANNEXATION TO THE CITY OF ALBANY  
**SETH TAYLOR**  
 420 CLOVER RIDGE RD NE  
 ALBANY, OREGON

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Date 09/30/21  
 Project 21-185  
 TAYLOR  
 Drawn by GSR  
 Checked by KWL



SHEET 1  
 of 1  
 SCALE: AS NOTED

REGISTERED PROFESSIONAL LAND SURVEYOR  
**Kyle W Latimer**  
 2021.10.01 06:43:06 -07'00'  
 OREGON  
 JUNE 12, 2013  
**KYLE W. LATIMER**  
 #80442  
 EXPIRES 12-31-2022

ANNEXATION AREA DESCRIPTION

(TAX LOT 300, ASSESSORS MAP 11S03W04AB)

AN AREA LOCATED IN THE NORTHEAST QUARTER OF SECTION 4 AND THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS:

BEGINNING AT THE NORTHWEST CORNER OF LOT 4, THE MAVEN RESIDENCES, CITY OF ALBANY, LINN COUNTY, OREGON; THENCE SOUTH 89°39'03" EAST 230.03 FEET TO THE WEST RIGHT OF WAY OF CLOVER RIDGE RD. NE; THENCE LEAVING SAID WEST RIGHT OF WAY SOUTH 89°39'03" EAST 25.00 FEET TO THE CENTERLINE OF SAID ROAD; THENCE ALONG SAID CENTERLINE NORTH 0°14'12" WEST 161.52 FEET; THENCE NORTH 89°39'03" WEST 269.11 FEET TO THE EAST RIGHT OF WAY OF HUMMINGBIRD ST. NE; THENCE ALONG SAID EAST RIGHT OF WAY SOUTH 0°16'43" EAST 161.52 FEET; THENCE SOUTH 89°39'03" EAST 13.97 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 1.0 ACRE MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Kyle W Latimer  
2021.10.01 06:39:56

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

-07'00'

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## ANNEXATION AND ZONE MAP AMENDMENT APPLICATIONS

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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: Seth Taylor  
 1712 Bryans Place NW  
 Albany, OR 97321  
 (541) 936-0736  
 sethtaylorrealtor@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](mailto:laura@udelleng.com)  
 Phone: (541) 990-8661

Site Location: 420 Clover Ridge Rd. NE, Albany, OR 97322

Benton County Assessor's Map No.: 11S-03W-04AB Tax Lot 300

Site Size: ±0.90-acres

Existing Land Use: Single-Family Dwelling

Zone Designation: UGA-UGM-20 (Linn Co.)

Comprehensive Plan Designation: UGM (Linn Co.) / Residential Low Density (Albany)

Surrounding Zoning: North: UGA-UGM-20  
 South: Residential Single Family (RS-6.5) District  
 East: Residential Single Family (RS-6.5) District  
 West: Residential Single Family (RS-6.5) District

Surrounding Uses: North: Residential Single-Family  
 South: Residential Single-Family  
 East: Residential Single-Family  
 West: Residential Single-Family



21-185 Taylor Clover Ridge  
 420 Clover Ridge Rd. NE  
 Annexation



## I. Executive Summary

This application is a request to annex a 0.90-acre parcel, located at 420 Clover Ridge Road, concurrently with a Zone Map Amendment from Linn County's Urban Growth Management/Urban Growth Area – 20-acre (UGA/UGM-20) zoning designation to Albany's Residential Single Family (RS-5) zoning designation upon annexation. The Comprehensive Plan map designation of the subject site is Low Density Residential (LDR). According to the Planning Designation Zone Matrix found in ADC Table 2.760-1, the proposed RS-5 zoning designation is consistent with the Comprehensive Plan designation of the site.

The subject property is eligible for annexation as it is contiguous to the city limits, located within the Albany Urban Growth Boundary (UGB), and can be served by public services.

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 0.90-acre parcel located approximately 77 feet south of Windy Avenue NE on the west side of Clover Ridge Road NE and east side of Hummingbird Street NE. The subject property is identified on Linn County Assessor's Map No. 11S-03W-04AB as Tax Lot 300 with an assigned address of 420 Clover Ridge Road NE (Attachment A).
- 1.2 The subject property is contiguous to the current city limits on three sides, to the east, south, and west. The property is currently designated as Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).

- 1.3 The subject property is located within the Albany Urban Growth Boundary (UGB) and designated on the Comprehensive Plan Map designation as Low Density Residential (LDR).

#### 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 currently available for this area. There are properties on three sides 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 on three sides 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 8-inch public sanitary sewer force main running within the Clover Ridge Road and Hummingbird Road rights-of-way.

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.

- 2.4 Water: City utility maps show a 12-inch public water main in Clover Ridge Street right-of-way along the subject property's east property frontage and an 8-inch public water main in Hummingbird Street right-of-way along the subject property's west 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.

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 Hummingbird Street right-of-way. Future development on the subject property will likely require the construction of stormwater quality facilities along the Clover Ridge Road property frontage.

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 0.90-acre parcel located south of Windy Avenue NE on the west side of Clover Ridge Road and east side of Hummingbird Street NE.

Clover Ridge Road is classified as a collector street and is improved to City standards along the site's frontage. Improvements include curb and gutter; sidewalk on both sides of the road; a vehicle travel lane in each direction; and on street bike lane on the east side of the road.

Hummingbird Street is classified as a local street and unimproved along the property's west frontage. A condition to dedicate 14-feet of right-of-way and improve curb, gutter, sidewalk along the site's west frontage can be applied to a future development proposal for the site.

#### 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 connections to public utilities. Any future development application for the site (i.e., residential subdivision), can be conditioned for connections public utilities to serve the site.
- 2.3 The area proposed for annexation adjoins a local street that requires a 14-foot street dedication and improvement of curb, gutter, sidewalk along the site's west 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 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 land inventories, area refinement plans, or nay task in an approved work program for Periodic Review.**

#### Finding of Fact

- 3.1 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.
- 3.2 The annexation request is for one 0.90-acre parcel located approximately 77 feet south of Windy Avenue NE on the west side of Clover Ridge Road and east side of Hummingbird Street NE.
- 3.3 The Comprehensive Plan Map designation for the subject property is Low Density Residential (LDR). The request includes the application of the City's zoning designation of RS-5, which is consistent with the LDR plan map designation.
- 3.4 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.
- 3.5 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 here by reference.

#### Conclusions

- 3.1 As discussed under Criterion Two, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.2 Low-density residential development under the proposed RS-5 zoning is consistent with the Comprehensive Plan.
- 3.3 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 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.

**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 subject property is a 0.90-acre parcel located approximately 77 feet south of Windy Avenue, on the west side of Clover Ridge Road. The parcel is identified on Linn County Assessor's Map No. 11S-03W-04AB as Tax Lot 300 with an assigned address of 420 Clover Ridge Road NE (Attachment A).
- 1.2 The subject property is zoned Linn County's Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).
- 1.3 The proposal is for a zoning map amendment from Linn County's UGA-UGM-20 to the Albany's Single-Family Residential (RS-5) 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 property is Low Density Residential - (LDR).
- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-5 zoning district is consistent with the LDR Comprehensive Plan Map Designation.

## Conclusions

1.1 The proposed RS-5 zone is 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 zoning district

## Conclusions

2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-5 zoning district.

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 RS-5 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 would allow for residential development up to eight 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 RS-5 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-20 and the proposed zone for the property is the Albany's RS-5.
- 4.2 According to ADC 3.020(3), the RS-5 zoning district is "intended primarily for low- to moderate-density single family residential development. The average minimum single-family lot size is 5,000 square feet." The intent and purpose of the RS-5 zone is consistent with LDR Comprehensive Plan Map Designation.
- 4.3 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-5 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 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 LDR Comprehensive Plan Map Designation includes the RS-5 zoning district.

**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 According to the City’s Local Wetland Inventory and National Wetland Inventory no significant or non-significant wetlands are located on the subject site.
- 4.8 According to FEMA FIRM Panel No. 41043C0218G, dated September 29, 2010, the subject property is entirely within Zone X, outside of the Special Flood Hazard Area.
- 4.9 Additionally, there are no riparian corridors traversing or in proximity of the subject property.

**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.*

- 4.10 As discussed under Annexation Criterion Two, the subject property is 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.
- 4.11 The proposed zone change to RS-5 is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-5 is a compatible zoning district for the LDR Comprehensive Plan Map land use designation. Therefore, the zoning map amendment from UGA-UGM-20 to RS-5 is consistent with applicable housing policies of the Comprehensive Plan.
- 4.12 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 would increase the amount of buildable land supply for development of medium density residential housing.
- 4.13 **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.

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 zone 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.

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 is compatible with the Urban Residential Reserve Comprehensive Plan Map designation.
- 4.3 Goal 5, Open Spaces – Wetlands. Natural resource overlays are not located on the subject property.
- 4.4 Goal 10, Housing. The RS-5 zoning district is intended primarily for low-density residential urban development. The proposed zoning map amendment to RS-5 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 zone is 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 zoning district 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. 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. 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 an 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 Density Residential. The proposed zoning amendment would not change the comprehensive plan map designation and the RS-5 zoning designation is an implementing zone for the Low-Density Residential designation.
  - b. The Albany TSP assumed this site would be annexed into the city and developed with low-density residential uses. The proposed RS-5 zone is compatible with the long plan for low-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 Clover Ridge Road and Hummingbird Street. Clover Ridge Road is classified as a minor collector and improved to City standards. Hummingbird Street is classified as a local road and not improved to City standard.
- 5.2 Any future development application on the site can be conditioned to improve Hummingbird Street along the property frontage to City standard, consistent with the TSP.

### Conclusions

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



21-185 Taylor Clover Ridge  
420 Clover Ridge Rd. NE  
Annexation

**V. Overall Conclusion**

Based on the above analysis, the applications for Annexation concurrent with a Zone Map Amendment from Linn County's UGA-UGM-20 zoning designation to Albany's Single-Family Residential (RS-5) zoning designation satisfies all applicable review criteria outlined in this report.

**VI. Attachments**

- A. Annexation Map
- B. Legal Description



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