



## PLANNING COMMISSION AGENDA

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**Monday, February 2, 2026**

**5:15 p.m.**

This meeting includes in-person and virtual participation.

*Council Chambers*

*333 Broadalbin Street SW*

Or join the meeting here:

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

**Phone In:** 1-253-215-8782 (long distance charges may apply); Meeting ID: 837-8633-4863;

**Passcode:** 464432

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Election of Chair and Vice Chair
4. Approval of Minutes
  - October 13, 2025 [Pages 3-4]
5. Public Comment
6. Public Hearing: ZC-04-25, Type IV-Quasi-Judicial Process [Pages 5-30]  
Summary: A Zoning Map Amendment from Community Commercial (CC) to Neighborhood Commercial (NC) on a developed 5,730-square-foot lot. (Project planner – David Martineau, [david.martineau@albanyoregon.gov](mailto:david.martineau@albanyoregon.gov))
7. Public Hearing: AN-01-25 et al, Type IV-Legislative and IV-Quasi-Judicial Process [Pages 31-68]  
Summary: 1) Annexation of 11 parcels of land that are outside the city limits along with adjacent right-of-way; 2) application of comprehensive plan map amendments; and 3) application of City zoning designation(s) to the parcels. (Project planner – David Martineau, [david.martineau@albanyoregon.gov](mailto:david.martineau@albanyoregon.gov))

*Persons wanting to provide comments may:*

- 1- Email written comments to [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov), including your name, before **noon on the day of the meeting.**

**albanyoregon.gov**



- 2- To comment virtually during the meeting, register by emailing [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) before **noon on the day of the meeting**, with your name.
- 3- Appear in person at the meeting and register to speak

8. Business from the commission

9. Staff updates

10. Next Meeting Date: March 16, 2026

11. Adjournment

*This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov) or call 541-917-7550.*

*Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.*



CITY OF ALBANY  
Planning Commission

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**MINUTES**

October 13, 2025

Council Chambers – 5:15 p.m.

Approved: DRAFT

Call to Order

**5:15 p.m.**

Vice Chair Stacey Bartholomew called the meeting to order at 5:15 p.m.

Pledge of Allegiance

Roll Call

Commissioners Present: Stacey Bartholomew, Tami Cockeram, Ron Green, Ted Bunch Jr., Paul Spilsbury, Karen Cardosa, Skylar Bailey

Not present: JoAnn Miller, Kenny Larson (both excused)

Approval of Minutes

Commissioner Cockeram moved to approve the September 15, 2025, and September 29, 2025, minutes as presented. Commissioner Bunch Jr. seconded the motion. All voted in favor 7-0.

Public Comment

None.

Scheduled Business

Continuance of Public Hearing: Planning File CU-01-25 et al Type III Quasi-Judicial Process

Application for planned development of an unassigned property as a senior housing community consisting of 98 duplex units, indoor and outdoor open space with a private road system. The proposal includes consolidation of two properties into one 147.01-acre parcel, a Site Plan Review for the felling of 21 trees, a Natural Resource Impact Review for the addition to the impervious area and the removal of vegetation within the riparian corridor and grading and paving of land within the Special Flood Hazard areas.

Commission Declarations

**5:18 p.m.**

The Vice Chair asked if any members not present at the previous hearing had reviewed and familiarized themselves with the entire record and could make a fair and informed decision regarding this hearing. Commissioner Bailey confirmed he reviewed the record.

No members declared a conflict of interest.

No members reported ex-parte contact.

None reported a site visit.

No members abstained from participating in the proceeding.

There were no challenges to the participation of any commissioners or their right to determine this matter.

Commission Deliberation

Commissioner Cockeram questioned the Commission's jurisdiction and authority over some portions of the application, specifically the movement of the trail which is in the annexation agreement being moved from where it is currently placed. She asked if the Commission has any authority over that agreement. Asst. City Attorney Aidan Harris was present and answered that it was an agreement made between the city and the applicant. So, the Commission had no authority over that agreement. Cockeram asked as the trail was identified as part of the annexation

agreement and part of the Trails Plan that Commission has no jurisdiction over the Trails Plan either. Harris verified that was true as well. Commissioner Cockeram then reiterated that the Commission's only authority is to decide on the application as proposed based on the staff's review and recommendation and meeting the development codes as presented. Harris agreed on the parameters of the decision.

Chair called for any further deliberation. None was offered. She called for a motion.

**Motion:** Commissioner Bunch Jr. moved to approve the proposed Planned Development, Replat, Site Plan Review for the Felling of Trees, the Natural Resource Impact Review and Floodplain Development Review as conditioned under Planning Files PD-01-25, RL-04-25, SP-05-25, NR-01-25 and FP-01-25. This motion is based on the findings and conclusions in the August 11, 2025, staff report and the findings in support of the application made by the Planning Commission during deliberations on this matter. Commissioner Cockeram seconded the Motion. The Chair called for a roll call vote. Motion passed 7-0.

Business from the Commission

5:24 p.m.

None.

Staff Updates

None.

Next Meeting Date

The next meeting is scheduled for December 15, 2025.

Adjournment

Hearing no further business, Vice Chair Bartholomew adjourned the meeting at 5:24 p.m.

Respectfully submitted,

Reviewed by,

Susan Muniz  
Recorder

David Martineau  
Current Planning Manager

*\*Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing [cdaa@albanyoregon.gov](mailto:cdaa@albanyoregon.gov).*





## COMMUNITY DEVELOPMENT

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

# Staff Report

## Zoning Map Amendment

ZC-04-25

January 16, 2026

### Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, February 2, 2026, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted in person and virtually:

In Person: Albany City Hall, Council Chambers, 333 Broadalbin Street SW

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 (long distance charges may apply)

Meeting ID: 837-8633-4863; Passcode: 464432

Review Body: **City Council**

Hearing Date and Time: **Wednesday, February 25, 2026, at 6:00 p.m.**

Hearing Locations: This hearing will be conducted in person and virtually:

In Person: Albany City Hall, Council Chambers, 333 Broadalbin Street SW

Virtual: To comment/testify, please email [cdaa@albanyoregon.gov](mailto: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>

The applicant owns a duplex on a 5,730 square foot lot at Columbus Street SE and SE 5th Avenue. Each unit is 748 square feet with 2 bedrooms, 1 bathroom, a single-car garage, and laundry. The property is currently zoned Community Commercial, so the duplex doesn't fit the zoning rules. The applicant wants to change the zoning to Neighborhood Commercial to make the duplex an allowed use. To the south are two restaurants. To the east is an office complex and Waverly Elementary School. To the north is another duplex, and to the west are single-family homes.

Table 2.760-1 of the Albany Development Code (ADC) shows all Comprehensive Plan map designations and the respective zones that implement each designation. As Table 2.760-1 shows, there are multiple potential zones that implement the current Comprehensive Plan map designation of General Commercial applied to the property. These zones include Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), and Office

Professional (OP). The CC zone doesn't allow duplexes, which creates the potential for non-conformity should the duplex be destroyed. The NC zone allows duplexes through a Site Plan Review thus avoiding the potential non-conforming situation.

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## Application Information

Proposal:	A Zoning Map Amendment from Community Commercial (CC) to Neighborhood Commercial (NC) on a developed 5,730-square-foot lot.
Review Body:	Planning Commission and City Council (Type IV-Q Review)
Staff Report Prepared By:	David Martineau, project planner
Applicant/Property Owner:	Nancy O'Callaghan, Trustee; 123 Edgewood Avenue; San Francisco, CA 94117; <a href="mailto:mjoc@pacbell.net">mjoc@pacbell.net</a> ; 415-819-3390
Applicant Representative:	David Dodson, Willamette Valley Planning; 5020 NW Highway 99; Corvallis, OR 97330; <a href="mailto:david@wvporegon.com">david@wvporegon.com</a> ; 541-231-6111
Address/Location:	530 Columbus Street SE and 2150 5 <sup>th</sup> Avenue SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-05CD; Tax Lot 9400
Zoning:	Community Commercial (CC)
Comprehensive Plan:	Commercial-General
Overlay Districts:	None
Total Land Area:	5,730 square feet (0.13 acre)
Easements:	None
Existing Land Use:	Residential Duplex
Neighborhood:	Willamette
Surrounding Zoning:	North: Residential Single Dwelling Unit (R-6.5) South: Community Commercial (CC) East: Community Commercial (CC) West: Residential Single Dwelling Unit (R-6.5)
Surrounding Uses:	North: Duplex development South: Commercial development East: Commercial development West: Single dwelling unit development

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## Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation, and Development (DLCD) on November 14, 2025, prior to the first public hearing. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on January 12, 2026, at least 20 days prior to the first public hearing. The notice of public hearing was posted on the subject property by January 23, 2026. The staff report was posted on the City's website January 26, 2026. At the time this staff report was completed, no comments had been received.

## Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per Oregon Revised Statute (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 the decision is mailed or otherwise submitted to parties entitled to notice.

## Analysis of Development Code Criteria

### Quasi-Judicial Zoning Map Amendment File (ZC-04-25)

Section 2.740 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

#### 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 application request includes a proposal to change the zoning of a lot measuring 5,730 square feet, from Community Commercial (CC) to Neighborhood Commercial (NC) district.
- 1.2 The current Comprehensive Plan Map designation of the subject site is Commercial-General (CG). Both the current CC zoning and the proposed NC zoning are consistent with the CG Comprehensive Plan Map designation of the site.
- 1.3 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 1), the NC zone designation is consistent with the GC designation of the property.

##### Conclusions

- 1.1 The proposed NC zone designation is consistent with the Commercial-General (CG) Comprehensive Plan Map designation.
- 1.2 This criterion is satisfied.

#### Criterion 2

***Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).***

##### Findings of Fact

- 2.1 The 5,730-square-foot site is located south of 5th Avenue SE, between Columbus Street SE and Bradley Street SE (Attachment A). The application would change the zoning of the parcel from Community Commercial (CC) to Neighborhood Commercial (NC).
- 2.2 The site is currently developed with a 1,496 square foot duplex constructed in 1950, according to Linn County Assessor's records. Each unit is 748 square feet and consists of 2 bedrooms, 1 bath, with a 1 car garage and laundry (see Attachment B.2). The duplex is a non-conforming use in the existing zone.
- 2.3 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030 and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.4 Zone amendments are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an

adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and the proposed amendment, it can be determined that the proposed zone amendment will cause “no further degradation” to the surrounding roadway network.

- 2.5 The applicant did not submit trip generation information with the application.
- 2.6 For trip generation purposes, staff believe that the most intense use that could reasonably be expected to occur on the site under the current CC zone designation and requested NC zone would be the same with uses like restaurants and retail services uses. The CC zone does not allow residential middle housing uses and the NC does allow middle housing, and the existing duplex would be compliant with the requested NC zone.
- 2.7 The CC zone allows for commercial uses such as vehicle service, RV parks, self-storage, industrial offices, parking lots and entertainment/recreation uses. These uses are considered more intense than uses that are allowed in the NC zone. These would not be more intensive uses on the transportation system according to the ITE Trip Generation Manual when compared to restaurants and retail services that are allowed in the CC and NC zones.
- 2.8 Uses allowed in NC and CC zones are ITE PM Peak trip rate as follows: a fast-food restaurant is 32.21 trips for 1,000 square feet, General Office 1.44 trips per 1,000 square feet, and Shopping Centers 3.40 trips per 1,000 square feet. Uses allowed in CC and not NC have the following ITE PM Peak trip rates: RV park 0.27 per camp site, athletic club 6.29 trips per 1,000 square feet, automobile parts and services 2.06 trips per 1,000 square feet, and quick lubrication shop 4.85 trips per service position.

### Conclusions

- 2.1 The proposed zone change would change the designation of a 5,730-square-foot parcel from CC to NC.
- 2.2 Albany’s Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030 and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.3 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant effect”.
- 2.4 The reasonable worst case uses allowed on the site under the requested zone designation would generate the same average day and PM peak hour trips on the street system than would the reasonable worst-case use allowed under the current zone designation. Because it would result in the same trip generation in vehicle trip generation, the requested zone designation would not have a significant effect on the transportation system.
- 2.5 This criterion is satisfied.

### Criterion 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 (ADC 2.740 (3)).***

## Findings of Fact

### *Sanitary Sewer*

- 3.1 City utility maps show a 12-inch public sanitary sewer main in the Columbus Street SE right-of-way and an 8-inch public sanitary sewer main along the southwest portion of the property line. The property is currently served by sewer service laterals that connect to the public main at the property's southwest corner.
- 3.2 While different types of commercial development can have different wastewater discharge characteristics, the City's Wastewater Facility Plan does not distinguish between different types of commercial developments when estimating the wastewater discharge from those uses for design purposes. The City's Wastewater Facility Plan does not indicate significant deficiencies downstream of the subject property and the system should be adequate for neighborhood commercial development.
- 3.3 It is anticipated that the existing public sanitary sewer system in this area can serve any development that would be allowed under the proposed zoning designation.

### *Water*

- 3.4 City utility maps show an 8-inch public water main in the 5th Avenue SE right-of-way. The existing duplex on the property is connected to the public water system with two separate meters served from the line in 5th Avenue SE.
- 3.5 The public water system design and adequacy are typically dictated by the fire flow needs within an area or zone. The City of Albany groups all commercial uses in the same fire flow requirement category (3,500 gpm minimum), so the proposed zone change would not affect the overall water needs of the site.

### *Storm Drainage*

- 3.6 City utility maps show a 10-inch and 12-inch public storm drainage main in the Columbus Street SE right-of-way. The line captures stormwater from the catch basins at the intersection of 5<sup>th</sup> Avenue SE and Columbus Street SE and directs it south along Columbus Street SE.
- 3.7 Storm water runoff from a development is generally dependent on the total area of impervious surfaces on the property. The Albany Development Code determines the maximum amount of "lot coverage" (buildings and parking areas) in any particular zone. The greatest percentage of lot coverage that would be allowed within the Community Commercial zone would be 90% (See ADC Table 4.090-1). The greatest percentage of lot coverage that would be allowed within the Neighborhood Commercial zone would be 80%. Although the applicant intends to retain the existing duplex, a change from Community Commercial to Neighborhood Commercial would allow for future redevelopment that would result in slightly less storm water runoff. Staff concur.

### *Schools*

- 3.8 The property is currently zoned for community commercial (CC) development. The requested zone change from CC to NC would have no impact on the number of children attending school in this area.

### *Police and Fire Protection*

- 3.9 The Albany Police Department and Fire Department provide services to all development in Albany. No deficiencies in providing police and fire protection for this property have been identified.

## Conclusions

- 3.1 Public sanitary sewer, water systems, and storm drainage facilities are available to the subject property.
- 3.2 Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.
- 3.3 This criterion is satisfied without conditions.

## Criterion 4

***The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).***

### Findings of Fact

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is Community Commercial (CC). The proposed zoning is Neighborhood Commercial (NC), (See Attachments B10 & B11).
- 4.2 Prior to its current zoning designation, the subject property was zoned C-2 (Local Business) District. The zoning designation changed from C-2 to CC in 1998, but the name of the district continued to be "Community Commercial."

### Zoning District Purposes

- 4.3 According to Section 4.020(3) of the Albany Development Code, the CC (Community Commercial) District "recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas." It is noted that 5th Avenue SE and Columbus Street SE are designated as local streets, however Pacific Boulevard SE (Highway 99E) to the south is designated as a principal arterial roadway.
- 4.4 Allowable uses that are permitted in the CC district include some small-scale manufacturing activities, indoor and outdoor entertainment and recreation, offices, restaurants including drive-thru, retail sales and service, self-serve storage, taverns and bars, religious institutions, vehicle repair, vehicle service, and parking lots. Uses allowed conditionally include recycling centers, RV parks, schools, parks, assisted living, telecommunications towers, and community services.
- 4.5 According to Section 4.020(2) of the Albany Development Code, the NC (Neighborhood Commercial) District is "intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius."
- 4.6 Allowable uses that are permitted in the NC district include traditional offices, restaurants, small-scale retail sales and services that are convenience or personal services-oriented, community services, and single-family and two-family dwelling units. Taverns, bars, drive-

thru restaurants, daycare centers, religious institutions and assisted living facilities are allowed conditionally.

- 4.7 The applicant asserts that the subject property is more consistent with the NC zoning designation. The subject property which fronts along local streets is more suitable for its current use as a duplex verses a more intensive commercial use. The property in its present state is better suited for the NC zone.

### Conclusions

- 4.1 The NC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

### 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 (ADC 2.740 (5)).***

### Findings of Fact

- 5.1 Albany's Transportation System Plan (TSP) was developed with the assumption that this site would be occupied by permitted uses in the commercial zone. The proposed zone change is consistent with the allowable uses and does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use, transportation plan, or study that applies to the subject area.

### Conclusions

- 5.1 The proposal will not conflict with the transportation system as shown in the TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

## Overall Conclusion

Staff conclude that the proposed zoning map amendment from CC to NC meets all the applicable review criteria. The NC zoning is more compatible with the adjacent neighborhood and adjacent local street infrastructure than the existing CC zoning. The existing duplex is considered an existing non-conforming use in the CC zone, while duplexes are an allowed use through site plan review in the NC zone. Staff recommend approval without conditions.

## Staff Recommendation

With respect to the proposed **Zoning Map Amendment**, the Planning Commission has two options:

- Option 1: Recommend that the City Council approve the Zoning Map Amendment request; or
- Option 2: Deny the Zoning Map Amendment request. The City Council will only consider the proposal on appeal by the applicants.



**Based on the analysis in this report, staff recommend that the Planning Commission recommend that the City Council approve the Zoning Map Amendment request.**

*I move that the planning commission recommend that the city council approve the proposed Zoning Map Amendment, under planning file ZC-04-25. This motion is based on the findings and conclusions in the January 16, 2026, staff report and the findings in support of the application made by the planning commission during deliberations on this matter.*

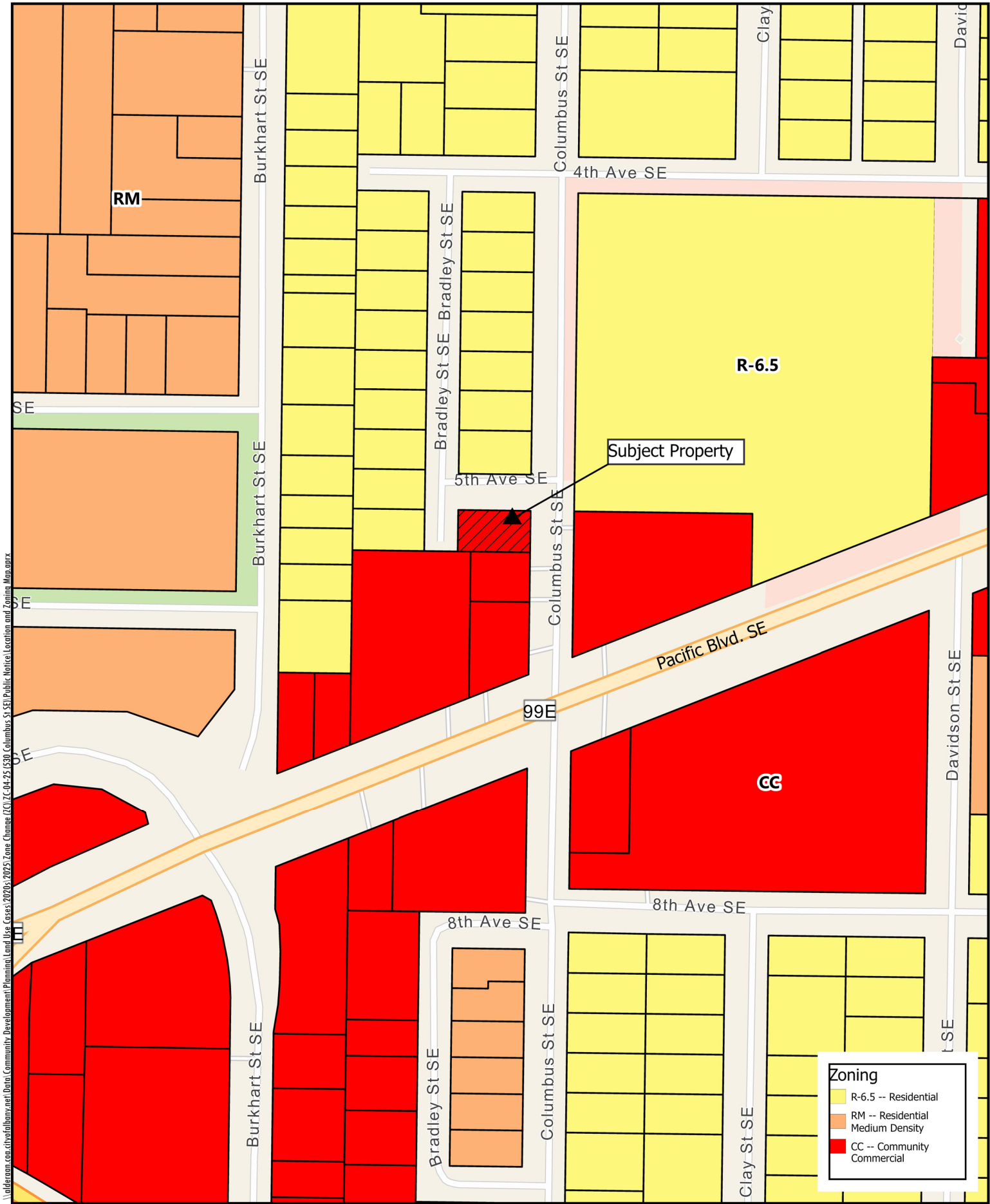
## Attachments

- A. Location Map
- B. Applicant's Narrative

## Acronyms

ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
CC	Community Commercial Zoning Designation
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
NC	Neighborhood Commercial Zoning District
ODOT	Oregon Department of Transportation
RM	Residential Medium Density Zoning District
R-6.5	Residential Single Dwelling Unit
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
ZC	Zone Change File Designation





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0 50 100 200 Feet

Date: 1/6/2026 Map Source:

530 Columbus Street SE

Location and Zoning Map

# Gaver Rezone

An Application for a Zoning Map Amendment

On Behalf of:

Dona Gaver Trust  
1340 NE 2<sup>nd</sup> Street  
Corvallis, OR 97330

Prepared by:



October 30, 2025

Applicant/Property Owner:	Nancy O’Callaghan, Trustee 123 Edgewood Avenue San Francisco, CA 94117 <a href="mailto:mjoc@pacbell.net">mjoc@pacbell.net</a> 415-819-3390
Applicant’s Representative:	David Dodson - Willamette Valley Planning 5020 NW Hwy 99 Corvallis, OR 97330 <a href="mailto:david@wvporegon.com">david@wvporegon.com</a> 541-231-6111
Site Location:	530 Columbus Street SE 2150 SE 5 <sup>th</sup> Avenue Albany, OR 97321
Linn County Assessor’s Map:	11-03-05CD, Tax Lot 9400
Site Size:	5,730 square feet
Comprehensive Plan Designation:	Commercial - General
Zone Designation:	Community Commercial

## INTRODUCTION

The applicant owns a duplex on a 5,730 square foot lot at Columbus Street SE and SE 5<sup>th</sup> Avenue. Each unit is 748 square feet and contains 2 bedrooms, 1 bath, a single car garage and laundry. The property is currently zoned Community Commercial, making the duplex a non-conforming use. The applicant is interested in making it a conforming use by rezoning the property to Neighborhood Commercial. South of the site are two existing restaurants. To the east there is an office complex and Waverly Elementary School. North of the site is another duplex while single family homes are to the west.

## REQUEST

The applicant wishes to rezone the property from Community Commercial to Neighborhood Commercial.

## LIST OF EXHIBITS

Attachment A	Surrounding Uses
Attachment B	Existing Comprehensive Plan Designations
Attachment C	Existing Zoning Designations
Attachment D	Proposed Zoning Designations
Attachment E	Certification of Trust
Attachment F	Legal Description

# Quazi-Judicial Zoning Map Amendment

## QUASI-JUDICIAL ZONING MAP AMENDMENT

Section 2.740 of the Albany Development Code (ADC) includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

### 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 applicant proposes to change the zoning of the 5,730 square foot lot from Community Commercial (CC) to the Neighborhood Commercial (NC) district.
- 1.2 The current Comprehensive Plan map designation of the subject site is Commercial - General. The proposed NC zoning is consistent with the Commercial - General Comprehensive Plan designation for the site, (See Attachment B).

#### *Conclusions*

- 1.3 The proposed NC zone designation is consistent with the Commercial - General Plan map designation.
- 1.4 This criterion is satisfied.

### Criterion 2

*Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).*

#### *Findings of Fact*

- 2.1 The site is located south of 5<sup>th</sup> Avenue SE, between Columbus Street SE and Bradley Street SE. The application would change the zoning of the parcel from Community Commercial (CC) to Neighborhood Commercial (NC). The site is currently developed with a 1,496 square foot duplex. Each unit is 748 square feet and consists of 2 bedrooms, 1 bath, with a 1 car garage and laundry, (See Attachment A).
- 2.2 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and proposed amendment, it can be

determined that the proposed zone change will cause “no further degradation” to the surrounding roadway network.

- 2.3 The applicant intends to retain the existing duplex. A TPR Analysis would find that the uses allowed under the existing CC zone result in more vehicle trips than the proposed NC zone.
- 2.4 The net increase in daily trips that would result from the zone change is less than the 400-trip threshold identified in the OHP, the applicant concludes that the requested change could be approved without having any significant effect on the transportation system.

#### *Conclusions*

- 2.5 The proposed zone change would change the zone designation of the site from CC to NC, (See Attachment D).
- 2.6 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under the current designation, and if so, if the additional trips would result in a “significant affect.”
- 2.7 The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that small increases in daily traffic (less than 400 trips) between the existing plan and a proposed amendment can be determined to cause “no further degradation” to the surrounding roadway network.
- 2.8 A TPR Analysis was not submitted by the applicant as the analysis would conclude the change in potential site trip generation would be reduced and therefore not have a significant effect on the transportation system.
- 2.9 This criterion is satisfied.

#### **Criterion 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 (ADC 2.740 (3)).*

#### *Findings of Fact*

##### **Sanitary Sewer**

- 3.1 City utility maps show a 12-inch public sanitary sewer main in the Columbus Street SE right-of-way and an 8-inch public sanitary sewer main along the southwest portion of the property line. The property is currently served by sewer service laterals that connect to the public main at the property’s southwest corner.
- 3.2 While different types of commercial development can have much different wastewater discharge characteristics, the City’s Wastewater Facility Plan does not distinguish between different types of commercial developments when estimating the wastewater discharge from those uses for design purposes. The City’s Wastewater Facility Plan does not indicate significant deficiencies downstream of the subject property and the system should be adequate for neighborhood commercial development.

### Water

- 3.3 City utility maps show an 8-inch public water main in the 5<sup>th</sup> Avenue SE right-of-way. The existing duplex on the property is connected to the public water system with two separate meters served from the line in 5<sup>th</sup> Avenue SE.
- 3.4 Public water system design and adequacy are typically dictated by the fire flow needs within an area or zone. The City of Albany groups all commercial uses in the same fire flow requirement category (3,500 gpm minimum), so the proposed zone change would not affect the overall water needs of the site.

### Storm Drainage

- 3.5 City utility maps show a 10-inch and 12-inch public storm drainage main in the Columbus Street SE right-of-way. The line captures stormwater from the catch basins at the intersection of 5<sup>th</sup> Avenue SE and Columbus Street SE and direct it south along Columbus Street SE.
- 3.6 Storm water runoff from a development is generally dependent on the total area of impervious surfaces on the property. The Albany Development Code determines the maximum amount of “lot coverage” (buildings and parking areas) in any particular zone. The greatest percentage of lot coverage that would be allowed within the Community Commercial zone would be 90% (See ADC Table 4.090-1). The greatest percentage of lot coverage that would be allowed within the Neighborhood Commercial zone would be 80% . Although the applicant intends to retain the existing duplex, a change from Community Commercial to Neighborhood Commercial would allow for future redevelopment that would result in slightly less storm water runoff.

### Schools

- 3.7 The property is currently zoned for community commercial development. The requested zone change to NC would have no impact on the number of children attending school in this area.

### Police and Fire Protection

- 3.8 The Albany Police Department and Fire Department provide services to all development in Albany, whether it is residential or commercial.

### Conclusions

- 3.9 The existing public utility systems (sanitary sewer, water, storm drainage) are expected to be adequate to serve development in both the existing and proposed zones.
- 3.10 The Albany Police and Fire Departments will provide service to development on the property regardless of the zoning.
- 3.11 Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.
- 3.12 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 (ADC 2.740 (4)).*

##### *Findings of Fact*

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is Community Commercial (CC). The proposed zoning is Neighborhood Commercial (NC), (See Attachments C & D).
- 4.2 Prior to its current zoning designation, the subject property was zoned C-2 (Local Business) District. The zoning designation changed from C-2 to CC in 1998, but the name of the district continued to be "Community Commercial."

##### *Zoning District Purposes*

- 4.3 According to Section 4.020(3) of the Albany Development Code, the CC (Community Commercial) District "recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas." It is noted that 5<sup>th</sup> Avenue SE and Columbus Street SE are designated as local streets, however Pacific Boulevard SE (Hwy 99) to the south is designated as a principal arterial roadway.
- 4.4 Allowable uses that are permitted in the CC district include some small-scale manufacturing activities, indoor and outdoor entertainment and recreation, offices, restaurants including drive-thru, retail sales and service, self-serve storage, taverns and bars, religious institutions, vehicle repair, vehicle service, and parking lots. Uses allowed conditionally include recycling centers, RV parks, schools, parks, assisted living, telecommunications towers, and community services.
- 4.5 According to Section 4.020(2) of the Albany Development Code, the NC (Neighborhood Commercial) District is "intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius."
- 4.6 Allowable uses that are permitted in the NC district include traditional offices, restaurants, small-scale retail sales and services that are convenience or personal services-oriented, community services, and single-family and two-family dwelling units. Taverns, bars, drive-thru restaurants, daycare centers, religious institutions and assisted living facilities are allowed conditionally.

- 4.7 The applicant asserts that the subject property is more consistent with the NC zoning designation. The subject property which fronts along local streets is more suitable for its current use as a duplex verses more intensive commercial uses. The property in its current state is better suited for the NC zone.

#### Conclusions

- 4.8 The NC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.9 This criterion has been met.

### 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 (ADC 2.740 (5)).*

#### Findings of Fact

- 5.1 Albany's Transportation System Plan (TSP) was developed with the assumption that this site would be occupied by permitted uses in the commercial zone. The proposed zone change is consistent with the allowable uses and does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

#### Conclusions

- 5.5 There are no applicable land use or transportation plans or studies for this area.
- 5.6 The proposal is in accordance with the land uses and transportation pattern in the TSP.
- 5.7 This criterion is met.

### OVERALL CONCLUSIONS FOR THE ZONING MAP AMENDMENT

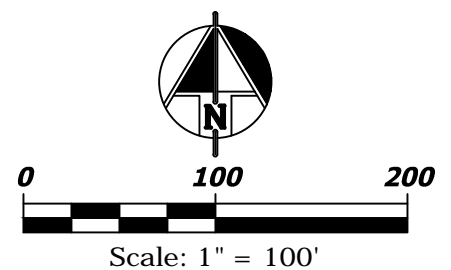
The applicant believes the proposed zoning map amendment from CC to NC meets all the applicable review criteria. The NC zoning is more compatible with the adjacent neighborhood and adjacent local street infrastructure than the existing CC zoning. The existing duplex is considered an existing non-conforming use in the CC zone, while duplexes are an allowed use in the NC zone.



# SURROUNDING USES




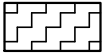
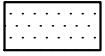

 Subject Site

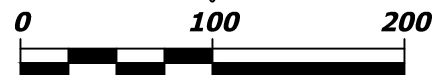


ATTACHMENT A

# EXISTING COMPREHENSIVE PLAN DESIGNATIONS



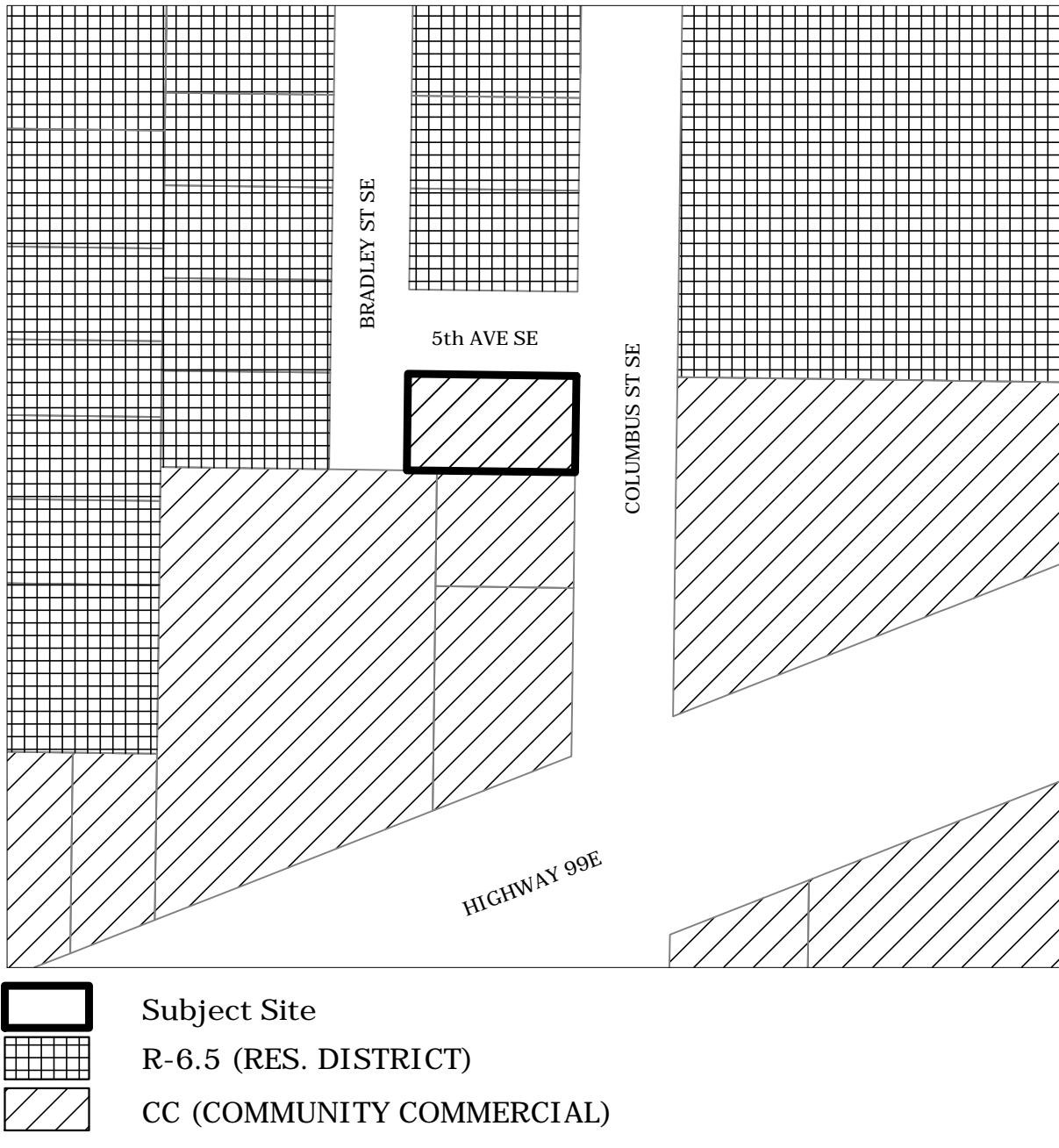
-  Subject Site
-  RES. LOW DENSITY
-  COMMERCIAL - GENERAL
-  PUBLIC AND SEMI-PUBLIC



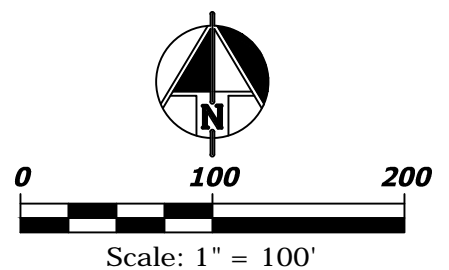
Scale: 1" = 100'

ATTACHMENT B

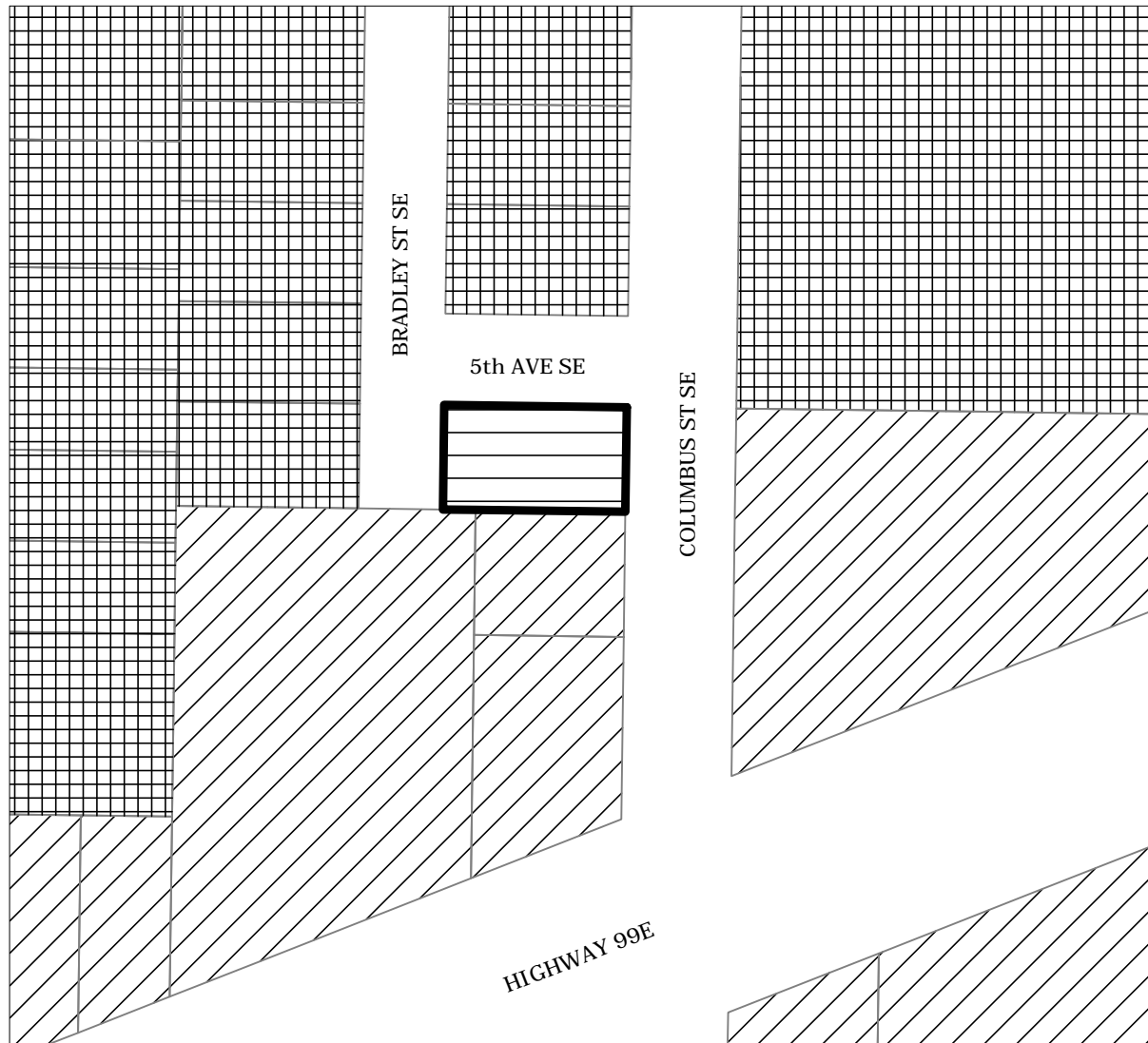
# EXISTING ZONING DESIGNATIONS


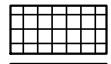

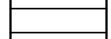


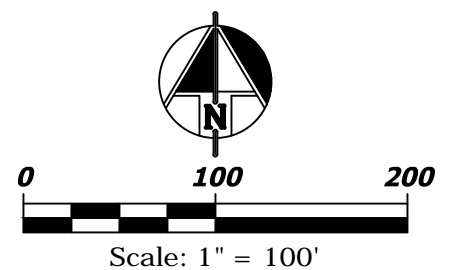
ATTACHMENT C



# PROPOSED ZONING DESIGNATIONS



-  Subject Site
-  R-6.5 (RES. DISTRICT)
-  CC (COMMUNITY COMMERCIAL)
-  NEIGHBORHOOD COMMERCIAL



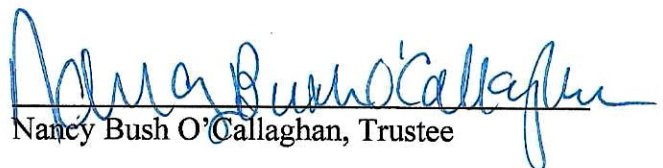
ATTACHMENT D

**ATTACHMENT E-1****CERTIFICATION OF TRUST**

I, Nancy Bush O'Callaghan, Trustee of the Dona Gaver Trust dated February 1, 2013, hereby certify as follows:

1. The Dona Gaver Trust is presently in existence. It was executed on February 1, 2013. The Trustmaker, Dona Gaver, died March 8, 2023.
2. The Trustmaker of the trust was Dona Gaver, and the currently acting Trustee of the trust is Nancy Bush O'Callaghan.
3. Under the terms of the trust agreement, the Trustees are given powers granted a trustee under the Oregon Uniform Trust Code set forth in ORS 130.720 through 130.725.
4. The mailing addresses of the currently acting Trustee is:  
  
Nancy Bush O'Callaghan  
123 Edgewood Avenue  
San Francisco, CA 94117
5. The trust is irrevocable.
6. The Trustee may act alone and has authority to exercise trust powers alone.
7. The trust taxpayer identification number is **93-6392070**.
8. Trust property is to be titled as follows: Nancy Bush O'Callaghan, Trustee of the Dona Gaver Trust dated February 1, 2013, including any amendments thereto.
9. The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification to be incorrect.

I hereby certify the above to be true as of this 24<sup>th</sup> day of January, 2024.

  
Nancy Bush O'Callaghan, Trustee

## ATTACHMENT E-2

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of San Francisco )

On January 24, 2024, before me, PRITI PARIKH, Notary Public, personally appeared Nancy Bush O'Callaghan, as acting Trustee, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity(ies), and that by her signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Priti Parikh





# ATTACHMENT E-3

## CERTIFICATION OF TRUST

We, Dona Gaver and Nancy Bush O'Callaghan, Trustees of the Dona Gaver Trust dated February 1, 2013, hereby certify as follows:

1. The Dona Gaver Trust is presently in existence. It was executed on February 1, 2013.
2. The Trustmaker of the trust is Dona Gaver, and the currently acting Trustees of the trust are Dona Gaver and Nancy Bush O'Callaghan.
3. Under the terms of the trust agreement, the Trustees are given powers granted a trustee under the Oregon Uniform Trust Code set forth in ORS 130.720 through 130.725.
4. The mailing addresses of the currently acting Trustees are:  

Dona Gaver	Nancy Bush O'Callaghan
1340 NE 2 <sup>nd</sup> Street	123 Edgewood Avenue
Corvallis, OR 97330	San Francisco, CA 94117
5. The trust can be modified, amended, or revoked by the Trustmaker.
6. Either Trustee may act alone and has authority to exercise trust powers alone without the consent of the other Trustee.
7. The trust taxpayer identification number is the social security number of the Trustmaker: xxx-xx-7543.
8. Trust property is to be titled as follows: Dona Gaver and Nancy Bush O'Callaghan, Trustees of the Dona Gaver Trust dated February 1, 2013, including any amendments thereto.
9. The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification to be incorrect.

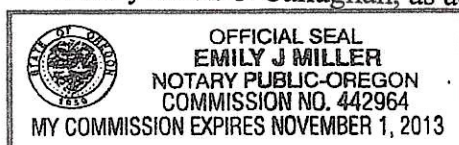
We hereby certify the above to be true as of this 1<sup>st</sup> day of February, 2013.

Dona Gaver  
Dona Gaver, Trustee

Nancy Bush O'Callaghan  
Nancy Bush O'Callaghan, Trustee

STATE OF OREGON           )  
                                          )       ss.  
County of Benton         )

This instrument was acknowledged before me on February 1, 2013, by Dona Gaver and Nancy Bush O'Callaghan, as acting Trustees.



Emily J. Miller  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 11/1/2013

**ATTACHMENT F-1****Grantor's Name and Address:**

Kenneth D. Gaver  
7604 Oak Leaf Drive  
Santa Rosa, CA 95409

Dona L. Gaver  
1340 NE 2<sup>nd</sup> Street  
Corvallis, OR 97330

**Grantee's Name and Address:**

Dona Gaver, Trustee  
Nancy Bush O'Callaghan, Trustee  
1340 NE 2<sup>nd</sup> Street  
Corvallis, OR 97330

**After recording, return to:**

Marek & Lanker, LLP  
810 SW Madison Avenue  
Corvallis, OR 97333

**Send all tax statements to:**

Dona Gaver, Trustee  
Nancy Bush O'Callaghan, Trustee  
1340 NE 2<sup>nd</sup> Street  
Corvallis, OR 97330

**Consideration - \$0, Division of Property****BARGAIN and SALE DEED**

GRANTORS: Kenneth D. Gaver and Dona L. Gaver

do hereby convey all of our interest unto

GRANTEES: Dona Gaver and Nancy Bush O'Callaghan, Trustees or their successors in trust under the Dona Gaver Trust dated February 1, 2013

in the following described property located in Linn County, State of Oregon:

TRACT I: Lot 13, Block 5, SUPPLEMENTAL PLAT OF PORTION OF BURKHART ADDITION.  
TRACT II: Lot 12, Block 5, SUPPLEMENTAL PLAT OF A PORTION OF BURKHART ADDITION EXCEPT the West 46.2 feet deeded to City of Albany by deed recorded July 1, 1949 in Book 209, page 279, Deed Records.

To Have and to Hold the same unto grantee and grantee's successors and assigns forever.

The true and actual consideration paid for this transfer is zero. This transaction is to carry out an agreement among the Grantors to transfer the subject property to Dona Gaver which is the whole of the consideration.

LINN COUNTY OREGON

2015-01638

D-BS

Cnt=1 Stn=38 S WILSON

02/09/2015 10:31:38 AM

\$15.00 \$11.00 \$20.00 \$19.00 \$10.00

\$75.00



00239852201500016380030036

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

Steve Druckenmiller - County Clerk





## ATTACHMENT F-2

IN WITNESS WHEREOF, the grantor has executed this instrument on the 21<sup>st</sup> day of January, 2015.

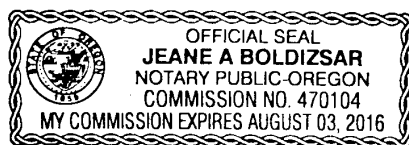
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Kenneth D. Gaver  
Kenneth D. Gaver

Dona L. Gaver  
Dona L. Gaver

STATE OF OREGON                     )  
                                                           ) ss.  
County of Benton                     )

This instrument was acknowledged before me on this 28 day of January, 2015, by Dona L. Gaver.



Jeane Boldizsar  
Notary Public for Oregon  
My commission expires: 8/3/2016

## ATTACHMENT F-3

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

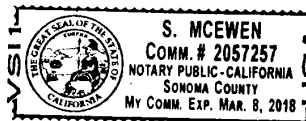
State of California )  
County of Sonoma )

On Jan. 15, 2015 before me, S. McEwen Notary Public  
(here insert name and title of the officer),

personally appeared Kenneth D. Gaver,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature] (Seal)



## COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

# Staff Report

## Annexations with Comprehensive Plan & Zoning Map Amendments

AN-01-25, CP-03-25, and ZC-03-25

January 21, 2026

### Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, February 2, 2026, 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, February 25, 2026, 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](mailto:cdaa@albanyoregon.gov) 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.albanyoregon.gov/livestream>

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

### Summary

This application is a request to annex eleven (11) separate parcels of land that are outside the City limits along with adjacent right-of-way; amend the Comprehensive Plan designation of General Commercial to Village Center with concurrent Zoning Map Amendments from Linn County's UGA-UGM-5 zoning designation to Mixed-Use Commercial (MUC), Office Professional (OP), and Residential Medium Density Attached (RMA), and change Linn County's UGA-RR-1 zoning designation, to Residential Medium Density Attached (RMA).

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 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, criteria for amending comprehensive plan map designations are found in ADC 2.220(3), and criteria for zoning map amendments 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 ONE CONDITION.

## Application Information

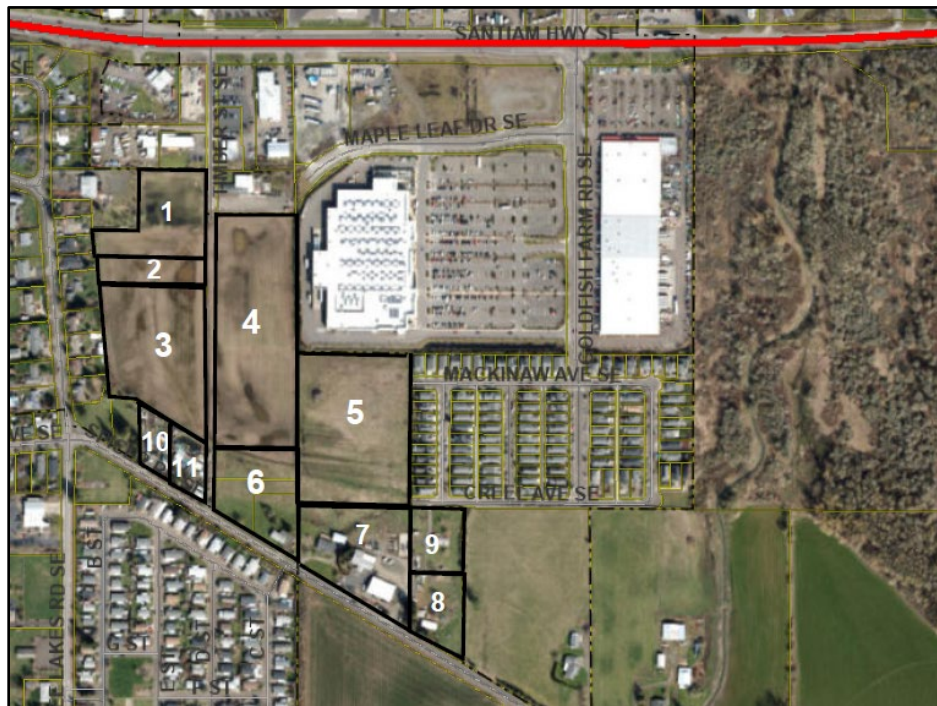
Proposal:	Annexation of eleven (11) parcels of land that are outside the city limits along with adjacent right-of-way together with concurrent Comprehensive Plan and Zoning Map Amendments.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	David Martineau, Project Planner
Applicant:	City of Albany, Community Development Department, 333 Broadalbin Street SE, Albany, OR 97321.
<b>On behalf of:</b>	Damon Olsen; East Albany Town Center LLC; 1860 Crocker Lane NW; Albany, OR 97321

**Table 1: Properties Proposed for Annexation**

No.	Name	Address	Map/Tax Lot	Acreage	Current Comp Map	Proposed Comp Map	Current Zone	Proposed Zone
1	Howard & Judy Ropp Trust	Unassigned	11S-03W-09D-01403	2.53	General Commercial	Village Center	UGA-UGM-5	MUC
2	Howard & Judy Ropp Trust	Unassigned	11S-03W-09D-01402	1.06	General Commercial	Village Center	UGA-UGM-5	MUC
3	Waverly Land Management	Unassigned	11S-03W-09D-02500	4.51	General Commercial	Village Center	UGA-UGM-5	MUC
4	AVR Properties LLC et al	Unassigned	11S-03W-09D-00600	6.62	Village Center	Village Center	UGA-UGM-5	MUC
5	Greg Ropp	Unassigned	11S-03W-09D-00801	6.00	Residential Medium Density	Village Center	UGA-UGM-5	MUC
6	Mervin W. Ropp	4055 Spicer Road SE	11S-03W-09D-0700, 0701, 0702	2.59	Residential Medium Density	Residential Medium Density	UGA-UGM-5	RMA
7	Kevin & Carolyn Rediger	4185 Spicer Road SE	11S-03W-09D-00800	3.65	Employment	Employment	UGA-UGM-5	OP

8	Kevin & Carolyn Rediger	4291 Spicer Road SE	11S-03W-09D-00901	1.38	Employment	Employment	UGA-UGM-5	OP
9	Connie R. & Bernard D. Aerni	4312 Creel Avenue SE	11S-03W-09D-00902	1.21	Employment	Employment	UGA-UGM-5	OP
10	Zachery Dale Melcher	3925 Spicer Road SE	11S-03W09D-02700	0.62	Urban Residential Reserve	Residential Medium Density	UGA-RR-1	RMA
11	Brian Lange	3949 Spicer Road SE	11S-03W-09D-02800	0.75	Urban Residential Reserve	Residential Medium Density	UGA-RR-1	RMA

**Figure 1: Map of Lots Proposed to Annex**



## Review Process and Appeals

The proposal for annexations concurrent with comprehensive plan map and zoning map amendments are processed through a Type IV quasi-judicial and legislative 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 annexations and 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 December 18, 2025, 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 90 property owners within 300 feet of each of the subject properties being annexed on January 12, 2026, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted in proximity to the subject properties by January 23, 2026, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on January 17, 2026, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexations with concurrent comprehensive plan and zoning map amendments was posted on the City's website on January 26, 2026, at least seven days before the first evidentiary public hearing. At the time this report was prepared, the Albany Planning Division received one written comment.

Albany residents Richard and Denise Hernandez expressed concern about how future development could affect area wetlands abutting their property and structural stability of their foundation (Attachment J). The review criteria for the annexations, comprehensive plan and zoning map amendments were not addressed. Abutting property owners will be notified at the time a development application is submitted for review.

## 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 eleven (11) properties, and a section of right-of-way along Timber Street.
- 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 a 12-inch public sanitary sewer main in Timber Street. This public sanitary sewer system is available to the subject properties to serve the subject properties.
- 2.4 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. The subject properties will need to extend and connect to public sanitary sewer at the time of development.
- 2.5 **Water:** City utility maps show a 12-inch public water main in Timber Street, a 16-inch public water main in Spicer Drive and a 12-inch public water main in Maple Leaf Drive. The public water system is available to serve subject properties.
- 2.6 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. The subject properties will need to extend and connect to public water at the time of development.
- 2.7 **Storm Drainage:** City utility maps show a 15-inch public storm drainage facility in Spicer Drive along the subject property frontage. There is a natural drainageway that conveys runoff from this property to the north toward Santiam Highway that crosses under the highway with three 60-inch culvert pipes. Timber Street, Maple Leaf, and Spicer Drive are currently not improved to City standards with curb and gutter.
- 2.8 When the subject properties develop, they will need to construct stormwater management facilities.

## Conclusion

- 2.1 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.



2.2 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 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 eleven (11) properties together with existing Timber Street right-of-way.
- 3.3 The existing Comprehensive Plan map designations of the subject properties are General Commercial towards the northwest, Village Center to the northeast, Residential Medium Density and Employment towards the southeast, and Urban Residential Reserve to the south (see Attachment B).
- 3.4 The applicants propose to change the Comprehensive Plan map designations to Village Center to the north and east, and Residential Medium Density to the south. The Employment designation will remain unchanged (Attachment C).
- 3.5 Public facilities required to serve future development on the subject properties are available at or near each site.
- 3.6 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 all properties submitted Consent for Annexation Forms whereby they acknowledged 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 provided that the proposed Comprehensive Plan designations are approved.

### Conclusions

- 4.1 The proposed annexations are reasonable because the properties abut the city limits, they are located within the UGB, they can be served by City services and infrastructure, and the proposed annexations are 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 eleven (11) properties. The parcels are identified on Linn County Assessor's Map No. 11S-03W-09D, Tax Lots 600, 700, 701, 702, 800, 801, 901, 902, 1402, 1403, 2500, 2700, and 2800. Tax lots 700, 701 and 702 are owned by the same property owner (see Attachment D).
- 1.2 All but two of the subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management UGA-UGM-5. Two lots located to the southwest are zoned UGA-RR-1 (see Attachment E).
- 1.3 The proposal is for a zoning map amendment from Linn County's zoning to the Albany's Mixed-Use Commercial (MUC), Residential Medium Density Attached (RMA), and Office Professional (OP) upon annexation, as shown on the proposed zoning map (Attachment F). The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The existing Comprehensive Plan map designations of the subject properties are General Commercial towards the northwest, Village Center to the northeast, Residential Medium Density and Employment towards the southeast, and Urban Residential Reserve to the south (see Attachment B).
- 1.5 The applicants propose to change the Comprehensive Plan map designations to Village Center to the north and east, and Residential Medium Density to the south. The Employment designation will remain unchanged (Attachment C).
- 1.6 According to the Plan Designation Zoning Matrix (ADC Table 2.760-1), the MUC zoning district is consistent with the Village Center Comprehensive Plan Map designation. The RMA zone is consistent with the Residential Medium Density designation. Likewise, the OP zone is consistent with the Employment Comprehensive Plan Map designation.

### Conclusion

- 1.1 The proposed MUC, RMA, and OP zones are consistent with the Comprehensive Plan Map Designations provided the request to amend the Comprehensive Plan Map is approved.
- 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 Mixed-Use Commercial (MUC), Residential Medium Density Attached (RMA), and Office Professional (OP) zoning districts.

### Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed MUC, RMA, and OP 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 MUC, RMA, and OP 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 Greater Albany School District was informed of the proposed annexation, 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 MUC, RMA, and OP 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 on nine of the subject properties is Linn County's UGA-UGM-5; two others are zoned UGA-RR-1 and the proposed zoning for the properties is Albany's Mixed-Use Commercial (MUC), Residential Medium Density Attached (RMA), and Office Professional (OP) zoning districts (see Attachments E and F).
- 4.2 According to ADC 5.030(10), the **MUC zoning district** is "*intended primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store and may include a mix of smaller retailers, offices, live-work units, and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods.*" The intent and purpose of the MUC zone is consistent with the Village Center Comprehensive Plan Map Designation.

- 4.3 According to ADC 3.020(6), The **RMA zoning district** is “*intended primarily for medium- to high-density urban residential development consisting of attached housing types, including duplexes, triplexes, fourplexes, and apartments up to 60 feet tall. New RMA districts should be located on a collector or arterial street or in Village Centers.*” The intent and purpose of the RMA zone is consistent with the Residential Medium Density Comprehensive Plan Map Designation.
- 4.4 According to ADC 4.020(1), the **OP zoning district** is “*intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses 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.*” The intent and purpose of the OP zone is consistent with the Employment Comprehensive Plan Map Designation.
- 4.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed MUC, RMA, and OP zoning designations 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 annexations together with comprehensive plan and 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 in five places surrounding the subject properties and published in the *Albany Democrat Herald*. People who were notified of the public hearings were 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 annexations and map 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 matrix can be found in ADC Table 2.760-1. It is also attached to this report (Attachment G). The Village Center Comprehensive Plan Map Designation includes the MUC zoning district, the Residential Medium Density Comprehensive Plan Map Designation includes the RMA zoning district, and the Employment Designation includes the OP 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-5 to MUC and OP are the type of zoning anticipated by the Comprehensive Plan. The proposed zone amendment from UGA-RR-1 to RMA is also consistent with the zoning anticipated by 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 MUC, RMA, and OP 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 industry and employment centers, regional shopping centers, and urban level development to locate within the Albany city limits.**

**Policy 6: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.**

**Policy 9: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase energy, land, and infrastructure efficiency.**

**Policy 11: Designate enough land in a variety of parcel sizes and locations to meet future housing, employment and commercial needs, and designate new mixed use Village Centers and Climate Friendly Areas near transit.**

**Policy 12: The size and type of future commercial development shall be commensurate with the area to be served and located to be easily accessible by those in the service area and designed to be compatible with surrounding residential uses when applicable.**

- a. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.
- b. Zone change applications for new neighborhood commercial and mixed-use Village Center sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.
- c. The commercial component of Village Center zoning districts should be sized to meet the neighborhood needs. Village Centers are generally located at least one mile in travel distance from any other commercial site that serves or is available to serve similar commercial needs.

**Policy 13: Discourage strip commercial development and promote clustered commercial and mixed-use opportunities and infill and redevelopment of existing commercial areas to foster:**

- a. Efficient and safe utilization of transportation facilities.
- b. A variety of accessible and pedestrian-friendly shopping and housing opportunities to reduce auto use.
- c. Compatibility between land uses, particularly adjacent residential neighborhoods.
- d. Efficient extension of public facilities and 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 zoning designations 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 and commercial 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, 6, 9, 11, 12, and 13.
- 4.14 The proposed annexation consists of eleven (11) properties. 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 legislative and quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. If the concurrent Comprehensive Plan Map Designations are approved, the proposed zoning map amendments to MUC, RMA, and OP will be compatible with the Village Center, Residential Medium Density and Employment 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 MUC, RMA, and OP 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 subject properties are located at the south terminus of Timber Street, west terminus of Maple Leaf Drive, and along Spicer Drive.
- 5.2 The Albany Transportation System Plan (TSP) shows Spicer Drive (L11), Maple Leaf Drive (L12), and Timber Street (L4) extending through the site. The TSP shows a new roundabout (I36) at the new intersection of Timber Street and Spicer Drive at the southwest corner of the site. The East Albany Plan shows a new roundabout on the subject property at the intersection of Spicer Drive extension, Timber Street extension, and Maple Leaf Drive extension.
- 5.3 Comprehensive Plan and Zone changes are required to comply with the Transportation Planning Rule (TPR) under OAR 660-012-0060. The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 5.4 Chapter 3.2 of the ODOT Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT from a TPR impact analysis:



*“If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:*

*“The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- *Any proposed amendment that does not increase the average daily trips by more than 400.”*

- 5.5 The applicants submitted a Transportation Planning Rule (TPR) Analysis by Clemow Associates, LLC (Attachment H). The analysis compares the existing General Commercial Comprehensive Plan to Village Center for approximately 10 acres of the site and the remaining approximate 1 acre is proposed to be Medium Density Residential which corresponds with the current comprehensive plan designation.
- 5.6 The current General Commercial comprehensive plan allowed zones include Neighborhood Commercial, Office Professional, Community Commercial, and Regional Commercial. The applicant’s proposed comprehensive plan designation is Village Center with a corresponding zone change to Mixed Use Commercial. The traffic impact study compared the highest trip generating categories within the allowed zones in the General Commercial Comprehensive Plan designation and the proposed Mixed-use Zone. The comparison shows that the uses allowed in each zone were similar, which would not increase trip generating potential and which would not significantly affect current or planned transportation facilities.
- 5.7 The current Urban Residential Reserve comprehensive plan allowed zones include Single-Family Dwelling Unit Zones, and Residential Medium Density Attached. The applicant’s proposed comprehensive plan designation is Village Center with a corresponding zone change to Mixed-Use Commercial. The traffic impact study compared the highest trip generating categories within the allowed zones in the General Commercial Comprehensive Plan designation and the proposed mixed-use zone. The comparison shows that the uses allowed in each zone were similar, which would not increase the trip generating potential which would not significantly affect current or planned transportation facilities. Compared uses between the existing and proposed zones include indoor entertainment and recreation, traditional offices, restaurants, retails sales and services, vehicle service, and multi-dwelling residential.
- 5.8 The analysis compared the proposed building height allowances, maximum lot coverage, and ADC development code standards are similar between the existing and proposed zones. The mixed-use commercial has more strict development standards and with this zone restriction would result in a slight decreased trip-generation potential.
- 5.9 At the time of development of the subject properties, the proposed development would need to provide Traffic Studies for development that creates over 50 AM or PM peak trips meeting City of Albany Standards.

## Conclusions

- 5.1 The proposed comprehensive plan change from General Commercial to Village Center with corresponding zone change to Mixed-Use Commercial for approximately 10 acres of the site. The remaining 1 acre of the site would retain the existing comprehensive plan

designation which is proposed to be Medium Density Residential which corresponds with the current comprehensive plan designation.

- 5.2 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant affect”. The analysis submitted by the applicant showed that the reasonable highest trip generating potential development between the existing and proposed zones are similar. The Mixed-Use Commercial (MUC) zone has stricter development standards and with this zone restriction would result in a slight decrease in trip-generation potential.
- 5.3 Based on ODOT Development Review Guidelines, the zone change would not result in a potential increase of more than 400 ADT in site generated trips and as a result is not subject to TPR Section 0060. The ODOT Review Development Guidelines are based on and mirror the TPR review standards contained in Oregon Highway Plan Action 1F.5.
- 5.4 The proposed annexation would not negatively impact the subject property from being compliant with the TSP. At the time of development, the subject properties will need to incorporate the TSP and East Albany Plan transportation projects.
- 5.5 At the time of development of the subject properties, the proposed development would need to provide Traffic Studies for development that creates over 50 AM or PM peak trips meeting City of Albany Standards.
- 5.6 This criterion is satisfied without conditions.

## Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with Comprehensive Plan and Zoning Map Amendments satisfy all applicable review criteria outlined in this report.

## Conditions

Condition 1: 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 recommend the planning commission choose Option 2 and recommend approval of the annexation, comprehensive plan and zoning map amendments 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 comprehensive plan and zoning map amendments under planning files AN-01-25, CP-03-25, and ZC-03-25, as described in the January 21, 2026, 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.*

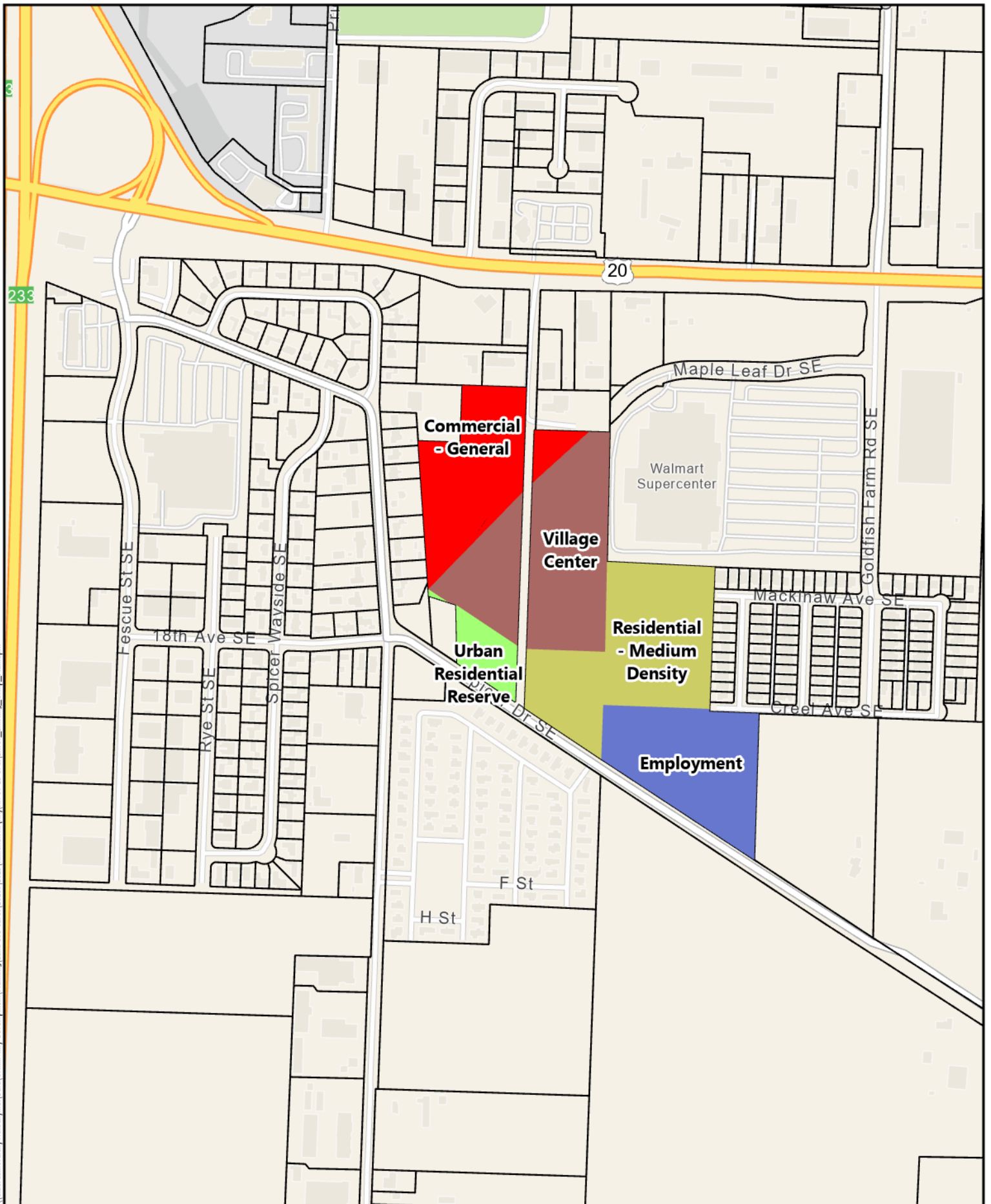
## Acronyms

ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
AN	Annexation File Designation
CC	Community Commercial Zoning District
CP	Comprehensive Plan File Designation
DLCD	Oregon Department of Land Conservation and Development
EMP	Employment Land Comprehensive Plan Designation
GC	General Commercial Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MUC	Mixed-Use Zoning District
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
OP	Office Professional Zoning District
RMA	Residential Medium Density Attached Zoning District
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
UGA-UGM	Urban Growth Area – Urban Growth Management (Linn Co.)
VC	Village Center Comprehensive Plan Designation
ZC	Zone Change File Designation

## Attachments

- A. Location Map
- B. Existing Comprehensive Plan Map
- C. Proposed Comprehensive Plan Map
- D. Tax Lot Map
- E. Current Zoning
- F. Proposed Zoning
- G. Zoning Matrix
- H. Transportation Planning Rule Analysis
- I. Written Comments from Agencies
- J. Written Comments from Residents





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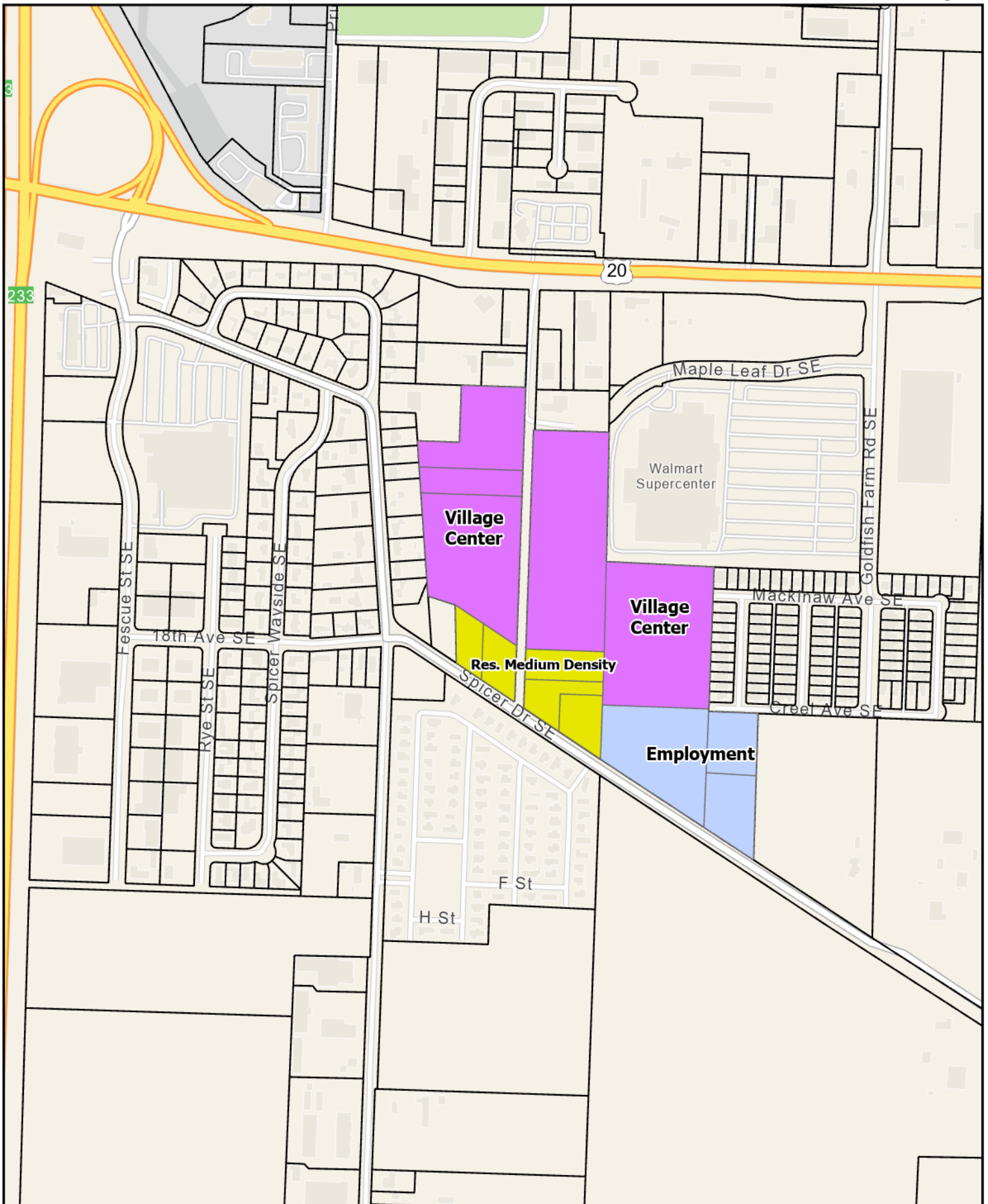


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Date: 1/20/2026 Map Source:

## East Albany Town Center

Existing Comprehensive Plan Map



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Date: 1/20/2026 Map Source:

## East Albany Town Center

Proposed Comprehensive Plan Map



Linn County, Oregon  
S.E. 1/4 SEC. 9 T.11S. R.3W. W.M.

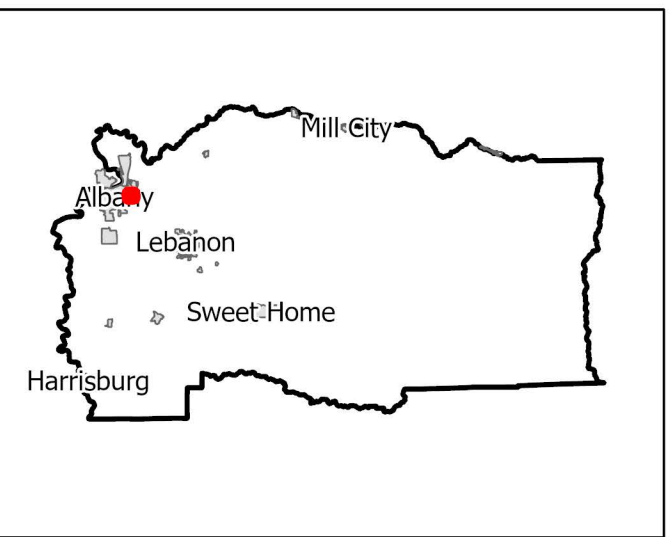
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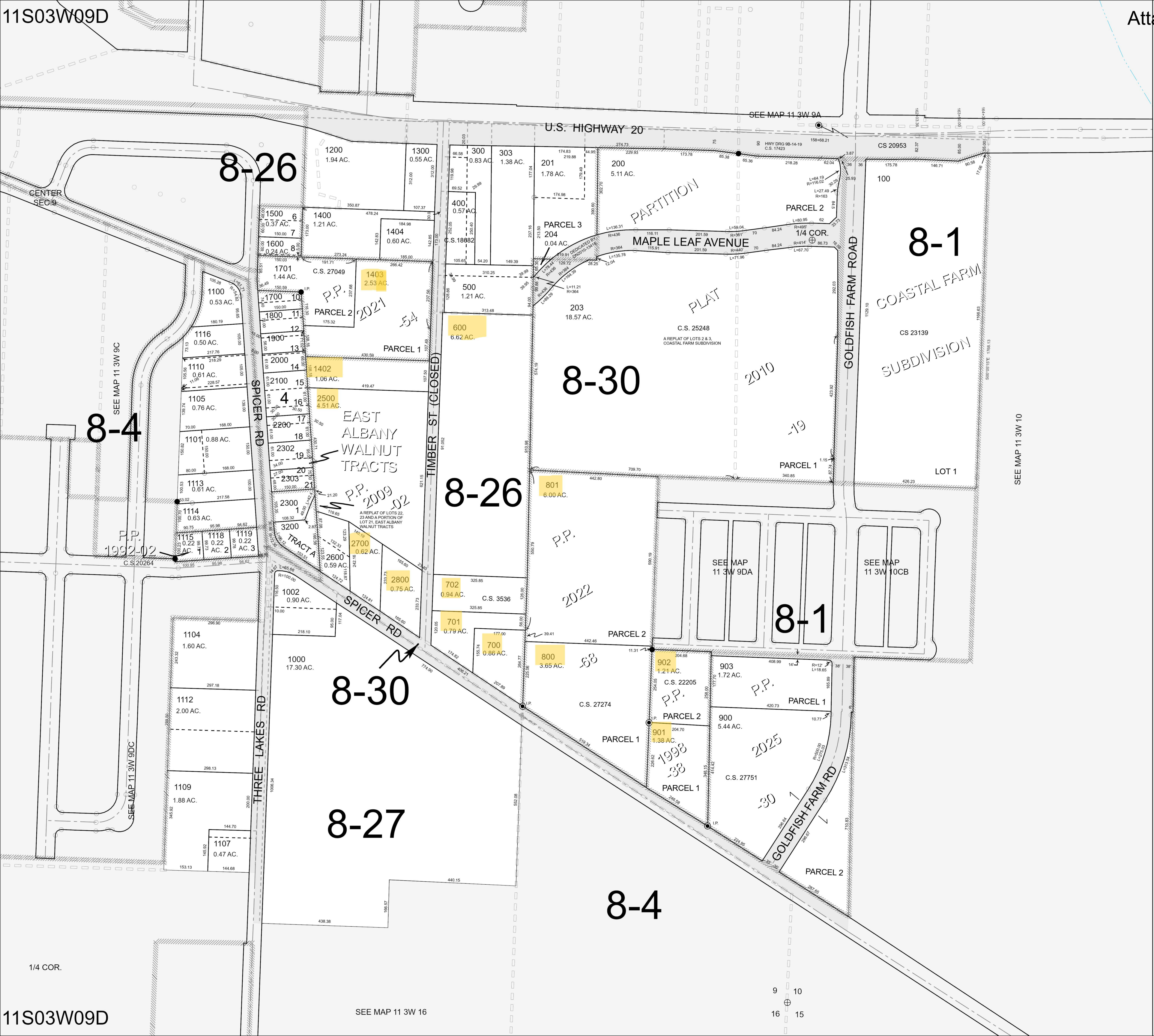
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- PublicRoadCL
  - RailroadCL
  - Subdivision
  - TaxCodeLines
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- Canceled taxlots
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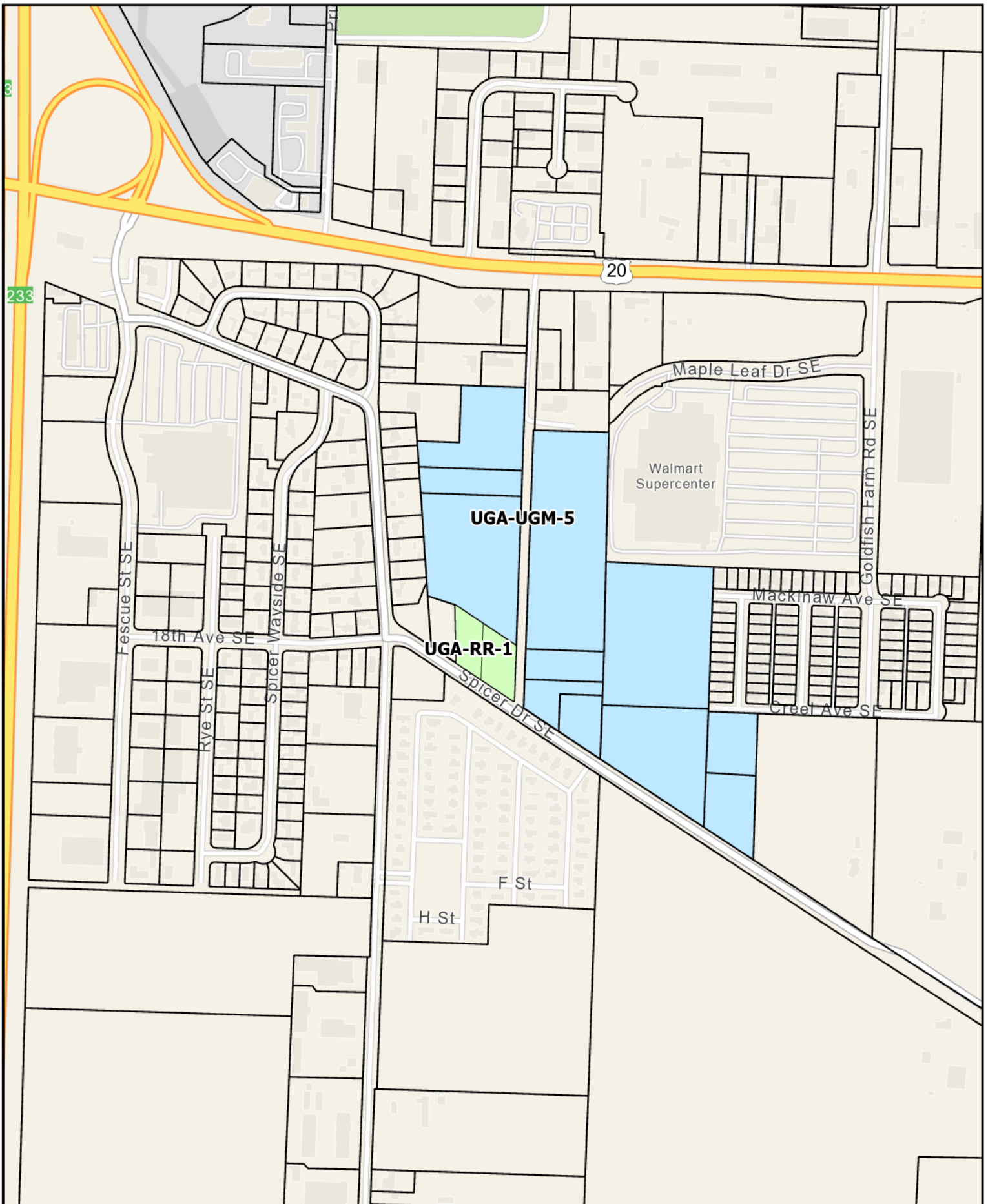
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MAP FOR ASSESSMENT  
PURPOSES ONLY







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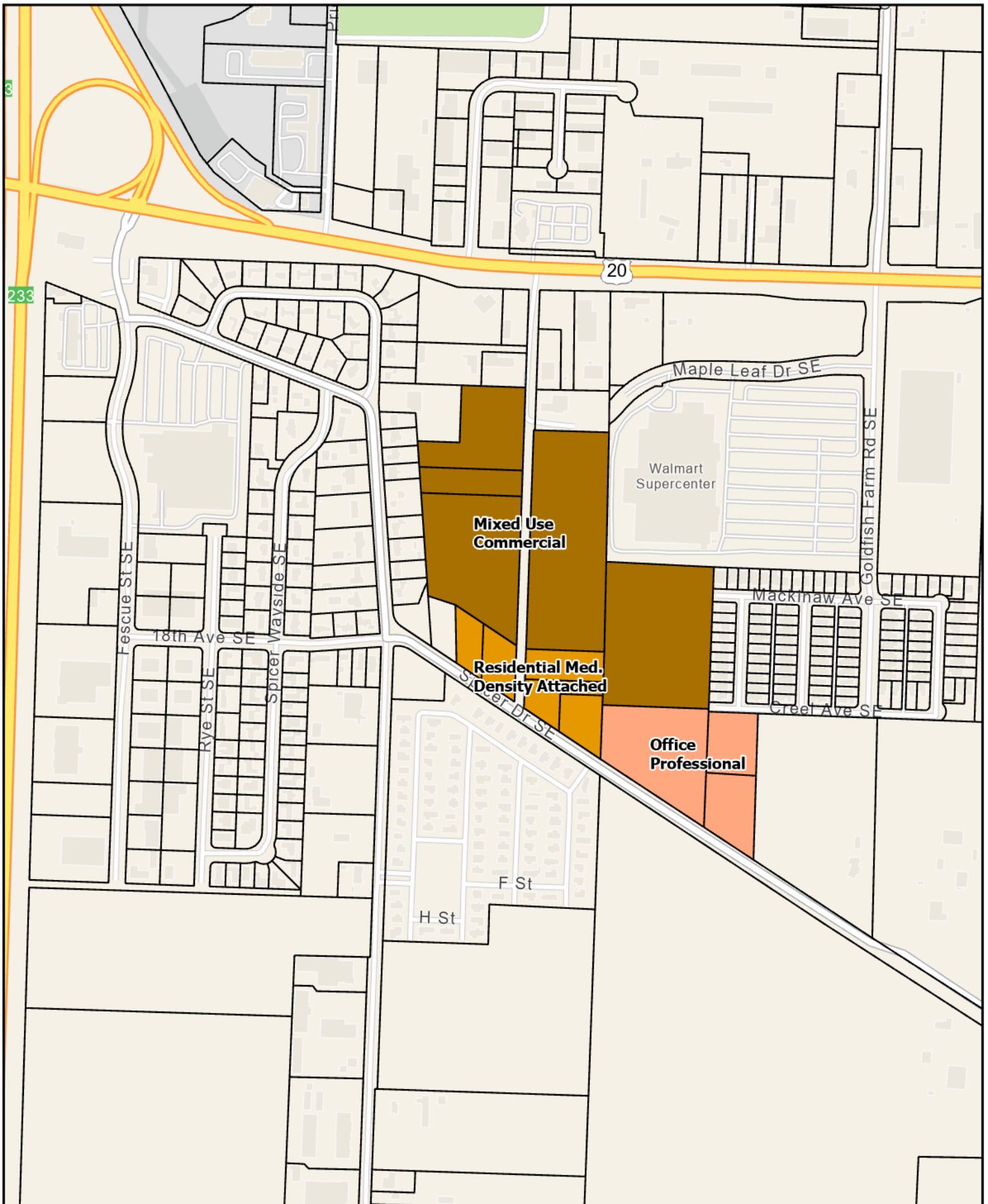


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Date: 1/20/2026 Map Source:

## East Albany Town Center

Current Zoning (Linn County)



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## East Albany Town Center

Proposed Zoning

**TABLE 2.760-1  
PLAN DESIGNATION ZONING MATRIX**

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

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

\*\*Residential Medium Density (RM) – Properties in the East Albany Plan area that were zoned RM on June 30, 2023, may remain zoned RM, including those designated High Density Residential on the Comprehensive Plan Map.

[Ord. 5555, 2/7/03; Ord. 5556, 2/21/03; Ord. 5673, 6/27/07; 10/12/17; Ord. 5947, 1/1/21; Ord. 6004, 12/28/22; Ord. 6010, 7/1/23; Ord. 6059, 3/14/25]





January 12, 2026, *Revised January 18, 2026*

East Albany Town Center, LLC  
 Attention: Damon A. Olsen  
 1860 Crocker Lane NW  
 Albany, Oregon 97312

*Sent via email to:  
 darren@nicholswood.com*

**Re: East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change  
 Albany, (Linn County), Oregon**  
*Transportation Planning Rule Analysis*

Albany File Number AN-01-25  
 C&A Project Number 20251202.00

Dear Mr. Olsen,

This Transportation Planning Rule (TPR) analysis supports the proposed annexation, Comprehensive Plan amendment, and zone change for the East Albany Town Center in Albany, Oregon. The following items are presented:

1. Property Description and Proposed Land Use Actions
2. Study Parameters
3. Development Potential
4. Summary

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTIONS**

The proposed City-initiated Combined Type IV Quasi-Judicial Land Use Application includes annexing the East Albany Town Center property from Linn County into the City of Albany.

For approximately 1 acre of the property, land use actions also include an Albany Comprehensive Plan (Plan) amendment changing the designation from *Urban Residential Reserve*, which implements the *Residential Single Dwelling Unit* (R10, R6.5, and R5), *Residential Medium Density Attached* (RMA), *Residential Medium Density* (RM), *Mixed Use Residential* (MUR), *Neighborhood Commercial* (NC), and *Office Professional* (OP) zones, to *Medium Density Residential*, with a corresponding zone change to RMA.

For approximately 10 acres of the property, land use actions also include a Plan amendment changing the designation from *General Commercial*, which implements the *Neighborhood Commercial* (NC), *Office Professional* (OP), *Community Commercial* (CC), and *Regional Commercial* (RC) zones, to *Village Center - East*, with a corresponding zone change to *Mixed Use Commercial* (MUC).

East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change Albany,  
(Linn County), Oregon  
C&A Project Number 20251202.00  
January 12, 2026, Revised January 18, 2026  
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## 2. STUDY PARAMETERS

### *Criteria to be Addressed*

The combined Type IV Quasi-Judicial Land Use Application includes an annexation, a Plan amendment, and a zone change. Therefore, the TIS addresses the following criteria:

- Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660-012-0060
- The City of Albany, *October 2019 Department of Public Works Division I Traffic Impact Study Guidelines and Engineering Standards*

### Transportation Planning Rule (TPR) Criteria

OAR 660-012-0060 (1) states, *“If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*

*(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

*(b) Change standards implementing a functional classification system; or*

*(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

*(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*

*(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”*

East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change Albany,  
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OAR 660-012-0060 (9) states, *“Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

*(a) The proposed zoning is consistent with the existing comprehensive plan map designation, and the amendment does not change the comprehensive plan map;*

*(b) The local government has an acknowledged TSP, and the proposed zoning is consistent with the TSP; and*

*(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule, but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.”*

City of Albany, October 2019 Department of Public Works Division I Traffic Impact Study  
Guidelines and Engineering Standards

Section 3 – Criteria for Warranting a Traffic Impact Study states:

*“A Level I “Trip Generation and Distribution Study” is required for all projects that generate at least 50 vehicular trips within the a.m. or p.m. peak traffic periods. The purpose of this study is to assist staff in determining whether a complete TIA is required and to what level of detail it should be prepared. Projects generating less than 50 peak-hour trips may still be required, at the discretion of staff, to prepare a traffic study if there are specific capacity or safety issues that need to be addressed, or if certain conditions of approval require a rough proportionality finding. A Trip Generation and Distribution Study must be expanded to a full TIA if any of the following criteria are met:*

- 1. If there exists any current traffic problems, such as a high-accident location, poor roadway alignment, or capacity deficiency, that are likely to be compounded as a result of the proposed development.*
- 2. If staff anticipates the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.*
- 3. If staff anticipates that adjacent neighborhoods or other areas will be adversely impacted by the proposed development. A Level II - “Traffic Impact Analysis” is required for all projects that generate at least 100 vehicular trips within the a.m. or p.m. peak traffic periods.”*

East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change Albany,  
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### ***Summary of Traffic Impact Study Criteria***

#### **1-Acre of Property**

The current Linn County *Urban Residential Reserve* designation is an ‘intermediate/holding’ designation applied to areas between the developed urban area and the Urban Growth Boundary, within which a variety of residential zones may be permitted to accommodate all needed housing types without a Plan change. As identified in the Plan, land within the *Urban Residential Reserve* designation will be changed to low- and medium-density Plan designations if such changes are needed to develop accurate 5-year capital improvement plans involving any such area or, in some cases, upon annexation to the City. As such, the proposed annexation and Plan amendment to change the designation from *Urban Residential Reserve* to *Medium Density Residential*, with a corresponding zone change to RMA, are consistent with the Plan.

Overall, for the 1-acre property, the proposed Plan amendment is consistent with the existing Plan map designation and the East Albany Plan designation, and it does not change the Comprehensive Plan. The proposed zoning is also consistent with the Albany Transportation System Plan (TSP). As such, the proposed land use actions are consistent with the Albany TSP assumptions, and they do not significantly affect an existing or planned transportation facility.

The TPR and the Albany Traffic Impact Study criteria are satisfied for the 1-acre of property without additional analysis.

#### **10-Acres of Property**

The applicant is proposing a Plan amendment changing the designation from *General Commercial*, which implements the NC, OP, CC, and RC zones, to *Village Center – East* with a corresponding zone change to MUC.

The proposed land use actions do not include a specific development application. As such, the following analysis identifies reasonable worst-case development scenarios specific to trip generation in the current and proposed zoning to determine whether additional transportation analysis is necessary.

### **3. DEVELOPMENT POTENTIAL**

#### ***Development Assumptions***

Specific to the proposed and current zones, Albany planning staff reviewed the Albany Development Code and prepared a summary of the zone descriptions and development standards. A copy of this material is attached to this letter for reference.

As previously identified for the 10-acre property, the proposed land use actions do not include a specific development application. As such, this transportation analysis evaluates the impacts of reasonable worst-case development scenarios in the proposed and current zones.

East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change Albany,  
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### Proposed MUC Zone

Based on a review of Albany Development Code Section 5.060 – *Mixed Use Zoning Districts – Schedule of Permitted Uses*, the highest trip-generating uses that are permitted outright or with site plan approval include:

- Indoor Entertainment and Recreation
- Traditional Offices
- Restaurants without a Drive-thru
- Retail Sales and Service
- Vehicle Service, Quick (gas/oil/wash)
- Multi-Dwelling Residential
- Multi-Dwelling Residential Above or Attached to a Business.

The MUC zone also has a maximum lot coverage of 80% and a maximum building height of 85 feet.

### Current NC, CC, RC, and OP Zones

Based on a review of Albany Development Code Section 4.050 – *Commercial and Industrial Zoning Districts – Schedule of Permitted Uses*, the highest trip-generating uses that are permitted outright or with site plan approval include:

- Indoor Entertainment and Recreation
- Traditional and Industrial Offices
- Restaurants without a Drive-thru
- Taverns, Bars, Brewpubs, Nightclubs
- Retail Sales and Service
- Vehicle Service, Quick (gas/oil/wash)
- Multi-Dwelling Residential Above or Attached to a Business.

Of the four current zones, permitted uses in the RC zone result in the reasonable worst-case development scenario. The RC zone also has a maximum lot coverage of 90% and no maximum building height limit.

### ***Trip Generation***

The lists of the highest trip-generating uses in both the proposed and current zones are similar; however, the maximum lot coverage and maximum building height standards in the proposed MUC zone are slightly more restrictive than those in the current zones, e.g., the RC zone. As such, it is concluded that the proposed zone change will result in a slight decrease in trip-generation potential.

Overall, for the 10-acre property, the proposed Plan amendment and corresponding zone change do not increase trip-generating potential, are consistent with the Albany TSP assumptions, and will not significantly affect an existing or planned transportation facility.

The TPR and the Albany Traffic Impact Study criteria are satisfied for the 10-acre property without additional analysis.

East Albany Town Center – Annexation, Comprehensive Plan Amendment, and Zone Change Albany,  
(Linn County), Oregon  
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#### 4. SUMMARY

The following conclusions and recommendations are made based on materials contained in this analysis:

1. The proposed City-initiated Combined Type IV Quasi-Judicial Land Use Application includes annexing the East Albany Town Center property from Linn County into the City of Albany.
2. For approximately 1 acre of the property, land use actions also include an Albany Comprehensive Plan (Plan) amendment changing the designation from *Urban Residential Reserve*, which implements the *Residential Single Dwelling Unit* (R10, R6.5, and R5), *Residential Medium Density Attached* (RMA), *Residential Medium Density* (RM), *Mixed Use Residential* (MUR), *Neighborhood Commercial* (NC), and *Office Professional* (OP) zones, to *Medium Density Residential*, with a corresponding zone change to RMA.
3. For approximately 10 acres of the property, land use actions also include a Plan amendment changing the designation from *General Commercial*, which implements the *Neighborhood Commercial* (NC), *Office Professional* (OP), *Community Commercial* (CC), and *Regional Commercial* (RC) zones, to *Village Center - East*, with a corresponding zone change to *Mixed Use Commercial* (MUC).
4. For the 1-acre property, the proposed Plan amendment is consistent with the existing Plan map designation and the East Albany Plan designation, and it does not change the Comprehensive Plan. The proposed zoning is also consistent with the Albany Transportation System Plan (TSP). As such, the proposed land use actions are consistent with the Albany TSP assumptions, and they do not significantly affect an existing or planned transportation facility.
5. For the 10-acre property, the lists of the highest trip-generating uses in both the proposed and current zones are similar; however, the maximum lot coverage and maximum building height standards in the proposed MUC zone are slightly more restrictive than those in the current zones, e.g., the RC zone. As such, the proposed zone change will result in a slight decrease in trip-generation potential.
6. For the 10-acre property, the proposed Plan amendment and corresponding zone change do not increase trip-generating potential, are consistent with the Albany TSP assumptions, and will not significantly affect an existing or planned transportation facility.
7. The TPR and the Albany Traffic Impact Study criteria are satisfied for the 10-acre property without additional analysis

Sincerely,



Christopher M. Clemow, PE, PTOE  
Transportation Engineer



Attachments: East Albany Town Center Zoning Review

Renews 31 December 2027

## Comp Plan Designation

## Potential Zoning

Employment

EMP, IP, OP, LI if prior to 6/30/23. **OP most favorable zone.** Allows single dwellings outright, middle housing & multiple dwelling units through CU. Maximum height = 30 feet. Should be sufficient for duplexes & Townhomes. Lot coverage = 70%. Sports courts are allowed through CU.

Residential Med. Density

R5, RM, RMA, MUR, OP, NC. The RM, RMA & MUR zones allow assisted living facilities through SPR. R5, OP & NC zones allowed through CU. Max heights in RM and MUR = 45 feet, RMA = 60 feet. R5, OP & NC max height = 30 feet. Heights in OP, NC, MUR & RM zones within Climate Friendly Areas up to 50 feet. Lot coverage in R5 = 60%, RM, MUR & OP = 70%, RMA = 75%, NC = 80%. New NC zones may be no more than 50,000 sq. ft. of contiguous land. Based on this, the **RMA zone may be most favorable** given maximum height, allowable uses and lot coverage.

Residential Low Density

R10, R6.5, R5, OP, NC. The proposed development lists townhomes as a use in the pre-existing R-6.5 zone. Townhouses are allowed outright along with all other middle housing types. Maximum height is 30 feet, maximum lot coverage = 60%. Minimum lot area for townhomes is 1,500 sq. ft. per unit. The **R-6.5 zone is acceptable** for townhomes. CFA maximum height bonus does not include the R10, R6.5, or R5.

Village Center (East of I-5)

MUC, MUR. Commercial and multiple dwelling units are allowed through SPR in the MUC, and outright in the MUR zones. There are more restrictions on certain commercial uses in the MUR zone. In both zones, new development must have a primary use from each residential use and nonresidential use category. Maximum height in MUC is 85 feet. The MUR is 45 feet. Lot coverage in MUC is 80%, and 70% in MUR. **The MUC zone is most flexible.** Parks are allowed through CU.



## Comp Plan Designation

Commercial General

## Potential Zoning

NC, CC, RC, OP. affordable housing developments subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 are permitted through Site Plan Review when the standards in ADC 4.060(28) or (29) are met. OP allows single dwellings outright, middle housing & multiple dwelling units through CU. Maximum height = 30 feet, except 50 feet in climate friendly areas. In the NC zone, single-dwelling units, individual SRO dwellings, duplexes, and townhouses require Site Plan Review. All other middle housing and multi-dwelling units are prohibited. The only retail uses allowed in the OP & NC are convenience-oriented retail and personal services-oriented retail intended to serve nearby residences and employees. Businesses in OP & NC are limited to a 5,000-square-foot maximum business footprint. Maximum lot coverage in OP = 70%, NC = 80%. Parks allowed through CU in OP, NC, and through SPR in climate friendly areas.

In the RC and CC zones, residential units above or attached to a business are allowed through SPR in CC, and CU in RC, subject to footnote (29). Affordable housing developments subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 are permitted through Site Plan Review when the standards in ADC 4.060(28) or (29) are met. Maximum height in CC = 50 feet, RC = None. Maximum lot coverage in both zones is 90%. The CC and RC zones allow entertainment, offices, restaurants, retail sales and service, self storage, nightclubs, vehicle repair and service, and community services.

**Best option: Change comprehensive plan designation to Village Center together with a zone change to MUC or MUR.**

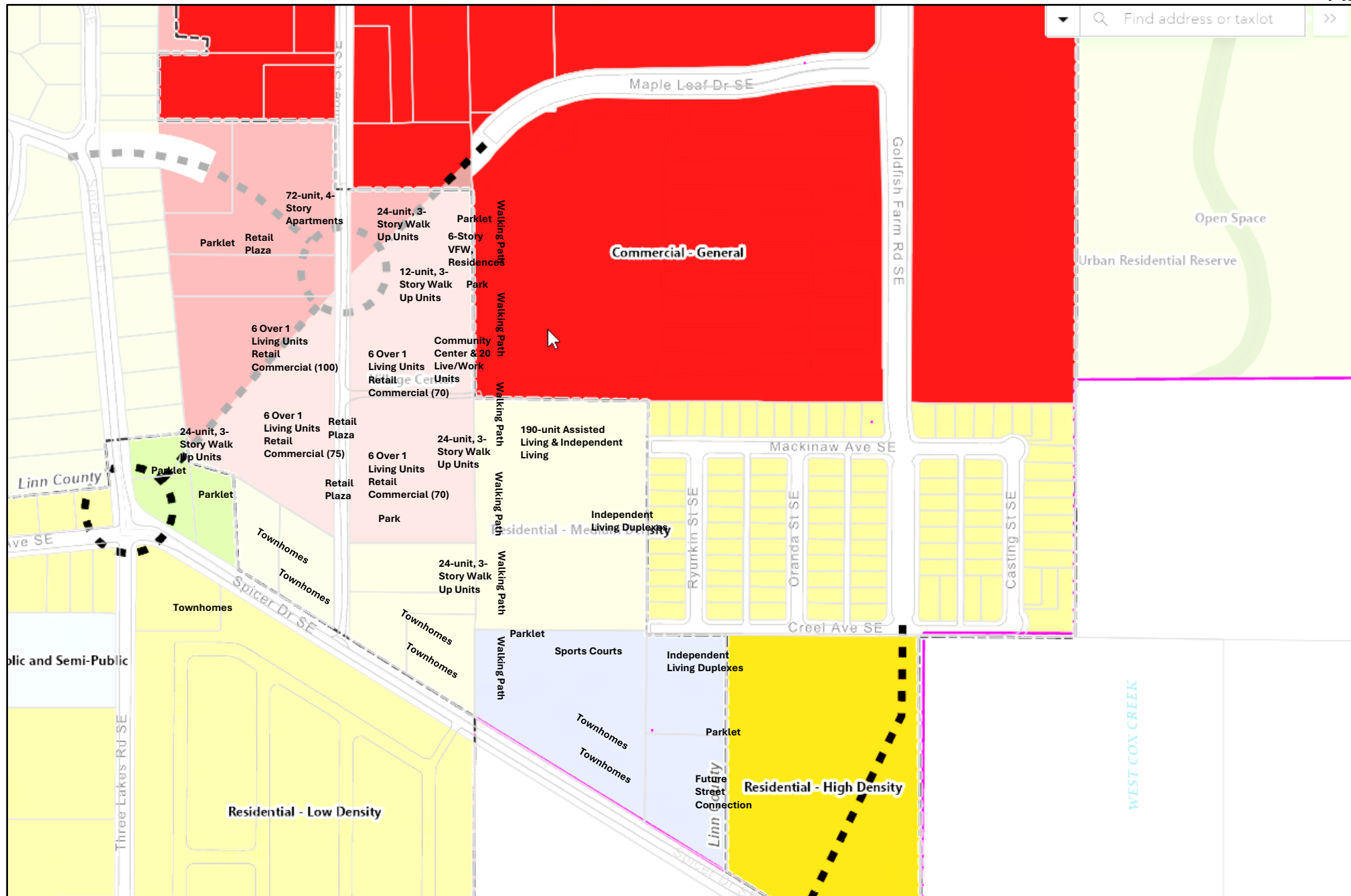
There are more restrictions on certain commercial uses in the MUR zone. In both zones, new development must have a primary use from each residential use and nonresidential use category. Maximum height in MUC is 85 feet. The MUR is 45 feet. Lot coverage in MUC is 80%, and 70% in MUR. Middle housing is allowed outright in both zones. Multiple dwelling units and units above or attached to a business are allowed through SPR in both zones. **The MUC zone is most flexible.** If no comp plan map amendment desired, consider shifting more of the residential uses to Village Center and moving strictly retail uses to Commercial area.

Urban Res. Reserve

R10, R6.5, R5, RMA, RM, MUR, NC, OP. Multiple dwelling units are allowed through SPR in the RM, RMA, and MUR zones. They are allowed conditionally in the OP zone, and not allowed in NC unless they are subject to an affordable housing covenant. Maximum height in RM and MUR = 45 feet, RMA = 60 feet. If in a CFA, maximum height in OP, NC, MUR and RM zones is 50 feet. Minimum density is 15 units/acre in CFA. Parks allowed in CFA through SPR, CU if not within CFA. Maximum lot coverage in RM and MUR = 70%, RMA = 75%. Minimum density in RM = 12 units/acre, RMA = 20 units/acre. Minimum lot size in MUR = 1,600 sq. ft. per unit. **The RMA zone is most flexible.**

**The above data represent uses permitted in various zoning districts without the need for comprehensive map amendments, unless otherwise specified.**







TO: David Martineau, Planning Supervisor

FROM: Lora Ratcliff, Fire Marshal

DATE: December 5, 2025

SUBJECT: AN-01-25 – East Albany Town Center – Annexation & Development – Fire Department Comments

The fire department has reviewed the above project for conformance to the 2025 Oregon Fire Code (OFC) per your request and has the following comments.

**\*\*Land Use permit will include a Fire Plans Review fee\*\***

1. Street names need to be approved at the time of the Final Plat. Please submit any new proposed names for approval to Lora Ratcliff (541-917-7728) at the Fire Department as early as possible in the process.
2. Approved fire apparatus roadways must extend to within 150 feet of all exterior portions of any structure that will be built on the property as measured by an approved route of travel around the exterior of the structure. (OFC 503.1.1)
3. Dead-end fire apparatus roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus (OFC 503.2.5 and D103.4)
4. The road surface for all private fire apparatus access roads shall be all weather and capable of supporting an imposed load from fire apparatus of at least 75,000 pounds as verified by a qualified State of Oregon licensed design professional. (OFC 503.2.3 & Appendix D, 102.1). The Designer of Record shall provide written certification to the Fire Department upon completion of all private access road construction.
5. This proposed project is located within a "Protected Area" as defined by Oregon Fire Code (OFC) Appendix B, Section B102 and this area is currently served by a public water system. The Fire Flow required shall be as specified in Appendix B of the fire code. (OFC 507.3).

Lora Ratcliff  
 541-917-7728  
[Lora.ratcliff@albanyoregon.gov](mailto:Lora.ratcliff@albanyoregon.gov)

LAR/lar

**From:** [LINER Duane J](#)  
**To:** [Martineau, David](#)  
**Cc:** [james.feldmann@odot.oregon.gov](mailto:james.feldmann@odot.oregon.gov)  
**Subject:** AN-01-25, CP-03-25, & ZC-03-25 ODOT Vic of US20 Hwy 016 MP1.48vic DRS13876  
**Date:** Monday, December 8, 2025 11:43:10 AM  
**Attachments:** [image001.png](#)  
[AN-01-25 et al.pr.dm.docx](#)

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David,

Thank you for this notice of Project Review: Annexations with Concurrent Comprehensive Plan and Zoning Map Amendments regarding the 11 properties between US 20 and Spicer Drive in east Albany.

Please find ODOT's comments below:

- From ODOT's Region 2 Senior Planner James Feldmann: At this time, we do not have comments because the application appears to be consistent with the recently adopted East Albany Plan and that traffic impacts have been considered as part of the application. If this is not the case, or if during the quasi-judicial adoption process the application changes, please consider us an interested party for the opportunity to provide further comment.

Thank you

- duane

Duane James Liner, P.E.  
 Development Review Coordinator  
 ODOT - Region 2  
 541-757-4140

**From:** Martineau, David <[David.Martineau@albanyoregon.gov](mailto:David.Martineau@albanyoregon.gov)>  
**Sent:** Monday, December 1, 2025 10:19 AM  
**To:** Development Review Team <[DevelopmentReviewTeam@cityofalbany.net](mailto:DevelopmentReviewTeam@cityofalbany.net)>; Catlin, Anne <[Anne.Catlin@albanyoregon.gov](mailto:Anne.Catlin@albanyoregon.gov)>; [jasoto@bpa.gov](mailto:jasoto@bpa.gov); [dxsmith@bpa.gov](mailto:dxsmith@bpa.gov); [cmdavis@bpa.gov](mailto:cmdavis@bpa.gov); [damogstad@bpa.gov](mailto:damogstad@bpa.gov); Romeo, Robb <[Robb.Romeo@albanyoregon.gov](mailto:Robb.Romeo@albanyoregon.gov)>; Hawkins, Laura <[Laura.Hawkins@albanyoregon.gov](mailto:Laura.Hawkins@albanyoregon.gov)>; Adams, Sophie <[sophie.adams@albanyoregon.gov](mailto:sophie.adams@albanyoregon.gov)>; Jacobus,

Dave <[Dave.Jacobus@albanyoregon.gov](mailto:Dave.Jacobus@albanyoregon.gov)>; Lyddane, Kim <[Kim.Lyddane@albanyoregon.gov](mailto:Kim.Lyddane@albanyoregon.gov)>; Snyder, Matthew <[Matthew.Snyder@albanyoregon.gov](mailto:Matthew.Snyder@albanyoregon.gov)>; Willis-Lujan, Jolene <[Jolene.Willis-Lujan@albanyoregon.gov](mailto:Jolene.Willis-Lujan@albanyoregon.gov)>; Bliss, Candy <[Candy.Bliss@albanyoregon.gov](mailto:Candy.Bliss@albanyoregon.gov)>; [Lance\\_Roth@comcast.com](mailto:Lance_Roth@comcast.com); 'Michael\_Allen@comcast.com' <[michael\\_allen@comcast.com](mailto:michael_allen@comcast.com)>; 'engineering@cpj.coop' <[engineering@cpj.coop](mailto:engineering@cpj.coop)>; [weyer@jbhwlaw.com](mailto:weyer@jbhwlaw.com); [andy.gardner@albany.k12.or.us](mailto:andy.gardner@albany.k12.or.us); EXTERNAL - Linn Co., Assessor <[assessor@co.linn.or.us](mailto:assessor@co.linn.or.us)>; [aboles@co.linn.or.us](mailto:aboles@co.linn.or.us); [roads@co.linn.or.us](mailto:roads@co.linn.or.us); Stocker, Dustin <[dstocker@co.linn.or.us](mailto:dstocker@co.linn.or.us)>; [tcasey@co.linn.or.us](mailto:tcasey@co.linn.or.us); 'travis.vaughn@lumen.com' <[travis.vaughn@lumen.com](mailto:travis.vaughn@lumen.com)>; 'nwnalbanyengineering@nwnatural.com' <[nwnalbanyengineering@nwnatural.com](mailto:nwnalbanyengineering@nwnatural.com)>; ODOT Reg 2 Planning Manager <[ODOTR2PLANMGR@odot.oregon.gov](mailto:ODOTR2PLANMGR@odot.oregon.gov)>; Willis, Nicole (PacifiCorp) <[nicole.willis@pacificorp.com](mailto:nicole.willis@pacificorp.com)>; Clevenger, Wayne (PacifiCorp) <[wayne.clevenger@pacificorp.com](mailto:wayne.clevenger@pacificorp.com)>; Vath, Elke (PacifiCorp) <[elke.vath@pacificorp.com](mailto:elke.vath@pacificorp.com)>; Steiner, Eddie (PacifiCorp) <[eddie.steiner@pacificorp.com](mailto:eddie.steiner@pacificorp.com)>; EXTERNAL - Morgan, Amie <[AMorgan2@republicservices.com](mailto:AMorgan2@republicservices.com)>  
**Subject:** DRS\_Olsen

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning,

The City of Albany has received an application for annexations together with comprehensive plan map amendments and zoning map amendments. Please provide any comments or completeness issues by **December 17, 2025**.

Thank you,

David



**David Martineau, AICP**

Current Planning Manager  
 541-917-7555

**Community Development - Planning**

City of Albany, Oregon  
 333 Broadalbin St SW, Albany, Oregon 97321  
[www.albanyoregon.gov](http://www.albanyoregon.gov)

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**Martineau, David**

**From:** Romeo, Robb  
**Sent:** Monday, December 1, 2025 10:53 AM  
**To:** Martineau, David  
**Subject:** RE: Project Review - East Albany Town Center Annexations

David,

The only thing I would see is properties 1,2,3,10,11,4, and 6 would need a 7460 Notice of Proposed Construction or Alteration. if they were going to be two stories or higher to determine if they need obstruction lighting.

Robb

**Robb Romeo**

Transportation Manager  
 541-917-7605

**Public Works**

City of Albany, Oregon  
 310 NE Waverly Dr, Albany, Oregon  
 97321



**From:** Martineau, David <David.Martineau@albanyoregon.gov>  
**Sent:** Monday, December 1, 2025 10:19 AM  
**To:** Development Review Team <DevelopmentReviewTeam@cityofalbany.net>; Catlin, Anne <Anne.Catlin@albanyoregon.gov>; jasoto@bpa.gov; dxsmith@bpa.gov; cmdavis@bpa.gov; damogstad@bpa.gov; Romeo, Robb <Robb.Romeo@albanyoregon.gov>; Hawkins, Laura <Laura.Hawkins@albanyoregon.gov>; Adams, Sophie <sophie.adams@albanyoregon.gov>; Jacobus, Dave <Dave.Jacobus@albanyoregon.gov>; Lyddane, Kim <Kim.Lyddane@albanyoregon.gov>; Snyder, Matthew <Matthew.Snyder@albanyoregon.gov>; Willis-Lujan, Jolene <Jolene.Willis-Lujan@albanyoregon.gov>; Bliss, Candy <Candy.Bliss@albanyoregon.gov>; Lance\_Roth@comcast.com; 'Michael\_Allen@comcast.com' <michael\_allen@comcast.com>; 'engineering@cpi.coop' <engineering@cpi.coop>; weyer@jbhwlaw.com; andy.gardner@albany.k12.or.us; EXTERNAL - Linn Co., Assessor <assessor@co.linn.or.us>; aboles@co.linn.or.us; roads@co.linn.or.us; Stocker, Dustin <dstocker@co.linn.or.us>; tcasey@co.linn.or.us; 'travis.vaughn@lumen.com' <travis.vaughn@lumen.com>; 'nwnalbanyengineering@nwnatural.com' <nwnalbanyengineering@nwnatural.com>; EXTERNAL - ODOT Planning <odotr2planmgr@odot.state.or.us>; Willis, Nicole (PacifiCorp) <nicole.willis@pacificorp.com>; Clevenger, Wayne (PacifiCorp) <wayne.clevenger@pacificorp.com>; Vath, Elke (PacifiCorp) <elke.vath@pacificorp.com>; Steiner, Eddie (PacifiCorp) <eddie.steiner@pacificorp.com>; EXTERNAL - Morgan, Amie <AMorgan2@republicservices.com>  
**Subject:** Project Review - East Albany Town Center Annexations

Good morning,

The City of Albany has received an application for annexations together with comprehensive plan map amendments and zoning map amendments. Please provide any comments or completeness issues by **December 17, 2025**.

Thank you,

David



**David Martineau, AICP**

Current Planning Manager

541-917-7555

**Community Development - Planning**

City of Albany, Oregon

333 Broadalbin St SW, Albany, Oregon 97321

[www.albanyoregon.gov](http://www.albanyoregon.gov)

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**From:** [Richard Hernandez](#)  
**To:** [Martineau, David](#)  
**Subject:** Annexation of Lot 5, Albany, OR  
**Date:** Monday, January 19, 2026 2:44:07 PM

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To the Relevant Planning Authorities,

I am writing to you today, on behalf of my wife Denise Hernandez, and myself Richard Hernandez. We are deeply concerned residents residing at 3831 Ryunkin St SE in Albany, and we wish to formally express our apprehensions regarding the proposed annexation and subsequent development of the land directly bordering our property, specifically referring to property number five.

Our primary concern stems from the inherent ecological sensitivity of the adjacent land, which is recognized as wetlands. The potential for substantial alterations to the natural ground structure and hydrological patterns is significant. We are apprehensive about how such changes could impact the stability and integrity of our own property.

We have made a considerable personal investment in our home, including the construction of a robust retaining wall to protect our property line. We are concerned about how any new development might compromise the integrity of this existing structure or necessitate further costly interventions. Additionally, the prospect of development so close to our residence raises serious questions about the preservation of our privacy and the potential for a diminished quality of life. We anticipate significant disruption from construction noise, especially for individuals, like ourselves, who may require daytime rest due to their work schedules.

Furthermore, we have significant concerns regarding the long-term structural stability of our home's foundation. Any ground movement, settlement, or uplift induced by development activities on wetland soil could result in costly and extensive damage. We seek clear assurances regarding accountability and mechanisms for redress should such an unfortunate event occur.

When we acquired our property, it was with the understanding and expectation that the land immediately behind us would remain undeveloped, forming a crucial part of our long-term retirement planning. The proposed annexation directly conflicts with these foundational expectations.

In light of these pressing concerns, we respectfully request comprehensive information regarding the detailed plans for this annexation and development. We are eager to understand what mitigation strategies are being considered to address the potential impacts on existing residents, particularly concerning privacy, noise reduction, and structural protection for neighboring properties. We also wish to understand what avenues are available for residents to actively participate in the planning process and to have our specific concerns heard and genuinely considered. We are seeking clarification on all available options and resources to navigate this situation.

Thank you for your time and attention to this critical matter. We look forward to your prompt response and the opportunity for further dialogue.

Sincerely,

Richard & Denise Hernandez

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