



## NOTICE OF PUBLIC HEARING

**CITY OF ALBANY  
PLANNING COMMISSION  
City Council Chambers, 333 Broadalbin Street SW  
Monday, November 17, 2014  
5:15 p.m.**

### AGENDA

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. ROLL CALL
4. COMMENTS FROM THE PUBLIC
5. APPROVAL OF MINUTES
  - a. January 13, 2014
  - b. October 6, 2014
  - c. October 20, 2014

#### **Rules of Conduct for Public Hearing**

1. No person shall be disorderly, abusive, or disruptive of the orderly conduct of the hearing.
2. Persons shall not testify without first receiving recognition from the presiding officer and stating their full name and residence address.
3. No person shall present irrelevant, immaterial, or repetitious testimony or evidence.
4. There shall be no audience demonstrations such as applause, cheering, display of signs or other conduct disruptive of the hearing.

#### 6. QUASI-JUDICIAL PUBLIC HEARING

- **Review of File ZC-01-14.** Change two parcels from Industrial Park (IP) to Light Industrial (LI) to accommodate a new casting metals foundry. The applicant is Chris Turner, with ATI Cast Products, represented by Jeff Schott, with Pillar Consulting. The location of the proposed zone change is 2435 and 2445 Ferry Street SW, about a ¼ mile south of Queen Avenue.

7. ACTIVITY UPDATE
8. NEXT PLANNING COMMISSION MEETING DATE:  
Monday, December 15, 2014
9. ADJOURN

*\*\*The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate please notify Human Resources Department in advance by calling 541-917-7500. City of Albany Web site [www.cityofalbany.net](http://www.cityofalbany.net)*



**CITY OF ALBANY**  
PLANNING COMMISSION WORK SESSION  
City Hall Council Chambers, 333 Broadalbin Street  
Monday, January 13, 2014  
5:15 p.m.

**MINUTES**

Planning Commissioners present: Dala Rouse, Larry Tomlin, Roger Phillips, Dan Sullivan, Danon Kroessin, Cordell Post, Sue Goodman, Kristin Richardson

Planning Commissioners excused: Lolly Gibbs

Staff present: Anne Catlin, Lead Long Range Planner; Mark Shepard, P.E., Public Works Director and Community Development Director; Melissa Anderson, Planner 2; Edene Rice, Administrative Assistant

Others present: Six others were in the audience

**CALL TO ORDER**

Chair Tomlin called the meeting to order at 5:16 p.m.

**ROLL CALL**

**COMMENTS FROM THE PUBLIC**

Councilor Kellum shared concerns and suggestions he had with the proposed revisions to the home business standards. He asked what a reasonable parking requirement is; standards should regulate impacts and not specific businesses; Albany has 29 home-based welding businesses; is welding unsafe?

Community Development Director Shepard gave an overview of the Business Ready Task Force's (BRTF) efforts to develop the package of Development Code amendments that removes obstacles to redevelopment. The goal of the work session is to familiarize the Planning Commission with the proposed Code amendments and to answer any questions.

**DEVELOPMENT CODE AMENDMENTS REVIEW AND DISCUSSION**

Lead Long Range Planer Catlin reviewed the proposed Development Code amendments as summarized in the agenda packet handout.

Catlin acknowledged Kellum's concerns and highlighted changes to the amendments being drafted for Planning Commission's consideration. She explained that the changes are intended to allow more variety of home businesses and to have objective standards to regulate offsite impacts.

Commissioner Kroessin asked if the Fire Marshall was concerned about welding.

Commissioner Tomlin said there was not enough enforcement. He expressed concerns about spray painting.

Commissioner Rouse said that painting cars is regulated by the state and requires a paint booth and registration with the Fire Marshall.

Mayor Konopa asked if the number of employees permitted would affect in-home daycares.

Catlin reviewed amendments to Planned Development standards that would reduce the process time and the amount of open space required. Tomlin asked about planned developments and compatibility requirements; do we want a “one face” community.

Tomlin thinks the \$25,000 expense threshold that would trigger improvements to nonconforming sites is too low and suggested it not include maintenance.

Catlin highlighted amendments that would allow more variety of uses in vacant buildings in the LI zone to encourage their reuse.

Kellum asked if there is currently a requirement to pave overflow parking. Catlin affirmed there was.

Konopa noted that Foress Signs staff input was helpful for the sign subcommittee’s recommendations.

Tomlin asked why signs on roofs were prohibited and if there was discussion about the angle of signs.

Resident Bill Ryals who served on the sign subcommittee said his goal was to develop standards that were reasonable and fairly enforced.

Shepard concluded discussion by stating that staff intends to review the Code annually for revisions that may be needed, including to the BRTF amendments.

#### NEXT MEETING

A public open house regarding the BRTF amendments is scheduled for January 14, 2014. The Planning Commission public hearing on the proposed BRTF amendments is February 3, 2014.

#### ADJOURNMENT

Hearing no further business, Commission Chair Tomlin adjourned the meeting at 6:40 p.m.

Submitted by,

Anne Catlin  
Planner 3

CITY OF ALBANY  
PLANNING COMMISSION  
City Council Chambers, 333 Broadalbin Street SW  
Monday, October 6, 2014  
5:15 p.m.

MINUTES

Planning Commissioners present: Sue Goodman, Roger Phillips, Kristin Richardson, Dala Rouse, Daniel Sullivan, Larry Tomlin, Linsey Godwin

Planning Commissioners absent: Cordell Post (excused)

Staff present: Mark W. Shepard, Assistant City Manager/Public Works and Community Development Director; Bob Richardson, Planning Manager; David Martineau, Lead Current Planner; Ron Irish, Transportation Systems Analyst; Sean Kidd, Deputy City Attorney

CALL TO ORDER

Chair Tomlin called the meeting to order at 5:20 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None.

APPROVAL OF MINUTES

August 18, 2014

MOTION: Commissioner Rouse moved to approve the minutes as presented. Commissioner Goodman seconded. The motion passed 7-0.

September 8, 2014

MOTION: Commissioner Rouse moved to approve the minutes as presented. Commissioner Goodman seconded. The motion passed 7-0.

QUASI-JUDICIAL PUBLIC HEARING

**Consolidated Review of Files SD-09-14, SP-21-14, and FP-06-14 – Vreeland Estates Phase 2**

- SD-09-14 is a Type III Tentative Subdivision Plat that will divide a portion of a 42.89-acre parcel of land into 103 residential lots (Vreeland Estates Phase 2);
- SP-21-14 is a Site Plan Review for the removal of 24 trees larger than eight inches in diameter processed concurrently with the Type III Subdivision Plat;
- FP-06-14 is a Floodplain Development Review required prior to initiating floodplain development activities located within the 100-year Special Flood Hazard Area

The property owner is Mountain West Investment Corporation, Salem, Oregon; the applicant is Jason Tokarski, Mountain West Investment; and the applicant's engineer is Troy Plum, TKP Engineering, Corvallis, Oregon.

Chair Tomlin opened the public hearing at 5:26 p.m.

Declarations by the Commission:

There were no declarations of conflicts of interest, ex parte contacts, or site visits. There were no abstentions. There were no objections raised on jurisdictional grounds.

Hearing Procedures:

Planning Manager Bob Richardson said those wishing to testify should be aware that they must raise an issue with enough detail to afford the Planning Commission and parties an opportunity to respond to the issue if they later want to raise that issue on appeal. Testimony and evidence must be directed toward the approval standards staff will describe or other criteria in the comprehensive plan or development code which they believe apply to the decision. If additional documents or evidence are provided by any party, the Planning Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.

Staff Report:

Lead Current Planner David Martineau gave a slide presentation (see agenda file). He said the Consolidated Subdivision Application proposes to divide a portion of a 42.89-acre parcel into 103 residential single-family, duplex and tri-plex lots together with stormwater detention and open space tracts using cluster development standards. The first phase of development was approved by the Planning Commission on June 16, 2014. Subdividing the remainder of the property at that time was postponed because the City's Floodplain Manager identified a requirement for a flood study, which has since been completed. The property is located on the south side of Grand Prairie Road, just west of Interstate 5. The property is zoned Single Family Residential (RS-6.5), with a Significant Wetland Overlay, Riparian Corridor Overlay, and Floodplain Overlay District.

Planner Martineau reviewed the Staff Analysis, including the applicable review criteria, staff findings, and conclusions, and recommended conditions where applicable for the Tentative Subdivision Plat Review; the Cluster Development Review; the Site Plan Review-Tree Felling Concurrent with Development; Provisions for Flood Hazard Reduction-Floodway Restrictions; Provisions for Flood Hazard Reduction-Alteration of a Watercourse; Provisions for Flood Hazard Reduction-Land Division Standards; Provisions for Flood Hazard Reduction-Grading, Fill, Excavation, and Paving Standards; and Site Plan Review-Natural Resources Impact Review Standards. The Staff Analysis is provided in detail in the written staff report.

Planner Martineau said a Notice of Public Hearing was mailed on September 16, 2014, to all property owners within 300 feet of the subject site, as well as those who were notified for the neighborhood meeting and state and federal agencies with jurisdiction. The site was posted in three places on September 26, 2014. As of 3:00 p.m. today (October 6, 2104), three items of written testimony have been received. In summary, comments were centered around parks and recreation, riparian corridor and significant wetland areas, permit requirements for state and federal agencies, traffic impacts with the new bridge, stop lights and cross walks, access to the proposed development, and minimum lot sizes within the development. A copy of all correspondence was forwarded to the developer and provided to the Planning Commission.

Planner Martineau briefly reviewed the recommended conditions of approval in the categories of transportation; public facilities; cluster development; tree felling; floodplain; grading, fill, excavation and paving standards; natural resource impacts; and a local mitigation plan. Staff recommended approval of the request with the recommended conditions.

Questions from the Commission:

Commissioner Rouse asked for clarification on how the riparian corridor is measured and in what areas encroachment would be allowed. Planner Martineau explained that the 50-foot riparian corridor is measured from the ordinary top of water mark and from the upland edge of the wetlands, and that the proposal would allow encroachment into the first 25 feet of the riparian corridor.

Commissioner Godwin asked how enforcement would occur to ensure there is no development in the “no-build” easement area. Planner Martineau said compliance with development conditions would be enforced through the building permit process.

Chair Tomlin asked who would be responsible for administrative oversight. Planner Martineau said the Albany Development Code (ADC) spells out options which include a homeowners association, the City, and conservancy groups. In this case, the Grand Prairie Water District has jurisdiction and would want to maintain access to Periwinkle Creek. Staff understands that a homeowners association will be established but what keeps that going indefinitely is another matter. The issue will have to be resolved before development.

In response to further inquiries, Planner Martineau said the Grand Prairie Water District has a 70-foot wide easement - 40 feet north of Periwinkle Creek and 30 feet south of the creek. Easements are in place to allow for repairs along the base and access to the creek to remove blockages, etc. On the north side of Periwinkle Creek is a bench wide enough for a vehicle to traverse and no vegetation mitigation is proposed. Mitigation is proposed on the south side of the creek within the riparian corridor areas. Even if negotiations do not allow the developer to have mitigation within the Grand Prairie Water District easement, there is 20 feet remaining of the riparian corridor where mitigation could occur.

In response to an inquiry from Commissioner Rouse, Transportation System Analyst Irish said the Transportation System Plan does not include a traffic signal at Grand Prairie and Lexington or the two access points on Waverly Drive at this time.

Commissioner Godwin asked if there were any plans for public access to the open space area. Planner Martineau said public access to the area in the southeast part of the property is problematic; there is no proposal by the developer to provide public access to that area.

Chair Tomlin asked if the streets would have bicycle lanes. Staff said no, these are local streets which generally do not have bicycle lanes.

Applicant’s Testimony:

Troy Plum, TKP Engineering, P. O. Box 374, Corvallis, addressed comments received in verbal and written testimony and questions from the Planning Commission. He said the applicant would prefer to make the open space dedication to the Grand Prairie Water District and the details are being worked out. He said a homeowners’ association will be formed and the applicant understands the long-term responsibilities. He said there is not a good opportunity to provide public access to open space within the riparian corridor and it is intended to be a natural feature for wildlife and the wetlands. He said the applicant is moving forward to construct speed bumps based on discussion at the previous hearing, that no mobile homes are proposed in the development, and that Lot

27 will not be allowed to plat until the proposed bridge is constructed. He said the traffic study was prepared in March and the traffic counts were taken in February 2014 when school was in session. He said the applicant has worked with the Oregon Department of Fish and Wildlife (ODFW) to satisfy their requirements related to the proposed bridge over Periwinkle Creek.

Mike Ard, Lancaster Engineering, 321 SW Fourth Avenue, Suite 400, Portland, prepared the Traffic Impact Study (TIS) for this development. He said traffic signal warrants are the minimum threshold at which consideration of signalization is allowed. The TIS looked out 10 years to 2024 traffic conditions. It is not projected that warrants will be met within the 10-year time period. In looking at traffic impacts of the proposed subdivision, he said, it was found that the intersections would operate acceptably with the subdivision in place.

Testimony in Support of the Application: None.

Testimony in Opposition to the Application:

Gary Harkins, 2950 Brookside Avenue, submitted written testimony. He said many of his concerns had been addressed but he was still concerned about how building would occur on lots in the riparian corridor given the setback requirements. If a house could be placed on those lots in a way that does not encroach, he wondered if they would be allowed to have landscaping or outbuildings within the setback area. He asked what would be done with the little creek that runs from Grand Prairie to Periwinkle.

Neutral Testimony:

Jenny Terjeson, 3455 Bartley Drive SE, pointed to the open space dedication map presented by the applicant (page 109). She expressed concern that there did not appear to be access to the large open space area that could be used in the event of a fire.

Rebuttal Testimony:

Troy Plum reviewed the standards requiring that the riparian corridor extend 50 feet from the ordinary high water mark or from the upland edge of the wetlands, whichever is greater. He said in every case on Periwinkle Creek, the wetlands extend beyond the ordinary high water mark. The riparian corridor was made from the upland edge of existing wetlands. The ADC permits encroachment into the 50-foot riparian corridor by up to 25 feet and the lots along there are developable. He said the existing open ditch that runs from Grand Prairie to Periwinkle Creek would be left open. In response to the concern about access to the open space area in the event of a fire, he said he would accept a condition requiring an easement or whatever the Commission agrees must be in place for that emergency access.

Staff Comments:

Planner Martineau provided clarifying information in response to issues raised during public testimony. He showed a graphic and explained that the riparian corridor is 50 feet wide; however, the applicant is able to encroach within the first 25 feet of the corridor because they are mitigating for that. Even on the most constrained lots, two-thirds or more of the lot could conceivably be developed. He reviewed Condition NR-B 2.1 and stated that no structures or disturbance of ground would be allowed within the remaining 25 feet of the corridor.

In response to an inquiry from Commissioner Richardson, Planner Martineau said wetlands on the site were found through a delineation study and they are under the jurisdiction of the Department of State Lands and the Oregon Army Corps of Engineers. The wetlands are not considered locally significant.

In response to an inquiry from Commissioner Godwin, Staff said the City does not currently have regulations on stormwater temperature or planting requirements to address that.

Close the Public Hearing:

Chair Tomlin closed the public hearing at 6:59 p.m.

Discussion and Decision:

Commissioner Rouse suggested that a condition be added to address concerns about emergency access to the open space area. Staff provided draft language which was revised during Planning Commission discussion.

Motion: Commissioner Rouse moved that the Planning Commission approve, with conditions as modified, the Tentative Plat application to create a 103-lot cluster subdivision as presented in the staff report for planning files SD-09-14, SP-21-14, and FP-06-14. The modification is to add the following condition: *The final plat shall include a minimum 20-foot access easement serving the open space area in the southeast corner of the site in a location approved by the Albany Fire Marshal.* Commissioner Sullivan seconded. The motion passed 7-0.

Chair Tomlinson said the Community Development Director would provide written notice of the decision to the applicant and other parties entitled to notice within five days of the decision. A person with standing may appeal the decision to the City Council by filing a Notice of Appeal with the Planning Division within 10 days from the date the City mails the Notice of Decision.

ACTIVITY UPDATE: There was no update.

NEXT PLANNING COMMISSION MEETING DATE

Monday, October 20, 2014

ADJOURN

Hearing no further business, Chair Tomlin adjourned the meeting at 7:09 p.m.

Respectfully submitted,

Reviewed by,

Teresa Nix  
Administrative Assistant

Bob Richardson  
Planning Manager



CITY OF ALBANY  
PLANNING COMMISSION  
City Council Chambers, 333 Broadalbin Street SW  
Monday, October 20, 2014  
5:15 p.m.

MINUTES

Planning Commissioners present: Linsey Godwin, Roger Phillips, Kristin Richardson, Dala Rouse, Daniel Sullivan, and Larry Tomlin

Planning Commissioners absent: Sue Goodman, Cordell Post, (one vacancy)

Staff present: Bob Richardson, Planning Manager; David Martineau, Planner; Sean Kidd, Deputy City Attorney; Rachel Kutschera, Administrative Assistant

CALL TO ORDER

Chair Tomlin called the meeting to order at 5:17 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

COMMENTS FROM THE PUBLIC: None

APPROVAL OF MINUTES

- a. Chair Tomlin noted there were no minutes to review.

QUASI-JUDICIAL PUBLIC HEARING

Chair Tomlin opened the public hearing at 5:18 p.m.

Declarations by the Commission:

Conflicts of Interest: None

Ex Parte Contacts: None

Site Visits: None

Abstain: None

Hearing Procedures:

Challenges from the public: None

Planner Richardson reviewed the hearing procedures as follows: *For all those wishing to testify, please be aware that you must raise an issue with enough detail to afford the Planning Commission and parties an opportunity to respond to the issue if you later want to raise that issue on appeal. Testimony and evidence must be directed towards the approval standards staff will describe or other criteria in the comprehensive plan or development code which you believe apply to the decision. If*

*additional documents or evidence are provided by any party, the Planning Commission may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.*

Staff Report:

Planner Richardson presented the staff report for “Stutzman Estates”, a 4-lot subdivision plat (SD-08-14). Subdivisions of this size are reviewed and usually an administrative decision is made; however, this lot has slopes steeper than 12%, so the Planning Commission has been asked to make this decision.

The site is currently developed with a single family residence, zoned RS-10 with a hillside overlay. The site is surrounded by other RS-10 properties with potential for other residential uses. The tentative plat is designed for four lots. There are five criteria to consider when evaluating this proposal. Planner Richardson reviewed each criterion and how it currently is or could be satisfied. Staff accepted the proposal to develop the hammerhead parcel and recommend approval as conditioned.

Questions from the Commission:

Chair Tomlin asked if the hammerhead is located in the steep slope area. Planner Richardson said a portion would be, but that wouldn't preclude construction of the hammerhead and serve the lots. Chair Tomlin asked if development would disturb natural drainage. Planner Richardson said most drainage comes through lot three, but during construction, drainage could be routed to the street or other appropriate place.

Commissioner Richardson noted that the contour lines on the site map converge on the slope area, and asked if that indicates a higher risk for landslides, and if inventories exist in City of Albany records that would preclude landslide concerns. Planner Richardson said he is not familiar with any maps that show that, but the slopes on the project site appear to be gentle enough on visual inspection that a landslide wouldn't occur, and noted that he can't scientifically comment on landslide risk.

Commissioner Phillips asked if the developer was responsible for making the sidewalk in the hammerhead. Planner Richardson said yes, the developer would finance and make those improvements. Commissioner Phillips asked if 28 feet is the current minimum width of a street, and will this proposed hammerhead meet that criterion. Commissioner Rouse commented that according to the scale on the map it is more than 28 feet. Planner Richardson said 28 feet is the standard for pavement width. There is already sidewalk on Oakland Street and is proposed as a condition for the hammerhead. Condition 3.2 discusses this on page six of the staff report.

Chair Tomlin asked if the subdivision approval addresses off-street parking and if that would be part of building permits. Planner Richardson said the developer is required to comply with parking requirements and other standard when obtaining required building permits for each house at the time of development.

Chair Tomlin asked if parking would be allowed in the hammerhead. Planner Richardson said no, the hammerhead is just open so movement is not restricted.

Chair Tomlin asked if the developer or the city would be responsible for installing no parking signs. Planner Richardson is not sure who does signage, but the developer would be responsible for painting the curb, which is recommended as a condition of approval at this time.

Commissioner Rouse asked if there is a standard width of hammerheads in the development code. Planner Richardson is not sure there is an actual standard other than what the city engineer deems appropriate to satisfy the purpose. Planner Martineau quoted development code 12.030, describing a hammerhead turnaround only if no more than four lots are approved with widths of at least 30 feet. Commissioner Rouse then asked if the 24 foot pavement width in the plan meets the code. Commissioner Godwin commented that she thinks the smaller of the two, the one without parking, would be used. Commissioner Rouse asked if a 28 foot width would allow for parking since currently visitors to the developed lots would need to park on another street. Planner Martineau responded that a 28 foot width would allow for parking, but a condition of approval would be no parking at all in the Hammerhead.

Commissioner Rouse asked for confirmation that the slope would be six feet with a storm drain in the hammerhead, or if it would be natural drainage to the hammerhead. Planner Richardson said yes, but specific questions about the utilities should be directed to the applicant about their designs, and his understanding is that development would accommodate drainage. Commissioner Rouse asked for confirmation on the width of the streets, and how wide Oak Glen Street is for parking. Planner Martineau said Oak Glen is a minor local street of 28 feet with two-way driving and parking on both sides with sidewalks. Planner Richardson said the lots themselves could accommodate extra parking when developed.

Chair asked anyone to enter any exhibits and submit to recorder: None.

Applicant's Presentation:

Mr. Dan Watson, 710 E. Thornton Lake Dr. NW, Albany, came forward as the applicant from K&D Engineering. Mr. Watson gave testimony to clarify information to help decision making. He read sections of the submitted geotechnical report to address the landslide concerns. The geotechnical report says that all soil hazards have been certified suitable for the proposed development with no hazards present to preclude development. Mr. Watson said that a subdivision currently built to the north of the proposed plat had similar conditions, and during development no issues were encountered. He also said that drainage comes from the north, but storm drainage and catch basins would be installed and be cut off near the north part of the lots to a pipe connecting to a drain in the existing street. This strategy has been employed on similar projects and would work for this site as well. The hammerhead would be installed by the developer, along with sewer and storm drains, and the City of Albany would not be responsible for that. Garbage trucks would have room to turn around. The 28 foot minimum was approved in 2002, and the turnaround meets requirements for all needs except parking, which Mr. Watson commented that those concerns are valid.

To accommodate the steep slopes, sidewalks would only be installed on the south side, not the north, which meets all the review criteria as well. Driveways would be kept to less than 12% slope so they won't be difficult to install and the grading will match the current profile grade of Oak Glen Street. Chair Tomlin expressed that his concern about the driveways was related to space for vehicles.

Mr. Watson addressed a request in the staff report to complete improvements in front of Lot 1 that has no curb gutters or sidewalks and a narrower width than code. This would be improved either by widening or participating in a local improvement district (LID) that the City is considering forming. Since the LID may not be formed, he asked for a waiver of remonstrance as the code allows the city engineer to approve such a waiver if he thinks it will work. If an LID is formed after the street is improved and then public works comes and sees it needs to be different, all that work would need to be torn out. The waiver does not mean the developer can oppose an LID, but can wait until public works approval.

Commissioner Rouse asked which condition requires either construction or street improvements by Crocker Lane. Mr. Watson responded that the condition is 3.3.

Chair Tomlin asked if there were any other questions. Commissioner Phillips asked if the hammerhead will be constructed prior to sale of the lots with yellow curbs in place and painted so buyers will see the limited parking option. Per Mr. Watson, yes, the law would need to be followed.

Commissioner Godwin asked if there is a master plan for where the LID goes. Planner Martineau responded that the LID goes in areas already approved along Crocker Lane. Gaps exist but waivers and conditions that may expire soon also exist with other opportunities to develop in the future, so this is a good time to do a LID all at once. Cost estimates are being determined with the City in regards to timing and how to disperse among property owners.

Commissioner Rouse asked if Planner Martineau has a problem with a waiver of remonstrance. Planner Martineau said no and that it is consistent with the code. Commissioner Rouse then asked if the applicant would participate if an LID goes forward in the future. Planner Martineau said the applicant either participates in the LID, does it themselves now, or does it themselves later. Commissioner Rouse asked if the condition could be changed to add the waiver of remonstrance. Planner Richardson thinks a new sentence could be added to do that. Commissioner Rouse expressed concern with a small development requiring a large improvement to the road, and is in favor of the waiver. Planner Richardson recommends adding it as an option. Nothing needs to be eliminated from the conditions, only added, so the applicant still has two options if the LID isn't formed.

Mr. Watson said the applicants would be willing to accept a 28 foot width to accommodate parking on one side in the hammerhead as a condition of the approval, and considers it an improvement to the project. Chair Tomlin asked if the Commission had any response to that.

Commissioner Phillips asked if adding parking would mean garbage and fire truck access would be impacted. Mr. Watson said he would need to find out. Commissioner Rouse commented that a 28 foot width already accommodates turnaround space and asked the city staff present what City code says about hammerheads and parking. Per Planner Richardson, a subdivision less than two acres allows a hammerhead which is what this is, as long as no traffic hazards are created. Commissioner Rouse asked if a 28 foot hammerhead allows for parking then on one side. Commissioner Godwin asked if a condition could be worded to require parking on one side. Planner Richardson wants to be careful about the purpose of the condition of approval and how it relates to the criteria, and cautions re-designing without input from the fire and engineers. Chair Tomlin said he was not comfortable with a 24 foot width. Commissioner Phillips commented that a fire truck would just push cars out of the way if they needed to and that's his main concern. Commissioner Rouse said if the lots could have parking it would benefit the existing neighborhoods instead of having to park in front of others' houses. If the condition for parking were written, she thinks it should be approved by an engineer, and asked how the Commission would do that. Commissioner Godwin asked what code criteria already exist for parking. Per Planner Richardson, code required parking is two spaces for a single family lot. Those requirements come into play at the time of development, but right now only the zoning criteria must be satisfied. If the commission wanted to change a condition of approval, he could provide the wording to require the hammerhead to be widened as approved by fire and engineering, or be as wide as necessary to allow parking and satisfy fire truck access. Chair Tomlin asked if the Commission could put forth the change to make obvious what they want and then Planner Richardson could confirm with the city. Commissioner Phillips commented that the Commission is trying to take responsibility for street parking when it's already been taken care of by painting it yellow. Commissioner Godwin asked if adding parking would reduce the lot sizes. Mr. Watson confirmed that this is the case.

Planner Martineau observed that the hammerhead at Lot 2 wouldn't benefit at all from additional parking. Lots 3 and 4 could potentially benefit. On-street parking would be limited to approximately two spaces in the hammerhead due to space requirements, which are 8 feet wide by 25 feet long. Commissioner Phillips concluded that changing the hammerhead would make it bigger but would still only accommodate two or three cars in the end.

Commissioner Rouse asked Mr. Watson if the slopes in the lots to the north of the proposed site are the same as the proposed site, about 12 feet. Mr. Watson replied that it's 14 to 18 feet, depending on where you measure. Commissioner Rouse confirmed the upper lots would be below Arroyo Ridge Drive.

Testimony in Support of the Application:

Jason Coda, 28792 Liberty Rd., Sweet Home, applicant, declined to comment. Brent Stutzman, 2711 NW Crocker Lane, Albany, applicant, declined to comment.

Testimony in Opposition to the Application: None.

Neutral Testimony: None.

Rebuttal Testimony: None.

Staff Response: Commissioner Phillips asked if city staff will provide the correct verbiage for changing the condition, and staff confirmed.

Procedural questions: None.

Close the Public Hearing:

Chair Tomlin closed the public hearing at 6:22 p.m.

Discussion and Decision:

Commissioner Phillips identified two issues: parking and slopes. Planner Richardson said the current condition of approval in the staff reports requires curbs be painted yellow, but the Commission could still discuss requiring widening the hammerhead to accommodate parking and granting the waiver of remonstrance. Commissioner Phillips responded he is more comfortable leaving the conditions of approval as is rather than trying to accommodate more parking.

Commissioner Rouse suggested a motion that the option to put in parking be allowed if approved by engineers and fire. Commissioner Godwin asked if the staff reports and maps would need to change if that option were added. Planner Richardson said they would not need to change, but if the hammerhead design changed then the neighbors may not have had a chance to testify or see the changes. Planner Martineau commented that drainage applications may occur if the design changed significantly too, but that wouldn't be determined unless a subsequent design was evaluated.

Commissioner Sullivan said the concession on the applicant's part regarding parking was generous. Commissioner Phillips thinks any available parking would be taken immediately and always occupied. Commissioner Sullivan agrees to not allowing additional parking.

Commissioner Rouse asked if the applicant would need to re-present to the Commission if the width of the hammerhead were changed later. Planner Richardson responded that another hearing would be possible, but staff would need to evaluate how closely the change matched the original design.

**MOTION:** Commissioner Rouse moved that the Planning Commission approve the Stutzman Estates Subdivision SD-08-14 with conditions as modified, the application for Tentative Plat Subdivision to create a 4-Lot Subdivision as presented in the staff report for the planning files SD-08-14. The motion was based on the

findings and conclusions in the staff report and testimony presented at the public hearing. The modifications were the waiver of remonstrance, read by Planner Richardson, to be inserted under condition 3.3. Commissioner Richardson seconded the motion. There was no discussion and the motion passed 7-0.

ACTIVITY UPDATE: There was no update.

NEXT PLANNING COMMISSION MEETING DATE

Monday, November 17, 2014.

ADJOURN

Hearing no further business, Chair Tomlin adjourned the meeting at 6:35 p.m.

Respectfully submitted,

Reviewed by,

Rachel Kutschera  
Administrative Assistant

Bob Richardson  
Planning Manager



# Community Development Department

333 Broadalbin Street SW, P.O. Box 490  
Albany, OR 97321

Phone: 541-917-7550 Facsimile: 541-917-7598  
www.cityofalbany.net

## STAFF REPORT Zoning Map Amendment (ZC-01-14) Pacific Cast Technologies, Inc.

<b><u>HEARING BODY</u></b>	PLANNING COMMISSION	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Monday, November 17, 2014	Wednesday, December 3, 2014
<b><u>HEARING TIME</u></b>	5:15 p.m.	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

### **EXECUTIVE SUMMARY**

ATI Cast Products, represented by Chris Turner, is applying to rezone two lots totaling 12.84 acres from Industrial Park (IP) to Light Industrial (LI). The applicant is seeking this change for both properties because the LI district allows outside storage in interior yards outside of the required setback; the IP zone does not. ATI – Pacific Cast Technologies has historically utilized some outdoor storage as part of their operation. In addition, the maximum building height in the IP zone without conditional use approval is 50 feet. The LI zone has no maximum building height outside of the Airport Approach Overlay District. Lot coverage in the IP zone is 80%; there is no maximum lot coverage standard in the LI. Finally, the applicant notes that the existing ATI-owned property north of these two subject lots is zoned LI; having all their lots zoned LI makes land use provisions more consistent. The Comprehensive Plan designation for both properties is Light Industrial. Manufacturing and production are allowed through Site Plan Review or Conditional Use.

Prior to February 21, 2003, the subject properties were zoned LI. Zoning was changed to IP following amendments to the Development Code and Zoning Map that resulted from the “Balanced Development Patterns” Project in 2000 and 2001. The Industrial Park zoning designation appeared for the first time, which was, in part, designed to provide a transition to residential or natural areas from heavier industrial uses.

This application was deemed complete on September 9, 2014 (Attachment I). The applicant is Chris Turner, with ATI Cast Products, and the location of the proposed zone change is 2435 and 2445 Ferry Street SW, about a ¼ mile south of Queen Avenue (Attachment II). The criteria for amending the zoning map are found in Albany Development Code (ADC) 2.740, and are addressed in detail in the staff report below.

In summary, the proposed amendment will remain consistent with the City’s Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals. Therefore, the staff recommendation is APPROVAL of the proposed zoning map amendment.

### **GENERAL INFORMATION**

DATE OF REPORT:	November 7, 2014
FILE:	ZC-01-14
TYPE OF APPLICATION:	Quasi-judicial Zoning Map Amendment to change two parcels totaling 12.84 acres from IP (Industrial Park) to LI (Light Industrial) to accommodate a new casting metals foundry

REVIEW BODY: Planning Commission and City Council

STAFF REPORT PREPARED BY: David Martineau, Project Planner

PROPERTY OWNER: Pacific Cast Technologies Inc.; 150 Queen Avenue SW; Albany, OR 97322

APPLICANT: Chris Turner, ATI Cast Products; 150 Queen Avenue SW; Albany, OR 97322; 541-936-0316; Chris.Turner@ATIMetals.com

ENGINEER: Jeff Schott, PE; Pillar Consulting Group, Inc.; 835 NW 23<sup>rd</sup> Street; Corvallis, OR 97330; 541-993-2480; jeff@pillar-inc.com

LOCATION: 2435 and 2445 Ferry Street SW

MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-18BA; Tax Lots 1102 & 1106

CURRENT ZONING: Industrial Park (IP) District

CP DESIGNATION: Light Industrial

EXISTING LAND USE: Vacant, undeveloped land

SURROUNDING ZONING: North: LI (Light Industrial) and RM (Residential Medium Density)  
South: IP (Industrial Park)  
East: RM  
West: LI and RM

SURROUNDING USES: An existing metals foundry, Pacific Cast Technologies Inc., is located to the north. Albany Rental and vacant land lies to the south. Large single- and multi-family residential lots with access provided from Marion Street border the subject property to the east. Single-family residences border the property to the northwest, while light industrial tenant spaces are situated to the west, across Ferry Street.

PRIOR HISTORY: A Site Plan Review for temporary outdoor storage of gas line pipes for nine months was approved in 1992 (SP-39-92). Review of aerial photos of the site show that it has largely been vacant for at least the past 20 years, with intermittent field mowing.

## **NOTICE INFORMATION**

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on November 7, 2014 (Attachment III). The Notice of Public Hearing was posted on the subject property at one location on November 7, 2014. The Zoning Map Amendment staff report was posted on the City's website November 10, 2014. At the time this staff report was completed, no comments had been received.

## **APPEALS**

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

## **STAFF ANALYSIS**

**Zoning Map Amendment File ZC-01-14**

The Albany Development Code (ADC) includes the following review criteria which must be met for this application to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions. Note: Findings and conclusions submitted by the applicant can be found in Attachment VI.

- (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 (ADC 2.740 (1)).***

#### FINDINGS OF FACT

- 1.1 The applicant proposes to change the zoning of 12.84 acres from Industrial Park (IP) to Light Industrial (LI) District.
- 1.2 The current Comprehensive Plan map designation of the subject site is Light Industrial (LI). According to the Plan Designation Zoning Matrix table found in ADC 2.760, both the current IP zoning and proposed LI zoning is consistent with the LI Plan designation of the site (see Attachments IV and V).

#### CONCLUSIONS

- 1.1 The existing zone, Industrial Park, and the proposed zone, Light Industrial are both compatible with the Comprehensive Plan designation of Light Industrial.
- 1.2 This criterion is satisfied.
- (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 on the east side of Ferry Street about 1,300 feet south of Queen Avenue. The zone change would change the designation of 12.84 acres of property from IP (Industrial Park) to LI (Light Industrial).
- 2.2 The site consists of two parcels.
- 2.3 With the exception of sidewalk, the street system adjoining the site is constructed to city standards. Public sidewalk does not currently exist along the frontage of this site.
- 2.4 Albany's Transportation System Plan (TSP) 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.
- 2.5 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.
- 2.6 The applicant's application included a TPR analysis. The analysis was performed by Access Engineering, and is dated August 14, 2013. The analysis compared the number of average daily and peak hour vehicle trips that could be generated by development of the site under the current IP zone designation with the trips that could result from development under the requested LI designation.
- 2.7 The trip generation estimate developed for the existing IP zone designation used Institute of Transportation Engineers (ITE) code 130, "Industrial Park" and was based on a parcel size of 10.27 acres. The reason given for not using the full area of the site (12.84 acres) is that Albany's Development Code limits the lot coverage

for industrial park developments to 80%. The trip generation estimate was for 628 average daily trips, with 88 of those occurring during the PM peak traffic hour.

2.8 Two trip generation estimates were developed for the proposed LI zone designation. Both were based on the parcels' full 12.84 acres. The first used ITE code 110, "Light Industrial" and was for 665 average daily trips with 93 of those occurring during the PM peak traffic hour. The second used ITE code 140, "Manufacturing" and was for 499 average daily trips with 107 occurring during the PM peak traffic hour. Based on the study results, a Light Industrial use on the site would result in 6 more PM peak hour trips and a Manufacturing use 20 more PM peak hour trips than what would occur from development under the current zone designation on the site.

2.9 The Access Engineering study concluded:

*"As Table 2 and Figure 3 show, the net new trips generated by the proposed zone change will be minimal and well below the City's requirement of 50 additional trips to trigger a full TIA. At most 20 new trips could be generated by a manufacturing development, but due to the location of the site, the assignment of these trips is quickly dispersed in the study area. Based on this analysis, we find that the proposed zone change from IP to LI will not significantly affect the transportation system through the planning horizon, 2030. We recommend that the proposed zone change be approved without a full Traffic Impact Analysis."*

2.10 Staff believes that the method Access Engineering used to estimate trip generation possible under the current IP zone designation was overly conservative when basing its estimate on something less than the full area of the parcel. While it's true that Albany's Development Code limits the lot coverage for industrial park developments to 80%, that is typical for Industrial Parks located in other jurisdictions, and would therefore be reflected in ITE trip generation rates. Industrial parks typically do have more landscaping and open space than manufacturing or light industrial developments. Use of the full area of the site would have resulted in a trip generation estimate of 785 average daily trips with about 110 of those occurring PM peak traffic hour. Those numbers are higher than the trip generation estimates for development under the requested zone designation of LI.

## CONCLUSIONS

2.1 The proposed zone change would change the designation of 12.84 acres from IP to LI.

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 affect".

2.4 An analysis submitted by the applicant estimated that a reasonable worst case development under the requested zone designation would, at most, generate up to 20 more PM peak hour trips than development under the current zone designation, and concluded that those trips would not result in a significant affect on the transportation system.

2.5 Staff believes that the method used in the applicant's analysis to calculate trip generation under the existing zone designation was overly conservative, and that development under the requested zone designation would result in fewer trips on the transportation system than development under the current zone designation. The street system can accommodate development of the site under the requested zone designation, so the change does not result in a significant affect for purposes of the TPR.

2.6 This criterion is met without conditions.

(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)).***

#### Sanitary Sewer.

3.1 City utility maps show a 21-inch public sanitary sewer main along the east boundary of the site, and an 8-inch main in Ferry Street along the northernmost 150 feet of the subject property's frontage.

#### Water.

3.2 City utility maps show a 12-inch public water main in Ferry Street and a 12-inch water main near the northeast corner of the site. Future development on the site will likely require the installation of on-site public and/or private water mains and hydrants to provide adequate service to the property.

#### Storm Drainage.

3.3 City utility maps show a 54-inch public storm drainage main along the east boundary of the site, and a 15-inch main in Ferry Street along the southernmost 50 feet of the subject property's frontage. The site is currently undeveloped with no impervious surfaces.

3.4 ADC 4.090 Table 1 indicates that the maximum lot coverage allowed in the IP zone is 80%, while there is no maximum lot coverage in the LI zone. Therefore, a change from IP to LI could result in development with a higher percentage of impervious surfaces on the subject property. It is likely that any development on the site would require on-site storm water detention, regardless of the zone, therefore it is not expected that the proposed zone change would adversely impact the public storm drainage system.

#### Police and Fire Protection.

3.5 The Albany Police Department and Fire Department serve the property. No adverse impact is expected to result for this zoning map amendment.

### CONCLUSIONS

3.1 All public utilities are currently available to the site and are adequate to support allowed uses in the LI zone.

3.2 This review criterion is met without conditions.

(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 IP (Industrial Park) District. The proposed zoning is LI (Light Industrial) District. This review criterion requires that the intent and purpose of the proposed LI zoning district "best satisfies" the goals and policies of the Comprehensive Plan.

4.2 Prior to being zoned IP in February 2003, the subject properties were zoned LI. Goal 9 updates undertaken by the City in 2003 encouraged corporate office park development in the Industrial Park zone, so certain properties already designated in the Comprehensive Plan as "Light Industrial" were zoned IP (File ZC-01-02, codified in Ordinance No. 5555).

- 4.3 Staff analysis reveals that there are presently 463.51 acres of land in Albany zoned IP, and 757.52 acres of land zoned LI. A transfer of 12.84 acres from IP to LI results in a 2.7% reduction of IP-zoned land, and results in an increase of 1.7% of land zoned LI. There is no existing development on the subject properties that would be adversely affected by the proposed zone change.
- 4.4 The two subject properties abut an existing light industrial manufacturing use to the north that plans to expand at its present location if the amendment is approved.

#### Zoning District Intent and Purposes

- 4.5 According to Section 4.020(6) of the Albany Development Code (ADC), the Industrial Park (IP) district is “intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses.”
- 4.6 Railroad yards and waste and recycling related businesses are not permitted in the IP district. In addition, outside storage or display of materials, junk, parts, or merchandise is not permitted in the IP district. Uses allowed with an approved Site Plan Review include contractors and industrial services, some manufacturing and production, and wholesale sales if conducted within an entirely enclosed building. Conditional uses include manufacturing and production if within 300 feet from a residential zoning district, and warehousing and distribution.
- 4.7 According to Section 4.020(7) of the ADC, the Light Industrial (LI) District is “intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses.”
- 4.8 The uses that may be allowed LI zoning district with Site Plan Review or Conditional Use include: contractors and industrial services, manufacturing with limited retail, manufacturing and production, railroad yards, warehousing and distribution, waste and recycling related within enclosed structures, and wholesale sales.
- 4.9 The proposed expansion of Pacific Cast Technologies, considered a manufacturing and production use according to ADC Section 22.040, is allowed either by Site Plan Review or Conditional Use in both the IP and the LI zones. However, the applicant notes that LI zoning offers several advantages over the IP zone: the LI district allows outside storage in interior yards outside of the required setback; the IP zone does not. ATI – Pacific Cast Technologies has historically utilized some outdoor storage as part of their operation. In addition, the maximum building height in the IP zone without conditional use approval is 50 feet. The LI zone has no maximum building height on properties located outside of the Airport Approach Overlay District. Lot coverage in the IP zone is 80%; there is no maximum lot coverage standard in the LI. Finally, the applicant notes that the existing ATI-owned property north of these two subject lots is zoned LI. Having all their lots zoned LI makes land use provisions more consistent across their facilities.

#### Comprehensive Plan Goals and Policies Relevant to the Request

- 4.10 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed LI zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in *bold italic* print.
- 4.11 ***Goal 1: Citizen Involvement***

*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.*

Opportunities for citizen involvement occurred during the formulation and adoption of the Albany Comprehensive Plan and Development Code. The Oregon Land Conservation and Development Commission acknowledged the Comprehensive Plan and Development Code as being in compliance with Goal 1.

In Type IV quasi-judicial proceedings conducted for zoning map amendments as proposed by the applicant, the Development Code sets forth the acknowledged provisions for citizen involvement at public hearings before the Planning Commission and City Council. Notice was mailed to surrounding property owners within 300 feet of the subject site, and to affected government agencies. Notice of these public hearings was posted on the subject property. Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments.

#### 4.12 **Goal 2: Land Use Planning**

*Industrial: General Requirements*

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

The proposed zoning map amendment from IP to LI will remain equally consistent with general requirements for the Light Industrial comprehensive plan designation.

#### 4.13 **Goal 9: Economic Development**

**Albany's Economy**

*Goal 2: Provide a supportive environment for the development and expansion of desired businesses.*

*Policy 2: Support the retention and expansion of existing businesses and industries, especially those that are locally owned.*

**Land Use**

*Goal 1: Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.*

There is presently about 463.51 acres of land in Albany zoned IP, and 757.52 acres of land zoned LI. Existing lot sizes range from 17,880 square feet (.41 acre) to 245 acres in the IP district, and 10,000 square feet (.23 acre) to 131 acres in the LI district. According to the City's 2007 Economic Opportunities Analysis, it is desirable to identify a number of sites that will accommodate a variety of site and building characteristics. The

largest industrial sites will be needed for development by major industries such as large manufacturing firms or transportation or warehousing companies. Many of the smaller sites are suitable for smaller-scale industrial enterprises. Adequate supplies of appropriately zoned industrial lands will not be reduced by this zoning amendment proposal.

***Goal 2: Achieve stable land-use growth that results in a desirable and efficient land-use pattern.***

***Policy 2, Land Use, General: Encourage land use patterns and development plans that 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 that increase energy efficiency.***

Many uses allowed in the IP district are also allowed in the LI. The LI district, however, has additional uses that are allowed. The proposed zoning map amendment will not reduce or change the need for travel, dependency on the private auto, nor will it facilitate energy-efficient public transit systems.

***Goal 4: Promote infill development and redevelopment throughout the City.***

***Policy 1: Provide opportunities to develop the full range of commercial, industrial and professional services to meet the needs of Albany's residents and others.***

***Policy 2: Encourage land use patterns and development plans that 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 that increase energy efficiency.***

***Policy 3: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.***

***Policy 7: Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses.***

#### **Public Infrastructure**

***Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.***

Approval of the zoning map amendment will allow an existing local manufacturer to expand their facilities on an infill site adjacent to their current operations. Public services are available to the subject properties as described in the response to Criterion 3 above.

#### 4.14 **Goal II: Public Facilities and Services**

***Policy 1 (Water): Provide an adequate supply of water to meet projected demands based on the Comprehensive Plan land use designations and adopted population projections.***

***Policy 8 (Storm Drainage): Storm drain facilities in developing areas should be designed with the capacity to accommodate the projected storm drainage flows to at least the end of the planning period based on the land use designations.***

***Policy 1 (Wastewater): The 1998 Wastewater Facility Plan Summary (Summary) shall be the primary document for planning the community's wastewater system improvements.***

***Policy 1 (Solid Waste): Ensure that the solid waste franchise continues to provide a full range of solid waste disposal services including a recycling program that:***

***a. Increases awareness for the need to recycle.***

- b. *Considers the needs of the residential, commercial, and industrial waste generators.*
- c. *Promotes utilization of recycling efforts.*

***Policy 2 (Police and Fire Protection Services): Ensure that all development can be provided with adequate police and fire protection.***

The timely, orderly and efficient provision of adequate public facilities and services is predicated on assumptions of need according to general land use categories. In this case, the distinction between IP and LI uses from a public facilities perspective is imperceptible at the gross scale typical of public facilities plans. There may be subtle differences in public facilities needs within industrial subcategories and the specific use requirements are addressed in the development review process. However for purposes of the proposed map amendment, there is no difference in public facilities needs from IP to LI.

4.15 **Goal 12: Transportation**

***Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.***

Transportation findings are fully addressed in findings under Criterion 2 above. With the exception of sidewalk, Ferry Street adjoining the site is constructed to city standards. Public sidewalk does not currently exist along the frontage of this site. Albany's Transportation System Plan (TSP) 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.

4.16 **Goal 14: Urbanization**

***Achieve stable land use growth which results in a desirable and efficient land use pattern.***

***Policy 16: Provide development opportunities for large-scale industrial and commercial development and for people to live in proximity to activity centers, particularly their place of employment.***

With an approved rezone, a local manufacturing company can remain in place while having the ability to grow and expand. A stable and desirable land use pattern is better achieved at the proposed location rather than forcing a growing company to relocate farther from activity centers and places where their employees live.

**CONCLUSIONS**

- 4.1 There are several advantages LI zoning has over IP zoning for the applicant. In the LI zone, outdoor storage is permitted, there are no maximum height or lot coverage requirements, and the existing facility is in the LI zone.
- 4.2 Comprehensive Plan goals and policies encourage retention and expansion of existing businesses and industries, infill land development patterns, and commercial and industrial development in places where there are adequate streets and utilities to serve the development.
- 4.3 The LI zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.4 This criterion has been met.
- (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 The Transportation System Plan (TSP) does not identify any projects in close proximity to the subject property. The TSP assumes the site is industrial. The trip generation comparison supplied by the applicant's representative estimated that a reasonable worst case development under the requested zone designation would, at most, generate up to 20 more PM peak hour trips than development under the current zone designation, and concluded that those trips would not result in a significant effect on the transportation system.
- 5.2 Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.
- 5.3 There are no other applicable City-contracted or funded land use or 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 TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

ATTACHMENTS

- I Determination of Completeness Letter
- II Location Map
- III Notice of Public Hearing
- IV Current Comprehensive Plan & Zoning Designation
- V Proposed Comprehensive Plan & Zoning Designation
- VI Application and Narrative from the Applicant

- Appendix A: Trip Generation Report
- Appendix B: Metes & Bounds Legal Description
- Appendix C: Assessor's Map

ACRONYMS

- AASHTO American Association of State Highway and Transportation Officials
- ADC Albany Development Code
- ADT Average Daily Traffic
- AMC Albany Municipal Code
- DSL Oregon Department of State Lands
- IP Industrial Park Zoning District
- ITE Institute of Transportation Engineers
- LI Light Industrial Zoning District
- LOS Level of Service
- LUBA Oregon Land Use Board of Appeals
- ODOT Oregon Department of Transportation

RM	Residential Medium Density Zoning District
ROW	Right of Way
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
USACE	U.S. Army Corps of Engineers
V/C	Volume to Capacity

**CITY HALL**

333 Broadalbin SW  
P.O. Box 490  
Albany, OR 97321-0144  
www.cityofalbany.net

(541) 917-7500

**ADMINISTRATIVE SERVICES****City Manager's Office**

(541) 917-7500  
FAX (541) 917-7511

**Finance/Recorder**

(541) 917-7500  
FAX (541) 917-7511

**Municipal Court**

(541) 917-7740  
FAX (541) 917-7748

**COMMUNITY DEVELOPMENT****Planning**

(541) 917-7550  
FAX (541) 917-7598

**Building Division**

(541) 917-7553  
FAX (541) 917-7598

**ECONOMIC DEVELOPMENT**

(541) 917-7500  
FAX (541) 917-7511

**Call-A-Ride**

(541) 917-7770  
FAX (541) 917-7573  
TDD (541) 917-7762

**Transit**

(541) 917-7667  
FAX (541) 917-7573  
TDD (541) 917-7678

**FIRE ADMINISTRATION**

(541) 917-7700  
FAX (541) 917-7716

**HUMAN RESOURCES**

(541) 917-7500  
FAX (541) 704-2324

**INFORMATION TECHNOLOGY**

221 Third Avenue SW  
(541) 917-7500  
FAX (541) 917-7511

**PARKS & RECREATION ADMINISTRATION**

(541) 917-7777  
FAX (541) 917-7776

**Urban Forestry/  
Building Maintenance**

(541) 917-7679  
FAX (541) 917-7776

**PUBLIC WORKS****Engineering**

(541) 917-7676  
FAX (541) 917-7573

**Water/Sewer Billing**

(541) 917-7547  
FAX (541) 917-7511

**Determination of Completeness**

September 9, 2014

Jeff Schott, PE  
Pillar Consulting Group, Inc.  
835 NW 23<sup>rd</sup> Street  
Corvallis, OR 97330

Dear Jeff,

FILE NUMBER: ZC-01-14 (Pacific Cast Technologies, Inc.)

As of **September 9, 2014**, the above application has been deemed complete. By state law, the City has 120 days from the date the application is deemed complete to issue a final decision, including all appeals.

Now that the application is deemed complete, the City will process it with the information submitted. If at any time you submit revised materials, the 120-day processing time may reset to a new date. If additional applications or plan revisions are submitted after the date of this letter, additional fees and public notice may be necessary.

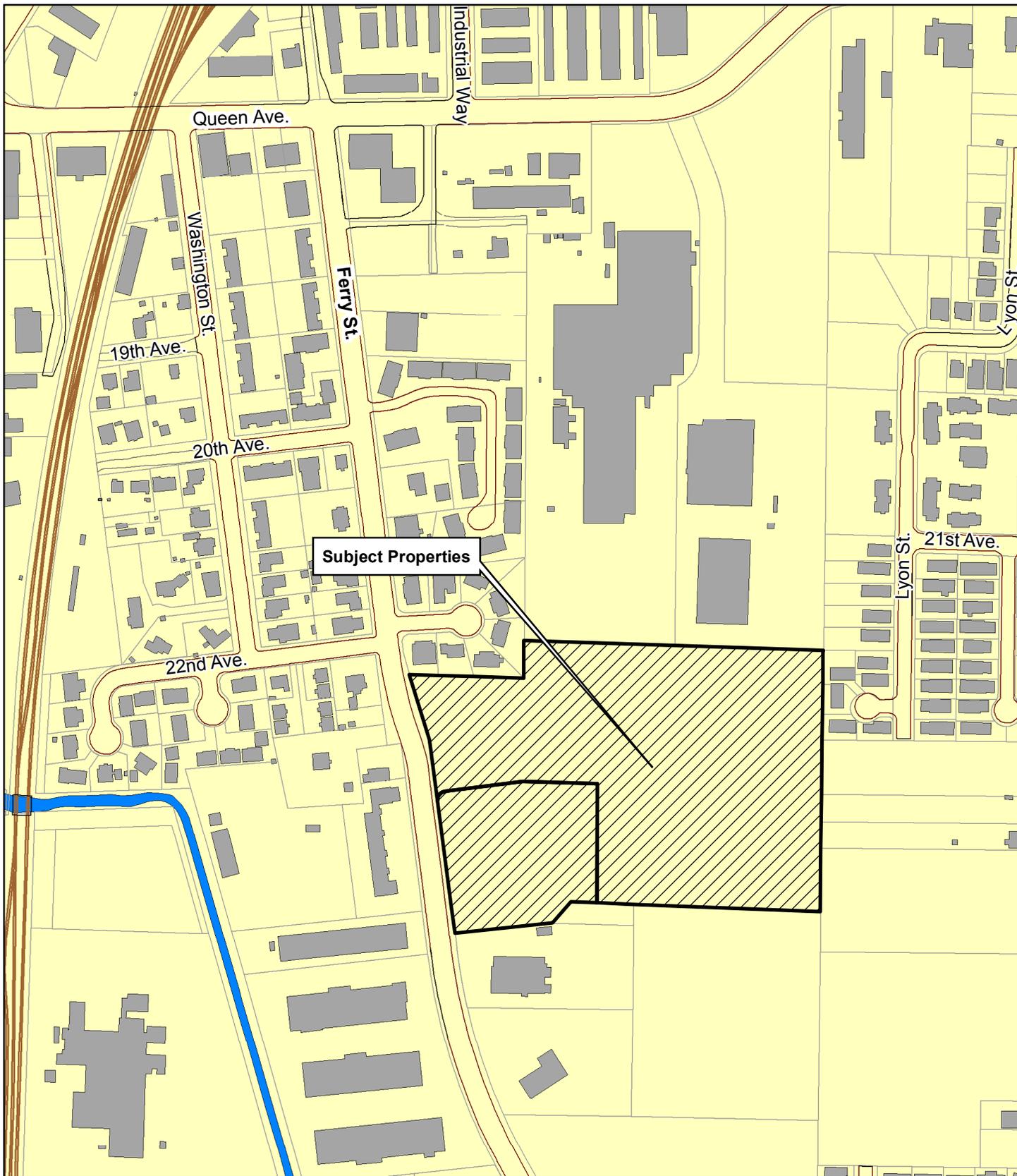
Please understand that nothing in this letter constitutes an approval of your application or a finding of compliance with any city policy or standard. With this letter, the staff is declaring only that the application materials are sufficient for the city to begin review of the application for compliance.

If you have any questions, please contact me at (541) 917-7550.

Sincerely,

David Martineau  
Project Planner

c: Chris Turner, ATI Cast Products  
File: ZC-01-14



# Location Map: 2435 & 2445 Ferry Street SW



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

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August 22, 2014

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



## COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490  
Albany, OR 97321

Phone: 541-917-7550 Fax: 541-917-7598  
[www.cityofalbany.net](http://www.cityofalbany.net)

### NOTICE OF PUBLIC HEARING

<b><u>HEARING BODY</u></b>	PLANNING COMMISSION	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Monday, November 17, 2014	Wednesday, December 3, 2014
<b><u>HEARING TIME</u></b>	5:15 p.m.	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

#### **GENERAL INFORMATION**

DATE OF NOTICE:	November 6, 2014
FILE:	ZC-01-14
TYPE OF APPLICATION:	Quasi-Judicial Zoning Map Amendment (Type IV-Q) to change two parcels from Industrial Park (IP) to Light Industrial (LI) to accommodate a new casting metals foundry
REVIEW BODIES:	Planning Commission and City Council
PROPERTY OWNER:	Pacific Cast Technologies Inc.; 150 Queen Avenue SW; Albany, OR 97322
APPLICANT:	Chris Turner, ATI Cast Products; 150 Queen Avenue SW; Albany, OR 97322; 541-936-0316; Chris.Turner@ATIMetals.com
ENGINEER:	Jeff Schott, PE; Pillar Consulting Group, Inc.; 835 NW 23 <sup>rd</sup> Street; Corvallis, OR 97330; 541-993-2480; jeff@pillar-inc.com
ADDRESS/LOCATION:	2435 and 2445 Ferry Street SW
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-3W-18BA; Tax Lots 1102 & 1106
ZONING:	Industrial Park (IP) District
CP DESIGNATION:	Light Industrial
EXISTING LAND USE:	Undeveloped
SURROUNDING ZONING:	North: RM (Residential Medium Density) and LI (Light Industrial) South: IP (Industrial Park) East: RM West: RM and LI
SURROUNDING USES:	Single family residences and industrial development to the north; manufactured homes and undeveloped residentially-zoned property to the east; vacant land and light industrial uses to the south; and Ferry Street, together with light industrial tenant space and residential units to the west.

The Planning Division has received a Zoning Map Amendment (zone change) application referenced above and has scheduled a Public Hearing before the Planning Commission and City Council. We are mailing notice of this

public hearing to property owners within 300 feet of the property where the map amendments are proposed. We invite your comments, either in writing prior to the day of the public hearing, or in person at the hearing. Comments will be taken into account when the Planning Commission and City Council make decisions on these applications.

We have attached location maps that show the current and proposed property zoning designations. All documents and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The Staff Report will be available by 5:00 p.m. on November 10, 2014. A copy will be available at the City's website at the following link: <http://www.cityofalbany.net/departments/community-development/planning-projects>, or at the Planning Division located in City Hall. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information, please contact Project Planner David Martineau at 541-917-7550, or Planning Manager Bob Richardson at 541-917-7555. Submit any written comments to the Planning Division, P.O. Box 490, Albany OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of ORS 227.178.

### **YOUR COMMENTS**

All testimony and evidence must be directed toward the approval standards for the application listed in this notice. Failure to raise an issue by letter, or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission and City Council an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

### **PUBLIC HEARING PROCEDURE**

The Public Hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the Planning staff. Then the applicant will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

### **APPROVAL STANDARDS FOR THIS REQUEST**

The Albany Development Code contains the following review criteria that must be met for this application to be approved:

#### **QUASI-JUDICIAL ZONING MAP AMENDMENT (ADC 2.740)**

- (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.

- (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
- (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.
- (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
- (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.

The following Comprehensive Plan goals and policies are relevant to the Zoning Map amendment.

### Goal 9: Economic Development

#### Albany's Economy

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Policy 2: Support the retention and expansion of existing businesses and industries, especially those that are locally owned.

#### Land Use

Goal 1: Ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including commercial, professional, and industrial development.

Goal 2: Achieve stable land-use growth that results in a desirable and efficient land-use pattern.

Goal 4: Promote infill development and redevelopment throughout the City.

Policy 1: Provide opportunities to develop the full range of commercial, industrial and professional services to meet the needs of Albany's residents and others.

Policy 2: Encourage land use patterns and development plans that 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 that increase energy efficiency.

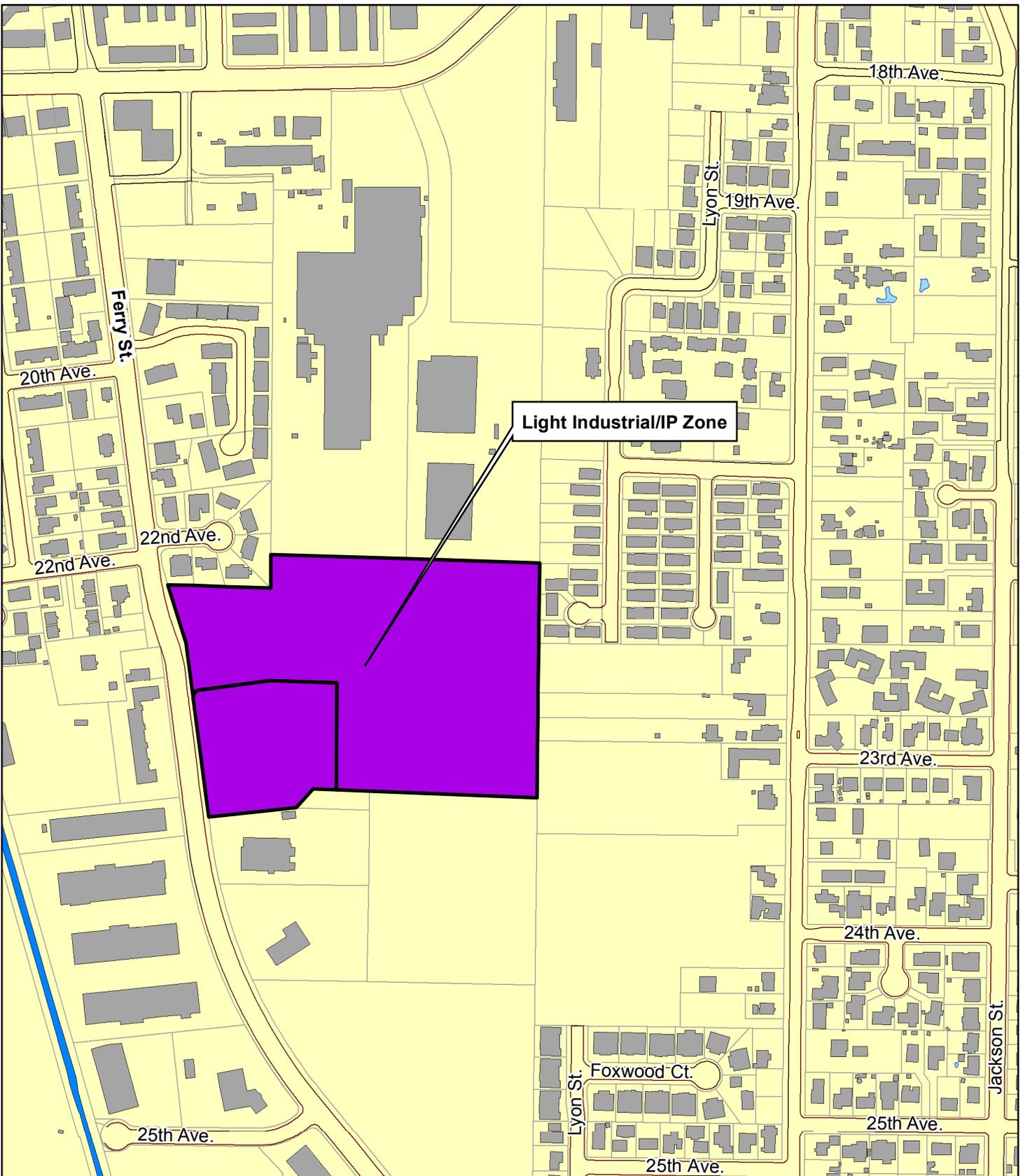
Policy 3: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

Policy 7: Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses.

### Public Infrastructure

Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

Attachments: Current and Proposed Zoning Designations



**Current Comprehensive Plan and Zoning Designation: 2435 & 2445 Ferry St. SE**



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

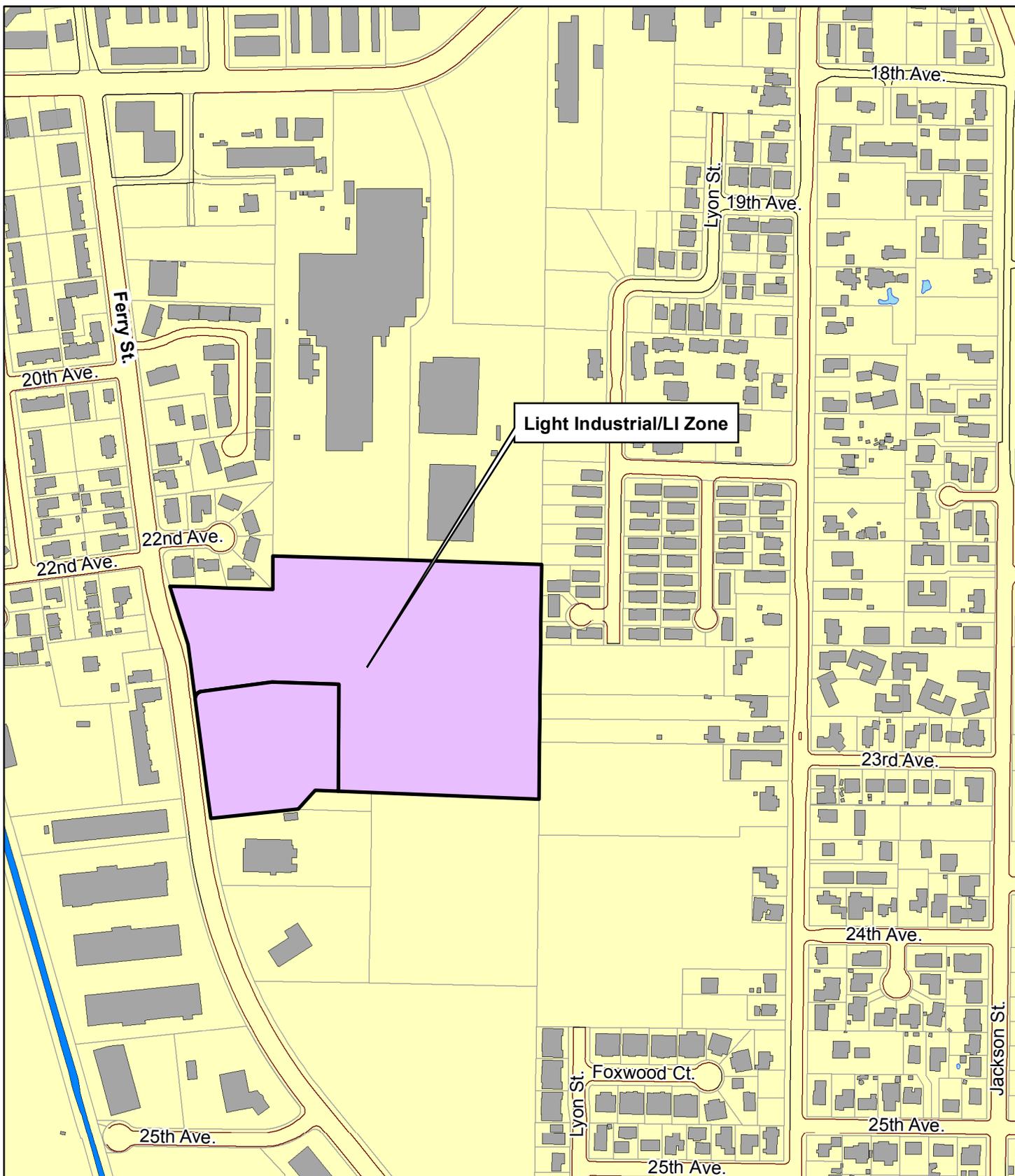
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October 10, 2014

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



Light Industrial/LI Zone

### Proposed Comprehensive Plan and Zoning Designation: 2435 & 2445 Ferry St. SE



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

N



0 75 150 300 450 600 Feet

October 10, 2014

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

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# ZONING MAP AMENDMENT APPLICATION

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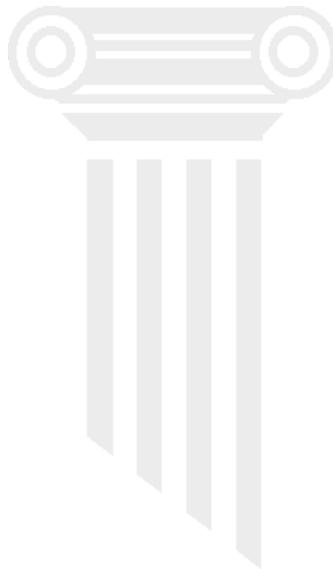
## Ferry ST Property 2435 & 2445 Ferry ST Albany, Oregon

*For*

## ATI-Pacific Cast Technologies

7/25/14

Project: 2013030



CIVIL  
ENGINEERING



STRUCTURAL  
ENGINEERING



*Professional Engineering  
and Project Management*



FACILITIES  
ENGINEERING



PROJECT  
MANAGEMENT

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COMMUNITY DEVELOPMENT DEPARTMENT

Planning Division

P.O. Box 490

333 Broadalbin Street SW

Albany, OR 97321

Phone 541-917-7550

Fax 541-791-0150

[www.cityofalbany.net](http://www.cityofalbany.net)

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# Zoning Map Amendment Application (Quasi-Judicial)

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TO BE FILLED OUT BY STAFF

File No: ZC- \_\_\_\_\_ Date of Pre-application Conference \_\_\_\_\_

Filing Fee: \$3,301 (ZC-Q) (Fees subject to change every July 1)

*(No concurrent Comprehensive Plan Map amendment)*

Date Fee and Application Received: \_\_\_\_\_ Amount Paid: \_\_\_\_\_

Receipt No: \_\_\_\_\_ Received By: \_\_\_\_\_

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## ZONING MAP AMENDMENT OVERVIEW

A pre-application meeting is held for all applications unless the Community Development Director determines one is not necessary. The meeting provides for an exchange of information about Development Code and Comprehensive Plan requirements and offers technical and design assistance to the applicant.

Zoning Map Amendment applications are scheduled for a public hearing before either the Hearings Board or the Planning Commission at the Director's discretion. The City notifies all property owners and relevant neighborhood organizations. The applicant must supply a list of the names and addresses of the owners of property to receive the notice.

The applicant must submit a closing metes and bounds legal description or subdivision lot and block number description for the subject property. Multiple properties proposed for a Zoning Map Amendment must be combined into a single legal property description.

If the Hearings Board or Planning Commission recommends approval on this application, the City Council will then hold another public hearing on the application and make the final decision. If the Hearings Board or Planning Commission denies this application, it will only be considered by the City Council on appeal by the applicant. A City Council decision may be appealed to the Land Use Board of Appeal (LUBA).

[NOTE: Map corrections only to the Comprehensive Plan map and/or the Zoning map may be reviewed by the Director administratively as outlined at ADC 2.225 and ADC 2.750. This is not the application to submit for a map correction.]

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## ZONING MAP AMENDMENT APPLICATION

NOTE: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

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### BASIC INFORMATION ABOUT THE SITE AND PROPOSAL

Date of Pre-application meeting: July 31, 2013

Property address(es) 2435 & 2445 Ferry ST SW, Albany, OR 97322

Assessor's Map No. 113W18BA Tax Lot No. 1102 & 1106

Total land area of the area proposed to be rezoned 12.84

Zoning Map designation: Current IP Proposed LI

Existing Comprehensive Plan map designation: LI

Current use of site Unused

Are there any existing structures on the site? No

If yes, will any of these structures be removed? N/A

(Before you demolish or remove any structure, you must obtain a demolition/moving permit from the City of Albany Building Division.)

Are there any historic structures or historically significant features as identified on the City's Historic Inventory? Yes \_\_\_\_\_ No x

If yes, what are they? \_\_\_\_\_

(This information may be acquired from the Albany Planning Division.)

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## REVIEW CRITERIA

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Zoning Map Amendment complies with each of the following review criteria (ADC 2.740). Each criterion must have at least one finding of fact and conclusion statement. See Attachment A for an example.

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.
2. Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
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.
4. Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.
5. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
6. 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.

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## LIST OF SURROUNDING PROPERTY OWNERS

Legislative requests follow Section 1.580 of the Development Code and do not require the applicant to prepare a list of surrounding property owners.

A quasi-judicial application requires notification to surrounding residents and property owners. The notification area includes the area to be changed and all tax lots within 300 feet of its boundary and any neighborhood or community organization recognized by the City and whose boundaries include the site and to other organizations recognized by the City within 400 feet of the site. The Director shall have the discretion to increase the notice area up to 1,000 feet due to land use patterns or an expected level of interest. [ADC 1.370(2)]. Contact the Planning Department before assembling the list to determine the final area.

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## LEGAL DESCRIPTION

Submit a single metes and bounds legal description of all properties within the boundary of the proposed zone change.

**APPLICATION AUTHORIZING SIGNATURES**

*I hereby apply for a Zoning Map Amendment as requested on this application and certify that the list of attachments is correct, and that the names and addresses of the surrounding property owners are correct as reflected by the latest records in the Linn or Benton County Assessor's Office.*

**PROPERTY OWNER.** (If more than one, by separate attachment, provide the following information for each additional owner, including signatures.)

Name (print or type) Pacific Cast Technologies, Inc.

Current Mailing Address c/o Allegheny Technologies Incorporated  
1000 Six PPG Place, Pittsburgh, PA 15222

Daytime Telephone No. 412-394-2800 Fax No. \_\_\_\_\_

Email (optional) \_\_\_\_\_

Signature 

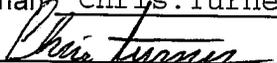
**APPLICANT.** (If different from property owner(s) above. If more than one, by separate attachment, provide the following information for each additional applicant, including signatures.)

Name (print or type) ATI-Pacific Cast Technologies, Inc.

Current Mailing Address 150 Queen AV SW, Albany, OR 97322

Daytime Telephone No. 541-926-7711 Fax No. \_\_\_\_\_

Email (optional) Chris.Turner@ATImetals.com

Signature 

**AUTHORIZED AGENT.** (An authorized agent for a property owner must attach evidence of their authority to act on their behalf.)

Name (print or type) Elliot Davis

Current Mailing Address 1000 Six PPG Place, Pittsburgh, PA 1522

Daytime Telephone No. 412-394-2835 Fax No. \_\_\_\_\_

Email (optional) Elliot.davis@atimetals.com

Relationship to property owner(s) SVP General Counsel

Signature of authorized agent 

**ENGINEER OR OTHER REPRESENTATIVE.** (If more than one, provide the following information for each additional party by separate attachment. They will be sent all City notices.)

Name (print or type) Pillar Consulting Group, Inc., Jeff Schott, P.E.

Current Mailing Address 835 NW 23rd ST, Corvallis, OR 97330

Daytime Telephone No. 541-993-2480 Fax No. \_\_\_\_\_

Email (optional) jeff@pillar-inc.com

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# ATTACHMENT A

## EXAMPLE OF FINDINGS OF FACT

### CRITERIA FOR FINDINGS OF FACT:

A Zoning Map Amendment will be approved if the approval authority finds the application conforms with the criteria found in Section 2.740 of the Albany Development Code. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

### FORMAT FOR FINDINGS OF FACT:

Statements addressing individual criteria must be in a "finding of fact" format. A finding of fact consists of two parts:

1. Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
2. An explanation of how those facts result in a conclusion supporting the criterion.

### EXAMPLE:

- Criterion:** Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.
- Fact:** FEMA/FIRM Community Panel Number 410137 0001 F, dated July 7, 1999, shows this property is located in Zone X, an area determined to be outside any 500-year floodplain."
- Conclusion:** There are no natural features or special areas on this property, so none will be jeopardized as a result of the proposed rezoning. This criterion is met.

PACIFIC CAST TECHNOLOGIES, INC.

SECRETARY'S CERTIFICATE

I, Marissa P. Earnest, hereby certify that I am an Assistant Secretary of Pacific Cast Technologies, Inc., a Nevada corporation (the "Company") and that:

- (i) Elliot S. Davis holds the offices in the Company of Senior Vice President and Secretary as of the date hereof; and
- (ii) The Senior Vice President of the Company is entitled to exercise such authority commensurate with such office and to take such action as has been authorized by the Board of Directors with respect to such office.

IN WITNESS WHEREOF, I have hereunto set my hand as of the 22<sup>nd</sup> day of July, 2014.

  
\_\_\_\_\_  
Marissa P. Earnest  
Assistant Secretary

# ENGINEERING MEMORANDUM

<b>TO</b>	City of Albany Community Development				
<b>FROM</b>	Jeff Schott, P.E.				
<b>PROJECT</b>	ATI-PCT Ferry ST Plant				
<b>SUBJECT</b>	Finding of Fact Narrative for Zone Amendment Application				
<b>DATE</b>	7/25/2014	<b>PROJECT #</b>	2013030	<b>MEMO #</b>	EM-002

## Summary:

ATI- Pacific Cast Technology (ATI-PCT) proposes to change the zoning of the property to the south of their existing facility from Industrial Park (IP) to Light Industrial (LI). This is consistent with the zoning of the existing ATI-PCT facility located at 150 SW Queen AV, Albany, OR.

Three appendices are attached to this document:

- A. Trip Generation Report prepared by Access Engineering, LLC
- B. Metes & bounds based on title report
- C. Assessors map identifying affected properties

## Finding of Fact:

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.*

**Fact:** The existing property is zoned LI (light-industrial) under the comprehensive plan. Both the existing (IP) and proposed (LI) land-use zone classifications are consistent with LI under the comprehensive plan.

**Conclusion:** The proposed zoning district is consistent with the Comprehensive Plan map for the entire subject area.

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

**Fact:** A Trip Generation Report has been prepared by Access Engineering, LLC (by Michael Weishar PE) and is attached in Appendix A. In summary, from the report addressing the Transportation Planning Rule Analysis:

*Based on this analysis, we find that the proposed zone change from IP to LI will not significantly affect the transportation system through the planning horizon, 2030.*

**Conclusion:** The proposed change in zoning does not appear to significantly change the calculated demand on the transportation facilities with respect to the City's Transportation System Plan.

- 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.*

**Fact:** The proposed amendment of the zoning map does not appear to significantly alter the demands of the existing public services in the area. During the pre-application meeting, the City of Albany Engineering representatives indicated that there were adequate utility services at the site for proposed developments consistent with LI zoning. The water system may require some additional development, but this would likely be independent of the proposed zone change.

The proposed zone change should not alter demands of public services such as school, fire, or police protection.

**Conclusion:** The existing public utilities, with some additional on-site development, have adequate capacity to support proposed development under the proposed LI zoning. The additional development is independent of the change in zoning. Public services should not be impacted by the change in zoning classification.

- 4. Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic district will not be jeopardized as a result of the proposed rezoning.*

**Fact:** The existing site has some existing wetlands. The impact to these wetlands does not change with a change of zoning district. No other special or natural features are noted.

**Conclusion:** There are no known existing natural features or special areas that will be jeopardized by re-zoning.

- 5. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

**Fact:** The change in zoning district is consistent with Comprehensive Plan Goal 9: Economic Development. The change is proposed to improve the viability of the site for future development by an existing business located in the City of Albany.

There are four primary differences between the IP zone and LI zone that affect potential development by ATI-PCT:

1. The IP zone prohibits outdoor storage while LI allows it. Historically, ATI-PCT has utilized some outdoor storage as part of their operation.

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2. The maximum height in an IP zone is 50' but is unlimited in LI. Some future process may require portions of the building(s) or accessory structures to exceed 50' in height.
3. The maximum lot coverage is 80% in IP and 100% in LI. The 100% coverage in LI still requires landscaped areas along street frontage and parking lots, and open areas are required, as a practical matter, in buffered areas adjacent to residential. 100% lot coverage, excluding required setbacks, is attractive for the proposed use of the site.
4. The setback distance to residential is actually greater in LI (40') as opposed to IP (30'). Though the increased offset requirement reduces the amount of developable land on-site, the provisions for taller structures and 100% lot coverage beyond the setback makes the LI zoning more attractive. There are residential zones on the northwest and east sides of the subject property.
5. The owner's existing adjacent property is zoned LI, and having the subject property zoned LI makes the land-use provisions more consistent. This could be an issue if the properties were to ever be combined.

The existing zoning classification has limitation on outdoor uses and building heights that are inconsistent with applicant's needs. The proposed zoning is consistent with owner's proposed use of the property.

**Conclusion:** The proposed zoning district is consistent with the comprehensive plan classification of LI, and makes the site more viable for future development by the owner.

6. *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.*

**Fact:** A Trip Generation Report specifically addressing the proposed zoning change, prepared by Access Engineering, LLC (Michael Weishar PE) , attached a appendix A is. This report references the City's Traffic Planning Rule and Transportation System Plan. In summary, from the report addressing the Transportation Planning Rule Analysis:

*Based on this analysis, we find that the proposed zone change from IP to LI will not significantly affect the transportation system through the planning horizon, 2030.*

**Conclusion:** The proposed change of zoning district is consistent with the City's Transportation Plan per the attached study by Access Engineering, LLC.

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# **APPENDIX A: TRIP GENERATION REPORT**

Prepared by Access Engineering, LLC

Michael Weishar, PE

11 pages

p:\projects (thorin)\2013\2013030\pm\\_engineering memos\em-002 zone  
change narrative.docx



**Access Engineering LLC**

134 E. 13<sup>th</sup> Ave. Suite 2

Eugene, Oregon 97401

Phone & Fax

541-485-3215

[info@accesseng.com](mailto:info@accesseng.com)

Transportation Engineering

Traffic Design

Trip Generation

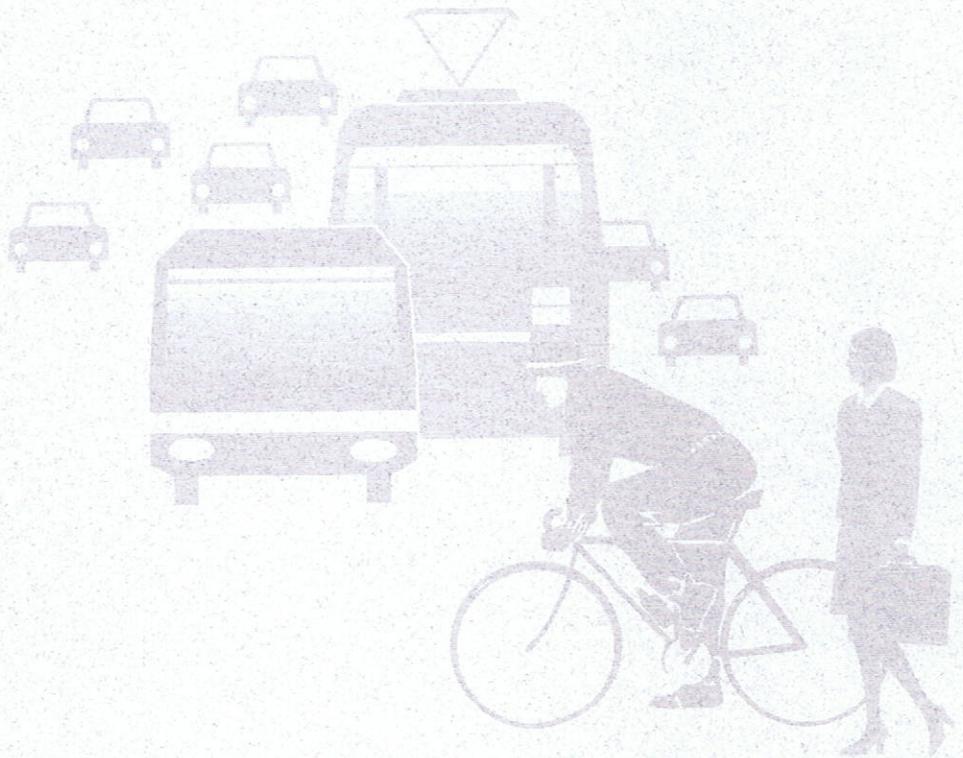
Access Management

Traffic Counts

Street Lighting

# ATI Pacific Cast Technologies Zone Change Trip Generation Report

Albany, Oregon



August 14, 2013

# ATI Pacific Cast Technologies Zone Change Trip Generation Report

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Albany, Oregon



**RENEWS 6/30/14**

**August 14, 2013**

# **ATI Pacific Cast Technologies - Zone Change Trip Generation Report**

## **I. Introduction**

The applicant, ATI Pacific Cast Technologies, desires to change the zoning on two contiguous parcels from IP - Industrial Park, to LI - Light Industrial, in order to expand their existing business. The purpose of this report is to satisfy the Transportation Planning Rule (TPR) as it applies to changes in zoning. The study will compare the trip generation of a potential development under the proposed light industrial zoning to the potential development under the existing industrial park zoning to determine if the change will significantly impact any existing or planned transportation facility in the City's Transportation System Plan (TSP).

## **II. Proposed Development**

### **1. Description and Vicinity Map**

Figure 1 in the Appendix, shows the location of the subject properties located on the east side of Ferry Street, south of 22<sup>nd</sup> Avenue SW in Albany, Oregon. The parcels are tax lots 1102, and 1106 on Assessors' Map 11 3W 18BA which total 12.84 acres. ATI Pacific Cast Technologies has an existing manufacturing facility on tax lot 1103 on Map 11 3W 7CD adjacent to and north of tax lot 1102. The existing facility has access to SW Queen Avenue through an easement on the adjacent tax lot 1105.

### **2. Site Plan**

For a TPR analysis, a site plan is not required until a specific development is proposed. The TPR analysis will compare the traffic impacts of a reasonable development under the proposed zoning to the impacts under the existing zoning. When a specific site plan is proposed for the site, the traffic impacts of the site plan must be re-evaluated per the Department of Public Works Engineering Standards, Division I Traffic Impact Study Guidelines.

### **3. Proposed Land Use, Intensity, and Timing**

For this TPR analysis, manufacturing and general light industrial are allowed land uses for the proposed LI zoning while an industrial park would be the land use under the existing IP zoning. The intensity of an industrial park land use is limited to 80% coverage by the Albany Development Code. The code allows 100% coverage for a light industrial development. The developments under each zoning scenario are assumed to have a single phase.

### III. Existing Conditions

#### 1. Study Area

- a. **Limits of Traffic Study.** Initially the study area will include the site access on Ferry Street, a major collector, and the intersections of Ferry Street with the nearest arterial streets. Ferry Street intersects Queen Avenue at its north end and 34th Avenue at its south end. Both streets are minor arterials.
  
- b. **Existing Zoning and Land Uses.** The existing zoning for the area is shown on Figure 2 in the Appendix. The subject site and parcels to the south on the east side of Ferry Street are zoned IP, Industrial Park, with only two existing small developments. Immediately north of the site and extending to Queen Avenue and beyond is a large area of LI, Light Industrial zoned land that is approximately 80% developed. On both sides of Ferry Street extending north to the properties adjacent to Queen Avenue, is an area of RM, Residential Medium Density, developed as a mixture of single-family residences and apartments. On the west side of Ferry Street south of the RM zoning is a fully developed area of LI zoning. Immediately east of the site extending south from Queen Avenue and east to Marion Street is an area of RM zoned parcels that are 95% developed.

#### 2. Site Accessibility

- a. **Area Roadway System.** Table 1 below shows the characteristics of the existing streets in the initial study area.

**Table 1: Existing Study Area Street Conditions**

Street	Segment	Juris-diction	Classification	Posted Speed	Pavement Width - Curb/Shoulders	Travel Lanes*	Bike Lanes	On-Street Parking	Sidewalks Sides
Ferry Street	Queen to 34th	City	Major Collector	35	48' - Curbs Both	2	Yes	Both Sides	Partial
Queen Avenue	Hwy. 99E to Ferry Ferry to Marion	City	Minor Arterial	35	56' - Curbs Both	4 2	Yes	None	Both
34 <sup>th</sup> Avenue	Hwy. 99E to Marion	City	Minor Arterial	40	68' - Curbs Both	4	Yes	None	Both

\* - Through lanes only, see Figure 3 for intersection approach lanes.

The 4-leg intersection of Ferry Street with Queen Avenue is controlled by Stop signs for Ferry Street.

The T-intersection of Ferry Street with 34th Avenue is controlled by a Stop sign for Ferry Street.

Queen Avenue is classified as a higher safety risk street in the Albany Transportation System Plan (TSP). Among the locations listed for link and intersection improvement projects in the TSP are the intersections of Queen and 34<sup>th</sup> Avenues at Pacific Highway (99E) where additional lanes are proposed by the 2030 planning horizon year.

- b. Transit Service.** The Albany Transit Service provides a fixed-route bus service along Queen Avenue with a bus stop at the Queen Avenue and Ferry Street intersection. The TSP notes that there are deficiencies within the City of Albany transit system in four areas: service frequency, service hours, availability of information, and service availability. In addition there are also demand responsive services within the City of Albany provided by Albany Call A Ride and Benton County Dial A Bus. The Albany Transit Plan adopted in 2011 proposes significant changes to the Albany Transit Service, but eliminates the route on Queen Avenue in the study area.
- c. Pedestrian and Bicycle Facilities.** The three study area streets all provide striped bike lanes. About 90% of Ferry Street does not have sidewalks. Ferry Street is listed in the pedestrian, bicycle, and multi-use trail project table in the TSP.

#### IV. Projected Traffic

##### 1. Background Traffic

The transportation model in the Albany TSP provides two-way PM peak hour traffic volume projections for the following streets in the study area for the horizon year, 2030:

Queen Avenue;	1167
34 <sup>th</sup> Avenue:	1401
Ferry Street:	393

##### 2. Site Traffic

The first step in the analysis is to determine the PM peak hour trip generation of a development in the existing IP zone compared to a development in the proposed LI zone to determine if there is a net increase or decrease in trips. Next, if there is a net increase in trips they are then distributed to the study area. The results of the trip generation and distribution analysis may expand the initial study area or eliminate the need for further analysis.

**a. Existing Zoning (IP) Trip Generation**

Trip generation estimates for the industrial park zoning are made using the Ninth Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. The land use code 130 - Industrial Park was used to generate trips based on the site acreage. Since the site coverage for industrial park developments is limited to 80% by the Albany Development Code, the acreage used is 12.84 x 0.8 or 10.27 acres.

**b. Proposed Zoning (LI) Trip Generation**

Trip generation estimates for the light industrial zoning are made using the Ninth Edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Since the Manual provides data for two land uses that could be developed in the LI zone, Light Industrial (Code 110) and Manufacturing (Code 140), each was used to generate trips based on the site acreage. In this case the site coverage for light industrial developments is 100%, so the acreage used is 12.84 acres.

Table 2 shows the trip generation comparison of the potential development in the existing IP zone compared to the each potential development in the proposed LI zone. The comparison shows that there will be a minimal increase in trips as a result of the proposed zone change. The PM peak hour directional distribution for a manufacturing development seems to indicate that a shift change takes place during that hour as evidenced by more inbound than out bound trips. The light industrial development has directional distribution similar to the industrial park development.

**Table 2: Trip Generation Comparison**

Land Use (ITE Code)	Size Unit	Daily Trips		AM Peak Hour				PM Peak Hour			
		Rate	Total	Rate	Total	In	Out	Rate	Total	In	Out
Ex. Zone - Industrial Park (130)	10.27 Acres	61.17	628	8.20	84	70	14	8.53	88	18	69
Prop. Zone - Manufacturing (140)	12.84 Acres	38.88	499	7.44	96	89	7	8.35	107	57	50
<b>Net Trips - Manufacturing</b>			<b>-129</b>		<b>11</b>	<b>19</b>	<b>-8</b>		<b>20</b>	<b>38</b>	<b>-19</b>
Ex. Zone - Industrial Park (130)	10.27 Acres	61.17	628	8.20	84	70	14	8.53	88	18	69
Prop. Zone - Light Industrial (110)	12.84 Acres	51.80	665	7.51	96	80	16	7.26	93	21	73
<b>Net Trips - Light Industrial</b>			<b>37</b>		<b>12</b>	<b>10</b>	<b>2</b>		<b>6</b>	<b>2</b>	<b>4</b>

### **3. Trip Distribution**

The City of Albany uses the PM peak hour for analysis of traffic impacts under the TPR analysis. Since developments in both the Industrial Park and Light Industrial zones are industrial in nature, the PM peak hour trips are mainly work to home trips (and some home to work trips for manufacturing developments.) As a result, new trips to and from the site will be distributed based on the site's location in relation to the distribution of households in the Albany area. Based on the distribution of residences in the area, we have assigned 66% north and 34% south at the site driveway on Ferry Street. At the intersections of Ferry Street with SW Queen Avenue and with SW 34<sup>th</sup> Avenue, we assign a 50/50 directional split east and west. Figure 3 in the Appendix shows the PM peak hour distribution of net additional trips for a general industrial or a manufacturing development.

### **4. Recommendation for the TPR Analysis**

As Table 2 and Figure 3 show, the net new trips generated by the proposed zone change will be minimal and well below the City's requirement of 50 additional trips to trigger a full TIA. At most 20 new trips could be generated by a manufacturing development, but due to the location of the site, the assignment of these trips is quickly dispersed in the study area. Based on this analysis, we find that the proposed zone change from IP to LI will not significantly affect the transportation system through the planning horizon, 2030. We recommend that the proposed zone change be approved without a full Traffic Impact Analysis.

# Appendix Figures

# Figure 1

## ATI - PCT Zone Change Trip Generation Study Vicinity Map

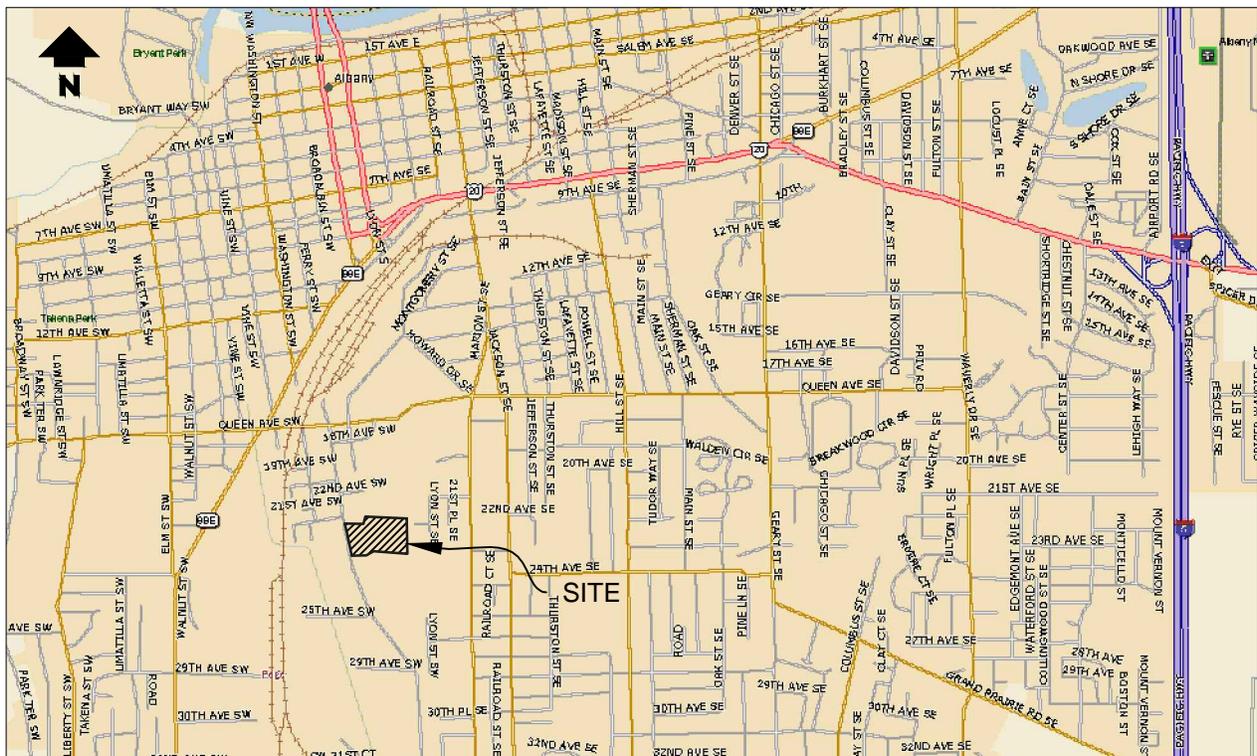
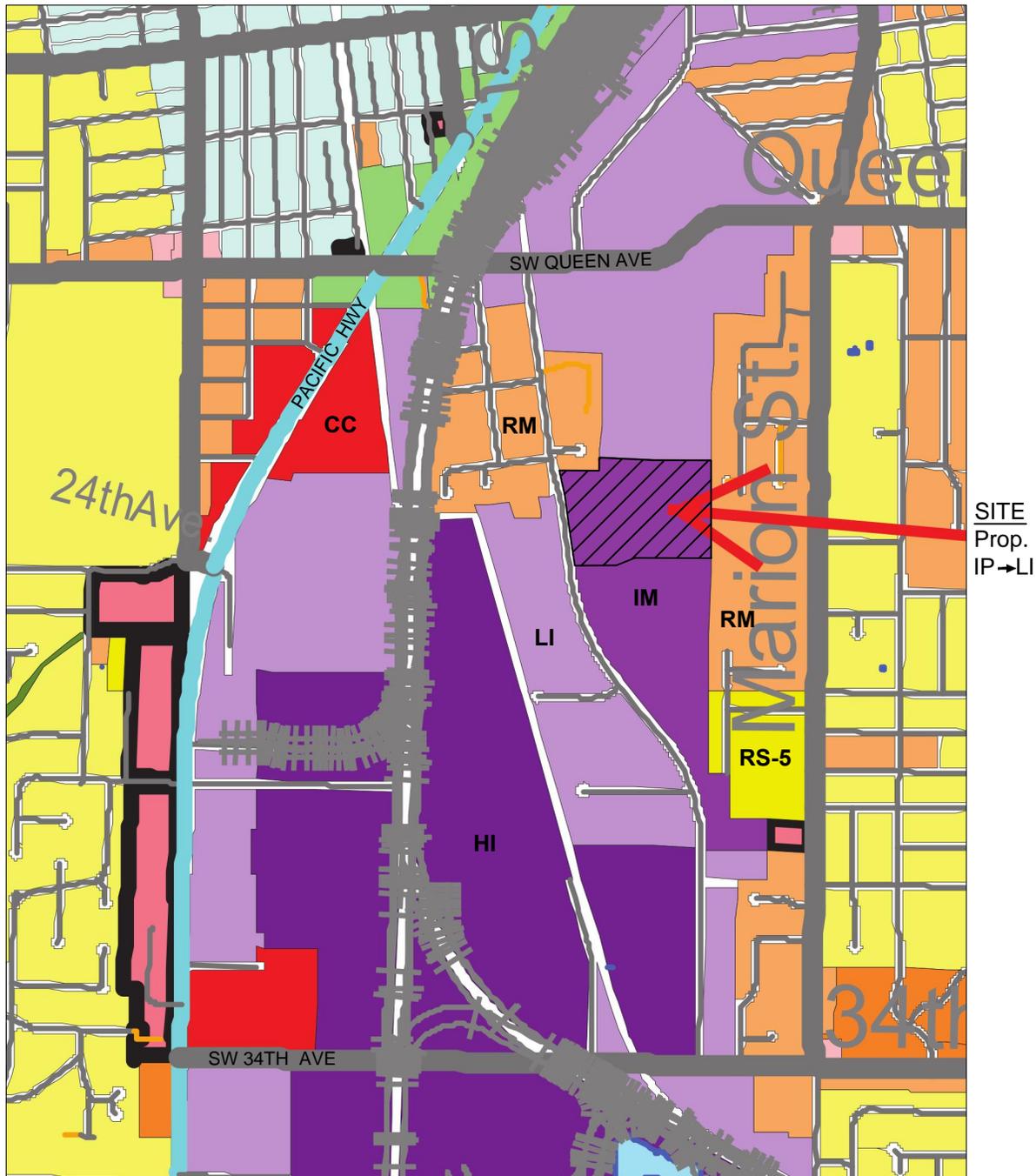


Figure 2

ATI - PCT Zone Change Trip Generation Study  
Zoning



LEGEND

- RS-5** Residential Single Family.
- RM** Residential Medium Density
- CC** Community Commercial
- LI** Light Industrial
- HI** Heavy Industrial
- IP** Industrial Park

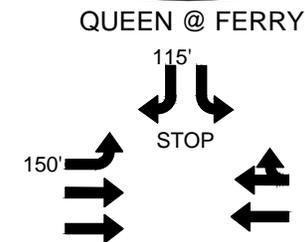
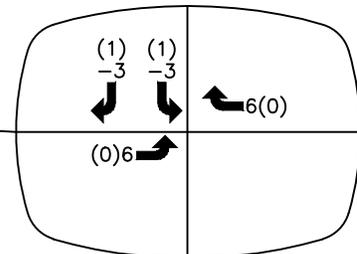
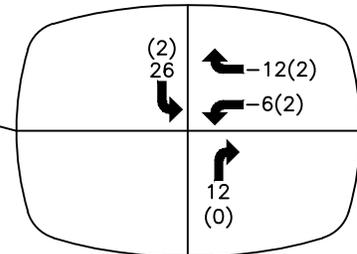
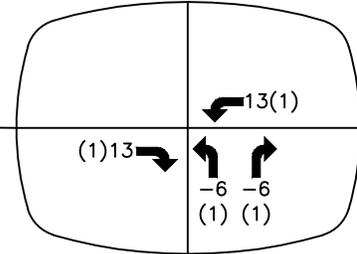
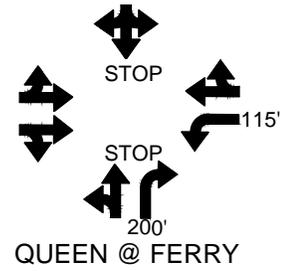
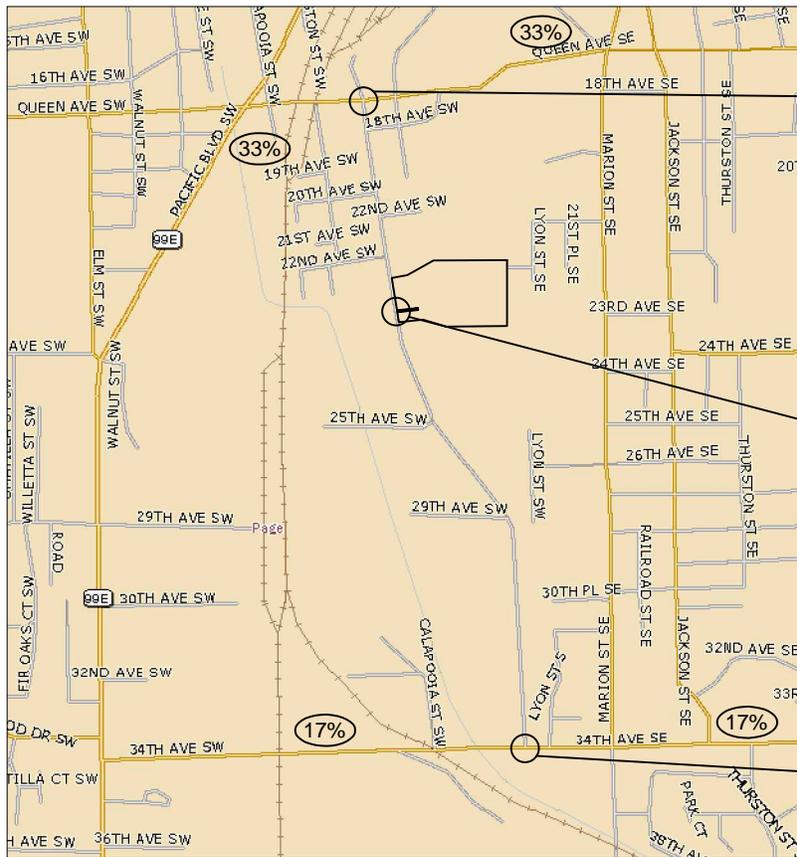
# Figure 3

## ATI-PCT Zone Change Trip Generation Study

### Trip Distribution & Assignment

### LEGEND

- XX - Net Trips Manufacturing
- (XX) - Net Trips Light Industrial
- (XX%) - Directional Distribution



# **APPENDIX B: METES & BOUNDS LEGAL**

## **DESCRIPTION**

From Title Report  
1 Page

### PARCEL I:

Beginning at a 5/8 inch iron rod which is 1861.72 feet, South 1 °29'30" East; and 175.98 feet, East of the most Westerly Northwest corner of the Hiram N. Smead Donation Land Claim No. 53 located in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 1 °29'30" West 280.00 feet to a 5/8 inch iron rod; thence West 176.00 feet to a 5/8 inch iron rod; thence South 80°37'40" West 184.52 feet to a 5/8 inch iron rod; thence along a 20 foot radius curve left (the chord of which bears South 35°37'41" West 28.2g feet) 31.42 feet to 5/8 inch iron rod on the East right-of-way line of Ferry Street; thence along the East right-of-way line of Ferry Street North 9°22'20" West 145.82 feet to a 5/8 inch iron rod; thence continuing along the East right-of-way line of Ferry Street North 17°39'39" West 163.60 feet to the Southwest corner of the Keller Subdivision; thence along the South line of the Keller Subdivision North 89°58'52" East 265.48 feet to the West line of the Hiram N. Smead Donation Land Claim No. 53; thence along the West line of said Donation Land Claim No. 53 North 1 °29'30" West 87.95 feet to the Northwest corner of Parcel A as monumented by County Survey 14681; thence along the North line of said, Parcel A East 706.62 feet to a 5/8 inch iron rod which is the Northeast corner of said Parcel A; thence South 1 °13'09" East along the East line of said Parcel A 615.15 feet to a 5/8 inch iron rod which is the Southeast corner of said Parcel A; thence West along the South line of said Parcel A 527.55 feet to the point of beginning. EXCEPT that portion conveyed to the City of Albany, recorded July 25, 1975 in Volume 112, Page 782, Linn County Microfilm Records.

### PARCEL II:

Beginning at a point which is 1861.72 feet South 1° 29' 30" East, 115.00 feet East of the most Westerly Northwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 39° 57' 17" West 65.93 feet to a 5/8 inch iron rod; thence South 82° 09' 03" West 230.00 feet to the East right-of-way line of Ferry Street; thence along the East right-of-way line of Ferry Street North 9° 06' 16" West 60.00 feet; thence along the Easterly right-of-way line of Ferry Street North 9° 22' 20" West 253.00 feet; thence along a 20 foot radius curve right (long chord of which bears North 35° 37' 41" East 28.29 feet) 31.42 feet; thence North 80° 37' 40" East 184.52 feet; thence East 176.00 feet; thence South 1° 29' 30" East 280.00 feet; thence West 60.98 feet to the Point of Beginning. EXCEPT that portion conveyed to the City of Albany, July 25, 1975 in Volume 112, Page 782, Linn County Microfilm Records.

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# **APPENDIX C: ASSESSORS MAP**

Map 113W18BA

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THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

NE1/4 NW1/4 SEC.18 T.11S. R.03W. W.M.  
LINN COUNTY, OREGON

1" = 100'

11 3W 18BA  
ALBANY

CANCELLED TAX LOT NUMBERS:

- 199 INTO 901 (11-3W-7CD)
- 201 INTO 200
- 203 INTO 100
- 701 INTO 1000
- 702 INTO 800
- 703 INTO 900
- 704 INTO 1000
- 1101 INTO 1100 (11 3W 7CD)
- 1200 INTO 1100
- 1300 INTO 1000 (11-3W-7CD)
- 5200 TO STREET

SEE MAP 11 3W 7CD

LOT: 1102  
PROPOSED  
ZONE CHANGE

8-1

LOT: 1106  
PROPOSED  
ZONE CHANGE

SEE MAP 11 3W 18B

FERRY ST

1106  
2.64A

1105  
1.78A

1104  
2.00A

1100  
0.22A

1103  
5.00A

