

ORDINANCE NO. 4819

TITLE: ZONE CHANGE AMENDMENT NO. 15 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND CITY OF ALBANY ZONING MAP, AND COMPREHENSIVE PLAN AMENDMENT NO. 12 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY DESCRIBED IN MORE DETAIL BELOW.

WHEREAS, the Planning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate Comprehensive Plan Amendment and Zone Change with said findings being based upon evidence produced at hearings; and

WHEREAS the Council of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate Comprehensive Plan Amendment and Zone Change for the property being considered, said findings being based upon evidence produced at hearings; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described below.

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

Section 1. PLANNING DEPARTMENT CASE NO. CP-01-88/ZC-01-88

The official Albany Comprehensive Plan and Zoning Maps are hereby amended with Comprehensive Plan Amendments from Light Commercial and Medium Density Residential to General Commercial and concurrent Zone Changes from RP (Residential Professional) and R-2 (Limited Multiple Family Residential) to C-2 (Community Commercial) for an area described as follows: North of 16th Avenue SE; East of Geary Street SE; South of 14th Avenue SE; and West of Davidson Street SE comprised of 24.77 Acres [20.48 Acres currently zoned RP (Residential Professional) and 4.29 Acres currently zoned R-2 (Limited Multiple Family Residential)]. Assessor's Map 11-3W-8D, Tax Lots 1101 & 1106; 11-3W-8CA, Tax Lots 100, 101, 103, 500, 600, 700, 800, & 900 (See attached map, "Exhibit B").

Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2. COPY FILED


A copy of this Comprehensive Plan and Zone Change amendment shall be filed in the Office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

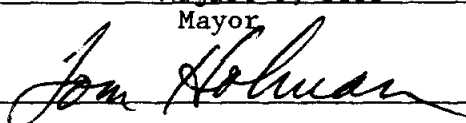
Passed by the Council: July 6, 1988

Approved by the Mayor: July 7, 1988

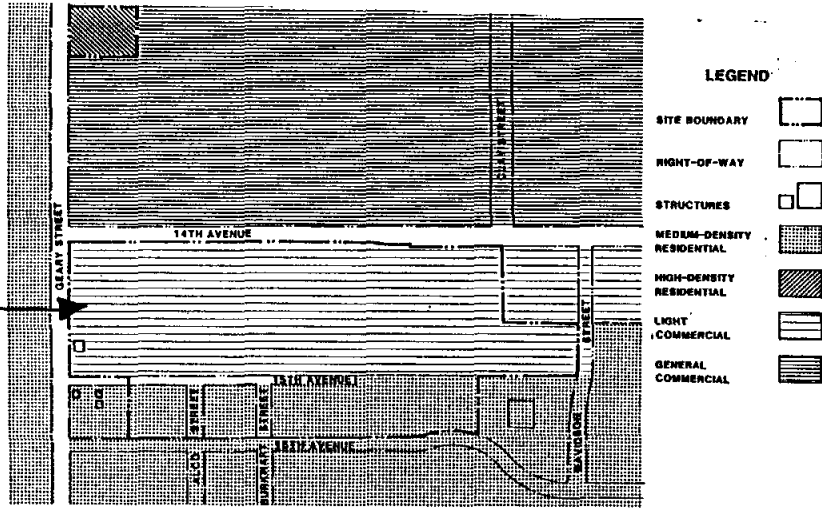
Effective Date: August 5, 1988

ATTEST:

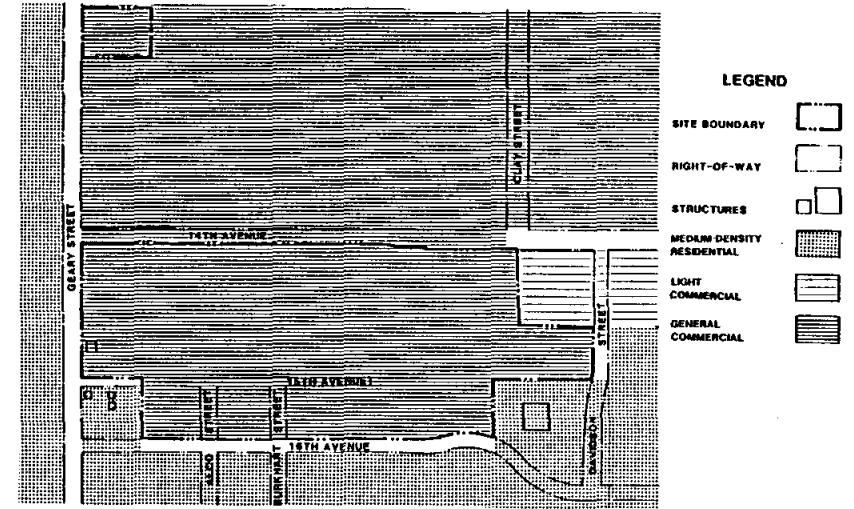


Mayor


Subject Property

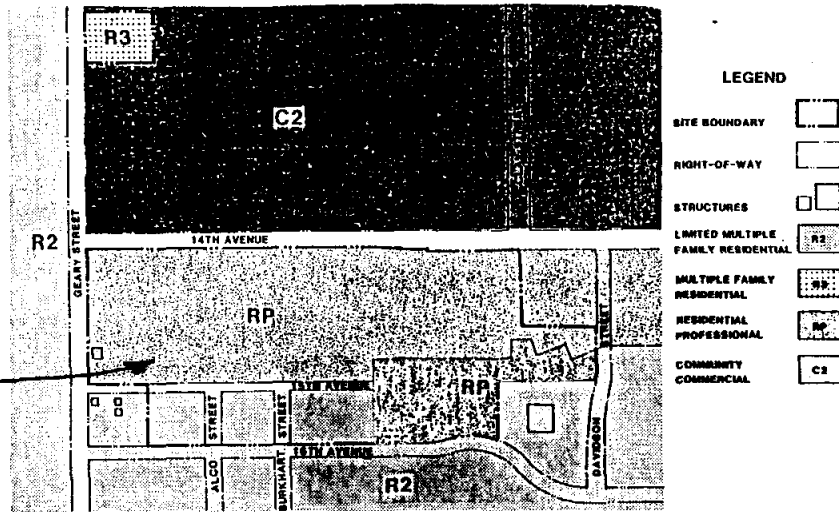


EXISTING COMPREHENSIVE PLAN DESIGNATIONS

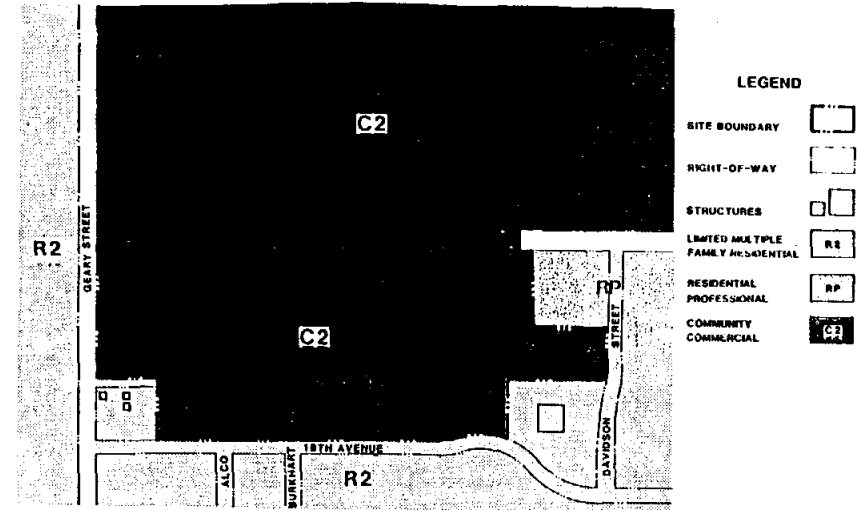


PROPOSED COMPREHENSIVE PLAN DESIGNATIONS

Subject Property



EXISTING ZONING



PROPOSED ZONING

EXHIBIT 'A'

HAY006
DIA001

Findings of Fact

Introduction

This is an application for a Comprehensive Plan amendment from Light Commercial and Medium-Density Residential to General Commercial, and for a concurrent zone change from RP-Residential Professional and R2 - Limited Multiple-Family Residential, to C2, or Community Commercial.

The site subject to this application consists of Map Number 11 3W BCA, Tax Lots 100, 101, 103, 500, 600, 700, 800, and 900, and Map 11 3W BD, Tax Lots 1101 and 1106. The site is located south of Fourteenth Avenue between Geary and Davidson Streets, and is approximately 25 acres in size. The area currently zoned RP is 17.2 acres, while the area zoned R2 is 6.85 net acres, or 9.0 gross acres, including streets. To the north of the site, the Heritage Shopping Center is currently under construction. The intent of this application is to build a shopping center consisting of approximately 200,000 square feet gross leasable area, which will include four main tenants occupying approximately 45,000 square feet each, in addition to a number of smaller stores and services. The new shopping center will provide goods and services complementary to those found at Heritage Mall, possibly including discount retail stores. The proposed center will be designed and developed in a manner so as to form a unified one-stop regional shopping center together with the 322,000 square foot Heritage Mall and the 120,000 square foot Fred Meyer shopping center and other retail uses in the "Santiam Shopping Center" area.

Together, this regional shopping center will contain over 640,000 square feet of gross leasable area, will provide an assortment of goods and services which is not found anywhere else in Albany, and will elevate the existing center to a truly regional scale serving the entire Linn-Benton area.

The site is centrally located within the City of Albany, approximately one-third mile south of the Santiam Highway/Pacific Boulevard intersection, in the Santiam neighborhood. In the vicinity of the site are vacant lands designated R2 or Limited Multiple-Family Residential, as well as existing apartments and offices. South of Sixteenth Avenue are existing single-family residences. The site is currently vacant, with the exception of an older single-family residence on the western portion of the site fronting Geary Street. Topography of the

site is flat. All public facilities and services are available to the site and are adequate to serve the proposed use.

Detailed information describing the site and its surrounding will be provided in the following statement of findings of fact and conclusions, which addresses all applicable criteria for Comprehensive Plan Amendments and Zone Changes.

CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

1. Introduction

The Albany Development Code Section (hereinafter Code §) 3.070 contains the criteria for a Comprehensive Plan Amendment. The code states that:

"Specific findings must be adopted in consideration of at least the following factors:

"(1) Applicable state goals and administrative rules.

"(2) Relevant citizen and agency comments.

"(3) Identification of specific changed circumstances which have made the amendment desirable.

"(4) A demonstration of public need and that the amendment will best address the public need versus other available alternatives.

"(5) Demonstration that the amendment is consistent with the overall purposes of the Plan and any specific Plan provisions which relate to the proposal.

"(6) In lieu of (3), (4), and (5) above, demonstration that the Plan was adopted in error."

The following findings and conclusions will address each of the relevant criteria. The applicant does not allege that the Plan designation for the subject property was adopted in error. Consequently, the applicant will address subsections (3), (4) and (5), and subsection (6) is not relevant.

1

2

2. Conformance with Applicable State Goals and Administrative Rules - Code §3.070(1)

Goal 1: Citizen Involvement

Findings of Fact:

This application will follow a Type IV procedure, including notification of all property owners within 300 feet of the subject property and public hearings before both the Planning Commission and City Council.

Conclusion:

Ample opportunity is provided for citizen involvement with regard to this proposal.

Goal 2: Land Use Planning

Findings of Fact:

1. The City of Albany Comprehensive Plan and implementing ordinances have been acknowledged by the Land Conservation and Development Commission as being in compliance with the Statewide Land Use Goals.
2. Since this application is for an amendment of the Comprehensive Plan map designation from Light Commercial and Medium Residential to General Commercial, compliance with the Statewide Planning Goals must be demonstrated.

Conclusion:

Completion of the City of Albany application requirements for a Comprehensive Plan amendment will ensure compliance with the Statewide Planning Goals, including Goal 2.

Goal 3: Agricultural Lands and Goal 4: Forest Lands

Findings of Fact:

The site is within the Urban Growth Boundary of the City of Albany.

Conclusion:

Goals 3 and 4 do not apply.

3

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Findings of Fact:

No Goal 5 resources have been identified on this site in the Albany Comprehensive Plan.

Conclusion:

Goal 5 does not apply.

Goal 6: Air, Water, and Land Resources Quality

Findings of Fact:

The proposed development will meet all applicable local, state and federal standards with regard to air, water and land resources quality.

Conclusion:

Compliance with all applicable standards will ensure compliance with Statewide Planning Goal 6.

Goal 7: Natural Disasters and Hazards

Findings of Fact:

The Albany Comprehensive Plan has not identified the site as being subject to a risk of natural disasters and hazards.

Conclusion:

Goal 7 does not apply.

Goal 8: Parks and Recreation

Findings of Fact:

The site has not been identified as being needed for park and recreation purposes in the Albany Comprehensive Plan.

Conclusion:

Goal 8 does not apply.

4

Goal 9: Economy

Findings of Fact:

1. This proposal will lead to the creation of a concentrated regional shopping center serving Albany and its surroundings. No such center is currently available in the Albany market area.
2. This proposal meets all applicable city goals and policies for economic development, including the need for a regional shopping center.
3. The proposed shopping center will provide approximately 900 new jobs to the Albany area, and will help retain local buying power within the area, thus improving the local economy.

Conclusion:

The creation of a regional shopping center by enlarging the Heritage Mall/Fred Meyer shopping center to a regional scale meets the requirements of Goal 9.

Goal 10: Housing

Findings of Fact:

1. This is an application for a zone change of eight acres of land zoned R2 and 17 acres of land zoned RP and designated for Light Commercial use.
2. Approval of this application will lead to the potential loss of a maximum of approximately 130 to 150 multiple-family units (see: Housing under Comprehensive Plan Goals and Policies).
3. The Albany urban area still has adequate vacant land remaining to meet its multiple-family housing needs. Since adoption of the Comprehensive Plan, fewer multiple-family housing units have been constructed than were anticipated.

Conclusion:

The conversion of land designated for housing to commercial use will not prohibit the City of Albany from meeting its identified housing needs.

5

Goal 14: Urbanization

Findings of Fact:

1. The site subject to this application is centrally located within the Albany city limits, and is designated for urban development.
2. This proposal encourages compact growth rather than strip commercial development.

Conclusion:

Use of this site for a regional shopping center centrally located within the Albany urban area is consistent with the requirements of Goal 14.

Goals 15 to 19:

Do not apply.

3. Relevant Citizen and Agency Comments - Code 53.070(2)

Findings of Fact:

Staff will request written comments from affected public agencies and the review authority will consider those comments in reaching a decision. Public notice will be provided in accordance with the Code, and testimony from interested citizens will be considered at the hearing.

Conclusion:

Code 53.070(2) will be complied with in the course of the staff review and the public hearing on this matter.

4. Changed Circumstances which make the Amendment Desirable - Code 53.070(3)

Findings of Fact:

The need for residential land in Albany has not grown as quickly as projected and provided for in the Comprehensive Plan.

At the time the Comprehensive Plan was being prepared, the City of Albany had approximately 210 gross or 180 net vacant areas zoned R2, and an additional 50 net acres zoned R3 or Multiple-Family. A need was established for 7,735 new multiple-family units, or 50% of all new housing units, to be built between 1976 and 2000.

7

Goal 11: Public Facilities and Services

Findings of Fact:

1. All public facilities and services are adequate to serve the proposed use (see under City Comprehensive Plan Goals and Policies, Public Services and Facilities).
2. The proposed use utilizes a vacant site within the developed urban area which can be served by public facilities rather than necessitating extension of services and facilities to outlying areas.

Conclusion:

This application complies with Goal 11.

Goal 12: Transportation

Findings of Fact:

1. A traffic impact study has been prepared for the proposed use.
2. The proposed use will not adversely affect the surrounding street system (see under Comprehensive Plan Goals and Policies: Transportation).
3. The site can be served by public transit and is accessible by bicycle.

Conclusion:

This proposal is consistent with Goal 12.

Goal 13: Energy

Findings of Fact:

1. This proposal will help reduce energy use by providing the opportunity for one-stop shopping in one concentrated location, thus reducing the need to travel.
2. The site can be served by public transit.

Conclusion:

The proposed use reduces the need for non-renewable energy sources used for transportation purposes.

6

Population projections used in the Comprehensive Plan to arrive at the number of housing units and acres needed until the year 2000 have not been reached up to now: the Comprehensive Plan Background Report (p. 916) projected a population of 34,250 by 1985, and 41,530 by 1990 for the City of Albany. According to the Center for Population Research and Census, the City of Albany population estimate per July 1, 1987 was 28,060. Consequently, the need for residential land would be less than projected in the Comprehensive Plan.

In the period 1980 to 1987, building permits were issued for 278 new multiple-family units, or 33% of the total number of building permits issued. At an estimated density of 15 units per acre, the figure used in the Albany Comprehensive Plan Background Report, these 278 units would have "used up" only 18.5 acres of vacant land in seven years. The number of mobile homes built in this period was 346, or 42% of the total. This is three times as high as the expected ratio of 144 mobile homes. It appears that the need for affordable housing in Albany is being met in the form of manufactured homes rather than apartments.

Conclusion:

Slower population growth than contemplated in the Comprehensive Plan has reduced the need for residential land in Albany. This changed circumstance mitigates any adverse impact of the proposed Plan Amendment on the availability of residential land in Albany.

5. Public Need vs. Available Alternatives - Code 53.070(4)

Findings of Fact:

The draft Albany Retail Market Analysis prepared by ECO Northwest in May 1988 concludes that the City should encourage development of the Sention shopping area by redesignating and rezoning the subject property for commercial use (ECO Northwest Analysis, p. 6-20). The subject property is more appropriate for commercial development than other sites for a number of reasons:

- (a) Only this site has the potential of creating a regional-scale shopping center when combined with the Heritage Mall and Fred Meyer shopping centers nearby, with a total gross leasable area of over 640,000 square feet.
- (b) This site is located within one-third mile of the major transportation node in the city of Albany, the intersection of the Sention Highway and Pacific Boulevard, yet the proposed use would not adversely impact traffic at this intersection.
- (c) The site is centrally located within the Albany urban growth boundary, and can serve local as well as regional

8

shopping needs. The site is particularly well situated to serve the existing and planned future residential areas to the south, as well as in North Albany.

The site is in close proximity to Albany's historic center and Central Business District, thus encouraging a mutually beneficial relationship between two distinct business districts. The offices, government services and specialty shops found in downtown can provide services for the businesses found at the large regional shopping center, while the downtown workers may do some of their durable goods purchases at the regional center.

- (e) The site is located in the midst of predominantly vacant land designated for medium-density residential development, as opposed to existing single-family development. Through proper design and landscaping, such uses can be made compatible. A landscaped buffer will be provided between the proposed shopping center and existing single-family residences to the south.

Conclusions:

The proposed Plan Amendment meets a public need for additional commercial land in close proximity to the Heritage Mall. Commercial development of the site will take advantage of public infrastructure already in place and will enhance the marketability of the Santiam area developments as a regional shopping center.

6. Conformance with Goals and Policies of the Comprehensive Plan - Code 53.070(5)

This portion of the findings and conclusions will address all goals and policies of the Plan that are deemed applicable to this proposal. All other goals and policies either do not apply to the situation or are not affected by this proposal.

I. Natural Resources

Vegetation and wildlife habitat

GOAL: Ensure vegetation is an integral part of Albany's environment by protecting and utilizing existing vegetation and by including new plantings in existing and new developments.

POLICY 7: Require new developments to utilize landscaping to:

- a. Reduce water runoff and maintain soil stability;

9

- 3. Improve the Central Business District as the economic culture, business and governmental center of the Albany region.
- 5. Encourage diversification of the local economy beyond the three existing major industrial sectors (rare metals, food products, and lumber and wood products).
- 9. Encourage business and industry to locate in Albany that will employ Albany's existing labor force.
- 12. Encourage the provision of regional shopping facilities in the City of Albany.

Findings of Fact:

- 1. The proposed shopping center will contain approximately 200,000 square feet of gross leasable retail area, including four major department stores or other major tenants, and a number of smaller stores and service shops. Major anchors may include stores selling general merchandise, sporting goods, food items, electronics, home furnishings, a supermarket, and possibly one of more off-price retail stores and/or discount stores. In addition, the center is likely to include services such as a drive-in bank, family-style restaurant, and auto service center.
- 2. The mix of retail and service uses will complement the mix of uses found at the (322,000 square foot) Heritage Mall directly to the north of the site and at the (120,000 square foot) Fred Meyer shopping center east of Clay Street. In combination, Heritage Mall, the Fred Meyer center, and the proposed new shopping center will provide over 640,000 square feet of gross leasable area, providing a scale and mix of goods and services not found anywhere else in the Albany area, or in the entire Linn-Benton-Lincoln market area. According to the Shopping Center Development Handbook published by the Urban Land Institute, average gross leasable area (GLA) for a regional shopping center is 400,000 square feet, and can range from 300,000 square feet to about one million square feet (pages 5-6).

The publication, Dollars and Cents of Shopping Centers (ULI, 1984), puts the median occupancy area of regional shopping centers at 479,477 square feet. The lower decile contains 308,901 square feet according to this source.

Clearly, the 200,000 square feet GLA proposed in this application, added to the 317,000 GLA of the Heritage Mall in its final phase, will elevate the combined center from the local to the regional level.

11

- b. Buffer incompatible land uses;
- c. Reduce energy uses by altering the microclimate using vegetation for windbreaks, for shading, for insulation, etc.;
- d. Visually enhance developments.

POLICY 9: Encourage the planting of vegetation around public buildings and public spaces, such as parking lots, as an energy-saving technique.

Findings of Fact:

The proposed development site does not contain any significant natural vegetation. All landscaping, buffering and screening requirements of Article 7 of the Development Code will be met, including parking lot landscaping. Site plan review is required for the contemplated uses in a C-2 zone.

Conclusion:

Appropriate vegetation will be included in the development. This will visually enhance the development, reduce water runoff, help save energy, and buffer the use from adjacent uses. Compliance with the requirements of Article 7 will be controlled through site plan review. The relevant implementation methods recommended by the Comprehensive Plan are contained in Article 7 of the Code.

II. Community Needs

Economic Development

GOALS: Diversify the economic base in the City of Albany and strengthen Albany's role as a regional economic center.

Maintain the median income of Albany's residents at or near state and county levels and provide jobs for Albany's residents.

POLICIES:

- 2. Provide trade and service establishments for the residents of Albany which include a variety of levels of service ranging from neighborhood to regional needs.

10

- 3. The need for additional commercial space to serve the Albany regional market area will be addressed in detail in the soon-to-be-released analysis of Albany commercial lands prepared by ECO Northwest. Additional findings will be submitted to reflect this analysis.
- 4. The proposed new shopping center will provide approximately 910 new jobs to the area, assuming a ratio of 35 new employees per acre (see Albany Background Report, 9/75). Total covered employment in the retail trade in Albany in 1985 was 3,015. Many of these jobs can be filled by young persons, thus helping to reduce the relatively high youth unemployment rate (27.6 percent for youth aged 16 to 19 in Linn County in 1984, see Linn County and the City of Albany: A Survey of Economic and Demographic Changes, City of Albany Planning Department, December, 1987). Presumably, the center will also provide a significant number of jobs which can be filled by the relatively large population of women who are seeking jobs.

According to the same source, the overall average unemployment rate for the City of Albany was 11.1 percent in 1985, and 14.3 percent for Linn County (compared to 9.2 percent for the State of Oregon and 7.2 percent for the United States).

Employment preference of Linn County job applicants in 1984 was heavily weighted towards the clerical, operatives, and service workers, which together accounted for over 57 percent of all job categories. The proposed shopping mall will generate a significant amount of clerical and service jobs as well as sales jobs.

- 5. In 1985, retail trade accounted for 17.2 percent of total employment in the city of Albany. In the state of Oregon, the proportion of jobs in retail trade was 19.6 percent, suggesting that an increase in retail jobs in Albany will contribute to the diversification of the local economy. In general, the Albany economy is more diversified than the economy of Oregon as a whole. Within Linn County, the Albany area's proportion of overall county employment has been steadily increasing, as has Albany's share of Linn County's population. Increasingly, the Albany area is emerging as the regional center for the Linn-Benton County area. The emergence of a regional shopping center similar in scale and assortment to centers found in larger cities, is consistent with this trend.

Conclusions:

The proposed shopping center will strengthen Albany's role as a regional economic center by providing goods and services in a

12

concentrated location at a scale and variety required for a truly regional shopping center. The combination of four department stores and a wide variety of smaller stores and services within the enclosed Heritage Mall, along with four major stores and other uses providing services to the shoppers, will enable customers to do the comparison shopping which is a characteristic of a regional shopping center. In combination, the proposed center along with Heritage Mall and the Fred Meyer shopping area will cross the threshold of scale which distinguishes regional commercial centers from local shopping centers. This large regional center will help attract buying power from a larger market area and will retain within the area dollars which are currently being spent outside the Albany area.

This is consistent with the city's stated economic development goal. The proposed new center will provide approximately 900 jobs in support of the city's second economic development goal. The proposal supports Policy 2 in providing for regional needs not currently provided for in the Albany area by providing the opportunity for comparison shopping of durable and non-durable goods. Reasoning of the site from Residential Professional to General Commercial also supports Policy 3, by encouraging office uses to concentrate in the Central Business District, rather than being scattered around many sites. The proposed shopping center meets Policy 5 by increasing the retail sector of the local economy, which is currently slightly under-represented compared to Oregon as a whole. Policy 9 is met in part by providing jobs for young people and for the relatively large proportion of women seeking jobs, and by providing associated clerical and service jobs in addition to sales jobs. The proposal specifically aims at meeting Policy 12, by creating a regional shopping facility which cannot be found elsewhere in the City of Albany.

Housing

GOAL Provide for the housing needs of all Albany's citizens.

POLICY 1: Ensure that there is an adequate supply of zoned land in areas accessible to employment and public services to provide a choice of type, location, density, and cost of housing units commensurate to the needs of City residents.

Findings of Fact:

1. The proposed plan and zone change seeks to replace approximately 17.2 acres of land zoned RP and 6.85 net acres of land zoned R2 with General Commercial zoning. The maximum potential number of housing units in the R2 zone is 46 two-bedroom or 65 one-bedroom apartments (298,540 total square feet at 60 percent coverage divided by 2,400 square feet per unit plus 1.5 or 1.0 parking spaces, respectively, per unit at 350 square feet each). In the RP zone, a mixture of office and residential uses is permitted. Multiple-family dwellings are permitted within Planned Unit Developments only. Assuming that half of the total RP area were to develop for multiple-family residential use, at 70 percent maximum coverage and minimum 2,500 square feet per unit plus parking, another 86 multiple-family units could be accommodated, for a maximum total potential of 132 to 151 multiple-family units.

Albany had a population of 28,060 according to the Center for Population Research and Census. The Comprehensive Plan Background Report projected a city population of 34,250 by 1985, and 41,530 by 1990 (see page 916).

Conclusion:

The proposed Plan and zone change of 17 acres zoned RP and 6.85 acres zoned R2 to a C2 designation will not prohibit the city from meeting its housing needs, considering the large vacant acreage for multiple-family units still remaining within the city, and considering the building trends since adoption of the Comprehensive Plan.

Transportation

GOAL: Provide a safe, diversified, and efficient transportation system which protects and enhances our local economy, environment, scenery, and neighborhoods.

Policies:

1. When reviewing development proposals or transportation plans, determine the relationships between land uses and transportation systems, i.e., how will proposed developments affect existing or proposed transportation and how will transportation plans affect future land use patterns.
3. As part of any development review process, evaluate the adequacy of transportation to, from and within the site.
4. Consider the special needs of the transportation disadvantaged when developing and implementing transportation improvements.
14. Improve the efficiency and effectiveness of existing and future roadways and bikeways.
15. Maintain the carrying capacity and viability of major arterials and other major streets.
16. Limit access onto major arterials (reducing curb cuts and other street intersections); ensure adequate rights-of-way and setback lines; and discourage on-street parking.
17. Design or modify streets to help preserve the character of neighborhoods.

2. The total projected need for new multiple-family units from 1978 to 2000, according to the Comprehensive Plan Background Report, was 7,739 units or 50 percent of the total new housing units needed. In the period 1980 to 1987, however, building permits were issued for a total of 278 new multiple-family units, or only 33 percent of the total number of building permits issued. Assuming a density of 15 units per acre, consistent with the Albany Comprehensive Plan, these 278 units would have used up only 18.5 acres of vacant land in several years. The number of permits issued for manufactured homes, on the other hand, far exceeded the anticipated ratio of 14 percent for this housing type. A total of 346 manufactured home building permits were issued, or 42 percent of the total. It appears that the need for affordable housing in Albany is increasingly being met in the form of manufactured homes (source: Linda Saroff, Albany Planning Department). The vacancy rate for multiple-family housing in Albany is currently 3.8 percent.
3. According to the DLCD report on the City of Albany's Comprehensive Plan, dated April, 1982, there were a total of 210 gross vacant acres or 180 net vacant acres zoned R2 within the Albany city limits, in addition to 50 acres zoned R3. The loss of 8 gross acres of land zoned R2 or 6.85 net acres cannot be considered significant in view of the remaining vacant acreage, and considering the fact that the Albany Urban Growth Boundary as a whole contained a surplus of 235 residential acres. The Comprehensive Plan specifically obligates the city to maintain a five-year supply of land designated for all needed housing densities (Comprehensive Plan, page 127).
4. Significant vacant acreage zoned R2 remains in the immediate vicinity of the site, within the same neighborhood.
5. Population growth in the City of Albany and in Linn County as a whole has lagged behind the growth projections which were used as a basis for calculating land and housing needs in the Comprehensive Plan. As of July 1, 1987, the City of Albany had a population of 34,250.

18. Minimize the need for on-street parking by ensuring adequate off-street parking facilities.
19. Discourage non-residential vehicular parking in residential neighborhoods.
20. Ensure that parking requirements reflect parking needs.

Findings of Fact:

1. The City's Master Street Plan identifies Geary Street and Waverly Drive as the north-south arterials serving the vicinity of the site. Only Geary Street provides direct access to the site. Queen Avenue and the Santiam Highway are the east-west arterials closest to the site. Clay Street and Fourteenth Avenue are designated as Collectors. The Mater Bikeways Plan identifies Geary Street, Fourteenth Avenue, and Clay Street as proposed bikeways.
- 1a. A traffic impact study has been prepared by Carl H. Buttko, consulting transportation engineer. The study describes the project and analyzes the surrounding street system in terms of both existing and future conditions. The biggest anticipated change affecting traffic circulation in the area would be the development of the Pacific Boulevard/Winth Avenue couplet. The report also discusses public transportation.
2. The traffic impact study describes impacts of the proposed zone change. Please refer to the results of this study for detailed consideration. A comparison of trip generation estimates under existing and proposed zoning leads to an anticipated increase of daily traffic from 6,145 trips to 13,100 trips. However, during the afternoon peak hour, the most critical time period, the shopping center is estimated to generate approximately 325 more entering vehicle trips and 70 fewer exiting trips than uses under existing zoning.
3. Table 3 of the traffic impact study provides level of service estimates for the existing and proposed zoning scenario. It is concluded that the proposed zone change will not adversely affect traffic operations on the surrounding street system. In some cases, such as the critical intersection of Geary Street and Pacific Boulevard, the impact of the zone change would actually be positive.
4. The intersection of Fourteenth Avenue and Clay Street is estimated to function with a Level of Service E for the southbound left turns during the afternoon peak hour.

However, this unacceptable Level of Service is not brought on by this zone change, but by the Heritage Mall. A traffic signal would mitigate this problem.

5. The report recommends that site access on Fourteenth Avenue be located opposite the access points to Heritage Mall, as reflected in the concept site plans. Recommended widths and signage will be incorporated into the final site design. The easterly access point should be controlled with a traffic signal by the time the project is approximately 50% complete. The preliminary site plan contemplates a third access of Fourteenth Avenue between the easterly access point to Heritage Mall and Clay Street.
6. The Geary Street access point should be located opposite or north of the driveway to the apartment complex on the west side of Geary Street should be 40 to 48 feet wide, and should be controlled with a stop sign. Finally, there will be one access point from Davidson Street.
7. Fifteenth Avenue would function as a service drive only, providing access to the service drive which runs along the back of the four main buildings parallel to Sixteenth Avenue. Two one-way access points from Sixteenth Avenue to the service drive are being considered. A landscaped buffer will be provided between the service drive and Sixteenth Avenue.
8. It is also recommended that the Albany Transit system be routed into the center via the service drive, and exit via the Geary Street access point. A passenger waiting area and bus shelter should be provided at the bus stop, and a clearly-marked pedestrian walk installed.
9. Parking space will be provided consistent with the requirement of one parking space per 200 square feet of sales floor area (Code, Section 7.110). The number of parking spaces proposed ranges from 995 to 1,290, depending on the final configuration chosen for the site. The number of parking spaces per total building area will range from 1 per 175 square feet to one per 240 square feet overall.

Conclusions: All relevant policies can be met. The traffic impacts of the proposed shopping center on the transportation system have been analyzed and determined to have no adverse impacts, provided that a number of design recommendations are followed. The effects of proposed future street improvements in the vicinity have been analyzed. The street system was found to be adequate to serve the proposed use. The proximity of the proposed shopping center to the Heritage Mall will encourage one-stop shopping by providing a wide range of goods and services in

17

5. The City shall review the drainage facility plans for all drainageway improvements and new developments excluding one and two family dwellings. Designers of such drainage facilities should utilize the following criteria and show on their drainage plans how the criteria have been considered. (Ord. 4517; 9/10/82).
 - a. emphasize the use and improvement of natural drainageways,
 - b. investigate the desirability of detention ponds or other holding facilities as an alternative to conventional systems,
 - c. indicate how any drainage facility will be maintained,
 - d. minimize the amount of impervious surfaces,
 - e. where possible, provide storm water easement conforming substantially to natural drainageway,
 - f. maintain unrestricted flow from runoff originating elsewhere,
 - g. make provisions for planned increases in drainage flow resulting from upstream development,
 - h. where useful, consider a present or future mechanism to control the rate of runoff discharge so that excess capacity of drainageways does not occur,
 - i. protect structures and lots from damage caused by ponding and runoff,
 - j. ensure that downstream properties and/or structures will not be harmed by runoff originating from the development,
 - k. ensure that the drainage system connects to an approved drainageway.
6. Encourage drainage systems which utilize natural drainageways and minimize the amount of surface water runoff unless it can be shown that a conventional piped drainage system is a more suitable alternative.

19

one concentrated area. Bus service to the shopping center can conveniently be provided as part of the existing transit system.

Access onto major arterials has been limited, with principal access points located on Fourteenth Avenue between Heritage Mall and the site. The site design features a service drive parallel to Sixteenth Avenue along the rear of the four major buildings, with a landscaped buffer separating the two parallel roads, thus reducing potential negative impacts on the residential neighborhood to the south, and helping to preserve the character of the neighborhood. Adequate off-street parking will be provided and enhanced with appropriate landscaping.

Public Facilities and Services

GOAL: Ensure the provision of a full range of public utilities and services to serve the Albany urban area in a timely and orderly fashion and maintain the quality of services commensurate with new growth.

Findings of Fact:

1. Sanitary Sewer: An 8-inch main is located in Geary Street; there is a 12-inch main in Fourteenth Avenue; a 48-inch main runs through the site, extending from Clay Street; and a 10-inch line runs along Sixteenth Avenue to the east, and turns into an 8-inch main west of Burkhart Street.
2. Water lines serve the site as follows: A 12-inch line runs along Geary Street and is currently under construction along Fourteenth Avenue. An 8-inch waterline exists along the east side of Davidson Street. A refund of \$179.60 must be paid as a connection charge for eight feet of frontage along Tax Lot 1101 which is part of the site.
3. All necessary electricity is available to the site.
4. Police and fire protection are provided by the Albany Police and Fire Departments, respectively.

Conclusion:

A full range of public services and facilities is available to serve the proposed use.

Storm Drainage:

Policies:

4. Ensure that all developments include a drainage system which protects the development and adjoining property from runoff-related damage.

18

Findings of Fact:

A 48-inch storm sewer which drains into Periwinkle Creek is located in Fourteenth Avenue from 300 to 500 feet east of Geary. In addition, a 15-inch storm sewer is located in Fourteenth Avenue in the north side of the street which can be used for peripheral drainage. The east end of the site can be served by the 42-inch storm sewer located in Clay Street up to Fourteenth and Clay.

Conclusion:

Adequate facilities are in place to ensure appropriate storm drainage from the site. A detailed drainage plan will be prepared for site review.

Social Amenities - Aesthetics

GOAL: Improve Albany's design and appearance through aesthetic enhancement.

POLICIES:

1. Encourage all new projects to be designed and landscaped to complement the development site and the surrounding area.
3. Develop special buffering and landscaping provisions for all new commercial areas paying particular attention to:
 - a. areas adjacent to residential areas,
 - b. areas along Pacific Boulevard and Santiam Highway, and
 - c. areas adjacent to or visible from Interstate 5.
4. Establish development standards which assure the compatibility of neighborhood commercial areas with surrounding neighborhood areas. Standards include but are not limited to: landscaping, buffering, and pedestrian amenities.

Facts:

1. The Comprehensive Plan designation for the areas to the south, west, and southeast of the site is Medium-Density Residential, with a zoning of R-2. The Valley Professional Center and areas to the east are zoned RP or Residential Professional.

20

- Surrounding land uses include apartments and the Albany Sew Works west of Geary Street, and apartments on Tax Lot 200 north of Sixteenth Avenue. Single-family residences and vacant land are located south of Sixteenth Avenue. To the east of the site is vacant land and offices south of Fourteenth Avenue and east of Davidson Street.

Buffering and landscaping will be provided along the perimeter of the site consistent with the Code Standards, Article 7. Specifically, a landscaped buffer will separate Sixteenth Avenue from the service drive which will run parallel to it along the rear of the building.

- Access to the shopping center will be primarily from Fourteenth Avenue, between Heritage Mall and the proposed shopping center. The orientation of the buildings will be towards this road and the parking area in the center of the site. The four largest buildings will face away from the residential area to the south and will be screened as indicated above.

Conclusion:

The shopping center has been designed to form a visual connection with the Heritage Mall to the north. Ample landscaping and buffering will ensure compatibility with surrounding land uses.

III. Growth Management Process

Directing Growth

GOAL: Achieve stable land-use growth which results in a desirable and efficient land-use pattern.

POLICIES:

- Encourage the development of vacant serviced properties before extending services to other undeveloped areas.
- Encourage the infilling of existing vacant land and the revitalization of older areas, and discourage low density sprawl development.
- Encourage land-use patterns which take advantage of density and location to reduce the need for travel, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

21

Findings of Fact:

- The site is currently vacant except for an older dwelling on the west portion of the site fronting on Geary Street.
- The site is located in the Santiam neighborhood virtually in the geographic center of the built-up area of the City of Albany. The site has a very central location within the Albany Urban Growth Boundary, and is particularly well-suited to serve the South Albany area.
- The intersection of Pacific Boulevard and the Santiam Highway, which forms the primary transportation node in the City of Albany, is located approximately one-third mile north of the site. The land between the site and the commercial strip along the Santiam Highway and the Pacific Boulevard is used and designated for commercial uses. Specifically, the Heritage Mall is currently under construction immediately north of the site.
- East of Clay Street is the plus or minus 120,000 square feet Fred Meyer shopping center. In combination, the area between Geary and Waverly Drive up to and including the Santiam Highway has the potential of constituting a shopping center of a regional scale. Additional commercial land is located along the Santiam Highway east of the Interstate 5 freeway. No other location in the Albany area has the potential of constituting a regional shopping center.
- The design of the proposed new shopping area is oriented towards the enclosed Heritage Mall. The Fred Meyer shopping center also features a unified design. The regional shopping center thus created stands on its own and does not constitute a strip commercial development.
- The site can be served by public transit and is served by the proposed bikeway system.
- The areas immediately surrounding the site to the south, west, and east are designated for multi-family residential development. Much of the land thus designated is currently vacant. The shopping center has been designed in such a way as to be compatible with the existing and planned surrounding uses. Future housing projects in the vicinity can be designed in a manner which takes the proposed shopping center into consideration. While this application proposes to eliminate a portion of the residential professional area which is intended as a buffer between the commercial area and residential uses, the buffer function can be adequately performed by means of appropriate design.

23

- Locate traffic generating public facilities in clusters near high density areas and along transportation lines.
- Encourage local, state, and federal office buildings to be located in the downtown area or adjacent to major shopping facilities and encourage them to utilize existing vacant floor space.
- As much as possible locate commercial activity centers in the center of the population area they serve.
- Discourage regional shopping centers in locations which would require extensive travel for Albany residents outside the Albany Urban Growth Boundary.
- Require the type and size of commercial service areas to be commensurate with the size and area to be served.
- Discourage the establishment of commercial development in a strip or strung-out pattern along major arterials preferring instead clustered development and infilling in areas surrounding existing commercial development.
- Encourage residential professional uses as a buffer between intensive commercial uses and less intensive residential uses.
- Provide opportunities for people to live in proximity to activity centers and particularly their place of employment.
- Encourage development of plans which do not depend on extensive use of the private automobile for transportation to work, shopping, or recreation.

Implementation Methods:

- Develop a few, compact, multi-purpose areas which (1) encourage shopping in a number of stores without auto use, and (2) maintain smooth traffic flows on adjacent streets.
- Inhibit strip-commercial development, isolated offices and education facilities, free-standing shopping centers, and other scattered commercial developments.
- Except for infilling do not allow, wherever possible, for further expansion of strip-commercial areas, and improve existing areas by combining driveways, parking areas, and pedestrian ways.

22

The existing single-family residential uses south of Sixteenth Avenue are predominantly oriented away from the proposed shopping center.

- The Albany area exhibits a high vacancy rate for existing office space.

Conclusions:

The proposed use of the site meets the Urban Growth goal by creating a desirable and efficient land use pattern by creating a regional-scale shopping center at the transportation node formed by Pacific Boulevard and Santiam Highway. No other location in the City of Albany has the potential for forming a concentration of shopping opportunities of a regional scale. Yet, the proposal does not create negative traffic impacts on the Santiam Highway/Pacific Boulevard intersection, but rather alleviates existing traffic problems. This proposal utilizes a vacant, fully-serviced site consistent with Policy 1.

The proposal meets Policy 6 by filling in vacant land and discouraging sprawl. Consistent with Policy 8, the site takes advantage of the medium- and high-density residential area surrounding it, and may encourage development of the vacant land in the vicinity. Its location and configuration reduces the need to travel, enables use of public transit, and helps reduce energy consumption by doing so. For the same reasons, the proposal meets Policy 8. The zone change from RP to C2 will aid in concentrating office uses in the downtown area, encouraging the use of existing vacant office space, consistent with Policy 9. The proposed shopping center meets Policy 10 by virtue of its location in the geographic center of Albany. The application directly meets Policy 11 by creating a regional shopping center within the City of Albany. The type and size of the proposed shopping center as a part of the larger regional center are commensurate with the regional market area, as required by Policy 12.

The proposal specifically meets Policy 13 by creating a clustered commercial center and filling in areas surrounding existing commercial activity, instead of adding to strip-commercial development.

Policy 14 is not met by this proposal, but instead an adequate buffer is created by means of appropriate design and landscaping. Since much of the surrounding multiple-family residential land is currently vacant, future uses can be designed in a manner which takes the existence of a shopping center at this location into consideration. The location of a shopping center which may provide up to 900 jobs in the midst of medium- and high-density residential development is consistent with Policy 17. The shopping center will be accessible by bus

24

and bicycle, thus meeting Policy 19. Finally, this proposal specifically carries out implementation Methods 4 through 6.

Development Review

GOAL: Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance with Comprehensive Plan goals and policies and ordinance standards.

Findings of Fact:

1. This written statement addresses all applicable Comprehensive Plan goals and policies.
2. The City planning staff has been most helpful in enabling an expeditious review of this application.
3. Site review will be required prior to any building activity, and will ensure compliance with all applicable development standards.

Conclusion:

The Development Review Goal will be met through the prescribed procedures and criteria for review of Comprehensive Plan and Zoning Amendments in addition to site review.

Updating and Amending the Plan

GOAL: Facilitate a Plan update, review, and amendment process which keeps the Plan current but does not reduce the general long range reliability of the Plan.

POLICIES:

2. Base approval of Plan amendments on consideration of:
 - a. conformance with goals and policies of the Plan,
 - b. citizen review and comment,
 - c. applicable State goals,
 - d. input from affected governmental units and other agencies,
 - e. short and long term impacts of the proposed change,
 - f. a demonstration of public need for the change,

25

Conclusion:

These findings of fact addressing the criteria of Policy 2 will establish that approval of this request should be granted based on consideration of the criteria.

CRITERIA FOR ZONE DISTRICT AMENDMENTS

Code §3.050 contains the criteria for zoning district amendments and requires that:

"Any zoning or special purpose district amendment proposal considered under a Type IV procedure must be demonstrated to be the most appropriate zone (regarding the expected development allowed within the proposed zone) in consideration of the following criteria:

- "(1) The requested amendment is consistent with the Comprehensive Plan map designation for the entire subject area unless the Plan map amendment has also been applied for in accordance with Section 3.060.
- "(2) The adequacy of existing or anticipated transportation facilities (streets, bus routes, etc.) and the potential impact on traffic generation and safety.
- "(3) A demonstration that the existing or anticipated services (sanitary sewers, storm sewers, schools, fire protection, etc.) 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, etc., will be protected as a result of the proposed rezoning.
- "(5) In comparison with other districts permissible under the Comprehensive Plan designation, the proposal is determined to best meet the intent of the Comprehensive Plan goals and policies."

1. Consistency with Comprehensive Plan Map - Code §3.050(1)

Findings of Fact:

The requested amendment also involves a Plan map amendment in accordance with Code §3.060.

27

g. a demonstration that the proposed amendment will best meet the identified public need versus other available alternatives, and

h. additional information as required by the Planning Commission or City Council.

Findings of Fact:

The findings previously made herein demonstrate that subsections (a), (b), (c), (d), (f) and (g) have been met. Any additional information required by the Review Authority will be provided, in conformance with subsection (h). With respect to subsection (e), we make the following findings:

- (a) The proposed change in the short term will lead to construction activity concurrent with the construction of the Heritage Mall north of the site. Concurrent construction will benefit both the Heritage Mall and the proposed new shopping center, and will reduce the time period during which off-site impacts will be felt.
- (b) In the long term, a number of impacts can be predicted. Most important is the beneficial impact of creating a large regional shopping center at an appropriate locale in the center of Albany.
- (c) Without the proposed plan amendment/zone change, the site might remain vacant for a long time, considering the current oversupply of office space elsewhere in Albany and the availability of vacant land designated for medium-density residential development surrounding the site.
- (d) Traffic will increase as a result of the proposed change, but will not lead to unacceptable service levels, as demonstrated in the Traffic Impact Analysis.
- (e) The creation of a regional shopping center at this location near the intersection of the Sentiam Highway and Pacific Boulevard will discourage the extension of strip commercial development elsewhere, while helping to define the Albany Central Business District as the cultural, office, financial and governmental center in the Albany region. In other words, the proposed change will lead to more clearly-defined specialized business and commercial areas within the city of Albany.

26

Conclusion:

Code §3.050(1) is not applicable.

2. Transportation Facilities - Code §3.050(2)

Findings of Fact:

1. The existing and anticipated transportation facilities have been described in detail in the Report on Traffic Impact - 14th and Geary Street Shopping Center, Albany, Oregon prepared by Carl H. Buttke, Inc. and submitted along with this application. The report analyzes anticipated traffic impacts on the surrounding street system, and recommends specific access points, signage, signals, etc. so as to minimize any potential adverse effects of the proposed zone change. We refer to the traffic impact Report and a discussion of its findings in the Transportation section under "Conformance with Comprehensive Plan Goals and Policies."
2. Because of its central location within the Albany area, one-third mile south of the Pacific Boulevard/Sentiam Highway intersection, and contiguous to Heritage Mall and the Fred Meyer shopping center, this site is uniquely situated to form part of a truly regional shopping center and can meet both local and regional needs.

Conclusion:

The transportation facilities which make this site so accessible to all of Albany and beyond, make the General Commercial zone the most appropriate zone by enabling creation of a regional shopping center at this location.

3. Public Services - Code §3.050(3)

Findings of Fact:

All available public facilities and services have been described in the section on Public Facilities and Services under "Conformance with Comprehensive Goals and Policies." All are in place and adequate to serve the proposed use or the uses permitted under current zoning.

Conclusion:

No significant differences in impacts on public facilities and services is expected as a result of the proposed zone change. An exception is the impact on schools, which will experience a lowered future enrollment due to the change from residential to commercial use. The size and location of public facilities to

28

the site does not make either the current or proposed zone most appropriate, but does make it desirable to develop the site to make use of the existing facilities.

4. Natural Features or Special Districts - Code §3.050(4)

Findings of Fact:

The site does not contain any significant natural features. The topography is flat. This site is not designated as a Special District on the Albany Comprehensive Plan map.

Conclusions:

Natural features have no impact on the most appropriate zoning for this site. The Special District's criterion does not apply.

5. Intent of Comprehensive Plan - Code §3.050(5)

(a) Neighborhood Compatibility

Findings of Fact:

1. The proposed zone change site is located immediately south of the new Heritage Mall, currently under construction. The Heritage Mall is part of a large area within the City of Albany designated for General Commercial uses. This area includes the Fred Meyer shopping center east of Clay Street, and is contiguous with the commercial zones along the Santiam Highway and Pacific boulevard.
2. To the west of the site, across Geary Street, is mostly vacant land designated for medium-density residential use. There are a number of newer apartment complexes as well as older single-family homes within this area. The Albany Saw Works is located west of Geary Street opposite Fourteenth Avenue.
3. To the south of the western portion of the site are existing single-family residences. Further east the land is vacant, designated for medium-density residential use. The Valley Residential Center is located along Sixteenth Avenue east of the site west of Davidson Street, while the Valley Professional Center occupies the area along Fourteenth Avenue between the site and Davidson Street. Additional offices are located further east along Fourteenth Avenue, as well as vacant lands designated Residential Professional and medium- and high-density residential.
5. The site design will include extensive landscaping and screening. The orientation of the center will be towards

29

Heritage Mall, away from the residential uses. Along the rear of the four main tenant buildings located closest to Sixteenth Avenue, a service drive is included in the design, buffered and screened from Sixteenth Avenue which runs parallel to this drive.

6. The existing Light Commercial Plan designation and zoning designation of RP or Residential Professional is intended to serve as a buffer zone between the General Commercial and Residential areas. However, no RP zoning was provided to the east and west of the area currently designated General Commercial, suggesting that RP zoning is not an absolute requirement for ensuring compatibility between commercial and residential areas.
7. Under the existing RP zoning, an estimated _____ square feet of office space could be developed on the 17 acres of the site thus designated. Anticipated traffic impacts would be less under current zoning.

Conclusion:

The location of the site in relation to Heritage Mall and the larger General Commercial area of which it is a part creates a unique opportunity for building a shopping center of regional scale in the center of Albany. Only by permitting General rather than Light Commercial uses on the site can this opportunity be realized.

(b) Community Location

Findings of Fact:

1. The Goals and Policies of the Comprehensive Plan regarding Commercial Land (pp. 44-45), Housing (pp. 51-52), Growth Management (pp. 95-96) and Energy (p. 106) have been discussed in detail under "Conformance with Goals and Policies of the Comprehensive Plan."
2. In summary, the Comprehensive Plan encourages creation of a regional shopping center at a central location within the City of Albany. The Plan discourages strip commercial development and outlying shopping centers. The Plan favors medium- and high-density residential use in the vicinity of transportation nodes and commercial activity centers. The Plan encourages buffering between commercial and residential uses.

30

3. At the time the Comprehensive Plan was being prepared, the City of Albany had approximately 210 gross or 180 net vacant areas zoned R2, and an additional 50 net acres zoned R3 or Multiple-Family. A need was established for 7,739 new multiple-family units, or 50% of all new housing units, to be built between 1978 and 2000.
4. Population projections used in the Comprehensive Plan to arrive at the number of housing units and acres needed until the year 2000 have not been reached up to now: the Comprehensive Plan Background Report (p. 916) projected a population of 34,250 by 1985, and 41,530 by 1990 for the City of Albany. According to the Center for Population Research and Census, the City of Albany population estimate per July 1, 1987 was 28,060. Consequently, the need for residential land would be less than projected in the Comprehensive Plan.
5. In the period 1980 to 1987, building permits were issued for 278 new multiple-family units, or 33% of the total number of building permits issued. At an estimated density of 15 units per acre, the figure used in the Albany Comprehensive Plan Background Report, these 278 units would have "used up" only 18.5 acres of vacant land in seven years. The number of mobile homes built in this period was 346, or 42% of the total. This is three times as high as the expected ratio of 14% mobile homes. It appears that the need for affordable housing in Albany is being met in the form of manufactured homes rather than apartments.
6. Vacancy rates for the various housing types as of March 1988 were as follows: 1.8% for single-family, 3.8% for multiple-family, and 6.6% for manufactured homes (source: State Housing Division, PPA estimates). This suggests that there may be a shortage of multiple-family homes, but that the market is not responding to this demand.
7. Large areas of vacant land designated R2 surround the subject site on three sides, suggesting that market forces other than a shortage of appropriate vacant sites are responsible for the relatively small number of multiple-family units being built, in spite of the relatively low vacancy rate for this housing type.

Conclusion:

The rezoning to C2 of approximately eight acres of land zoned R2 and 17 acres of land zoned RP will not exclude opportunities for adequate provision of low- and moderate-income housing, in view

32

Conclusion:

The proposed zone change is consistent with locational policies of the Comprehensive Plan, as was demonstrated when addressing the Comprehensive Goals and Policies above.

(c) Alternative Lands

Findings of Fact:

The alternative vacant lands designated for general commercial use are analyzed in detail in the ECO Northwest analysis of commercial lands in Albany. None of these other sites exhibits the potential for creating a large scale regional shopping center centrally located within the City of Albany and served by a variety of transportation nodes and routes.

Conclusion:

An analysis of alternative lands will follow publication of the ECO Northwest report.

(d) Energy Efficiency

Findings of Fact:

Rezoning this parcel will enable the creation of a large one-stop regional shopping center, thus reducing the need to travel to dispersed or strip commercial areas or to regional centers located in Eugene, Salem, or Portland.

Conclusion:

By reducing the number and distance of shopping trips, the proposed use will encourage efficient use of energy used in transportation.

(e) Low-Income Housing Opportunity

Findings of Fact:

1. The site consists of approximately 17 acres of land designated Light Commercial and zoned RP or Residential Professional, and eight acres of land zoned R2 or Limited Multiple-Family.
2. The potential number of multiple-family housing units that could be built on this site is approximately 130 to 150 (see analysis under "Conformance with Comprehensive Plan Goals and Policies" -- Housing).

31

of the large amount of vacant land designated R2 remaining within the Santiam neighborhood adjacent to the site, and in view of population and housing construction trends in the period since completion of the Albany Comprehensive Plan.

33

HAYOOD

Supplementary Findings and Corrections

Page 7.

4. Changed circumstances which have made the amendment desirable

Findings of Fact:

Add: Since the application of the Comprehensive Plan, a decision was made to permit the development of Heritage Mall as the nucleus of Albany's regional shopping center. Nationally, the form of commercial development has shifted from the very large regional malls and the very small strip malls to the medium-size community mall (like Heritage Mall) and discount malls (such as proposed by Hillman). (See ECO Northwest report.)

This application is the result of the market demand for additional commercial land in close proximity to the enclosed Heritage Mall, to accommodate the type of large tenant that typically locates next to such a shopping center, such as Toys-R-Us, Builders Square, T.J. Maxx, Herman's Sporting Goods, Silo, Stereo Super Stores, G.I. Joe's, etc.

Even though Albany has enough acres zoned for commercial development, the land is not located in places which are attractive for retail development, because the existing supply of commercial land in Albany does not reflect the recent locational trends in commercial development described above.

Conclusion:

The decision to permit development of Heritage Mall, and changed locational preferences for retail development, are changed circumstances which have made this development desirable.

Page 29.

3. Replace "Valley Residential" with "Albany Residential Center".

Page 30.

7. Add: 11,700 (square feet)

1

Page 31.

(c) Alternative Lands

Findings of Fact:

Add at the end:

Section 4.2 of the ECO Northwest study identifies seven vacant parcels over five acres in size zoned for commercial use (4-2 and 4-3), and concludes that "There is ample land for commercial development in the aggregate," but "[t]he main issue is not one of total quantity, but of location." None of the sites can meet the specific demand for commercial land association with a large shopping center.

Sections 4.2 and 6.3 of the Report analyze in detail one alternative site which is not currently zoned for commercial use, i.e. the county fairgrounds. The report concludes on pages 6-20 that the Hillman site is the most appropriate site for rezoning, based on "the arguments about critical mass are Heritage Mall, Heritage Mall as the regional shopping center and previous city investment in the area. . . ." Further discussion of alternative lands can be found in the applicant report on page 8, Section 5, "Public Need vs. Available Alternatives."

Conclusion:

Replace with:

This site best meets the demand for commercial land in close proximity to a large shopping center. No other commercial designated sites can accommodate the proposed type of shopping area. Compared to other potential sites which are not zoned for commercial use, this site is the preferred site for rezoning.

2