

AN ORDINANCE PROCLAIMING THE ANNEXATION OF APPROXIMATELY 7.21 ACRES LOCATED SOUTH OF SPICER ROAD SE AND EAST OF THE FESCUE STREET EXTENSION (FILE AN-08-96); AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP (FILE CP-02-96); AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP (ZC-04-96); APPROVING A SITE PLAN (SP-80-96) WITH CONCURRENT SIGN VARIANCE (VR-03-97); APPROVING A DEVELOPMENT AGREEMENT FOR TAX LOTS 400, 401, 402, 500 AND 607, LINN COUNTY ASSESSOR'S MAP 11-3W-09C; ADOPTING FINDINGS; SETTING A PUBLIC HEARING FOR THE REMOVAL OF THE NEWLY ANNEXED TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, AND DECLARING AN EMERGENCY.

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit "A" and defined as Tax Lots 400,401, and 402, Linn County Assessor's Map 11-3W-09C and more commonly known as 3520 Spicer Road SE, which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings for such annexations; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances; and

WHEREAS, a public hearing will be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524; and

WHEREAS, the City of Albany Planning Commission on May 22,1997, recommended approval of the proposed Comprehensive Plan and Zoning Map amendments and approval with conditions of the proposed Site Plan and Sign Variance for property more commonly known as 3420, 3430, 3434, and 3520 Spicer Road SE. (City of Albany File Nos. CP-02-96, ZC-04-96, SP-80-96; and VR-03-97); and

WHEREAS, the Albany City Council held a public hearing on these cases on June 23, 1997.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: That the territory described by attached Exhibit "A" is hereby proclaimed to be annexed to the City of Albany and zoned CH (Heavy Commercial).

Section 2: That the findings, attached Exhibit "B" (Annexation) and "F"(Zone Change), are hereby adopted in support of this annexation and zoning action.

Section 3: That a public hearing on the matter of removal of the territory described in Exhibit "A" from the Albany Rural Fire Protection District be held by the City Council on August 13, 1997, at 7:15 p.m.

Section 4: That the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the city for a like time.

Section 5: That the property described by attached Exhibit "A" shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

Section 6: That the Findings of Fact contained in the staff report and attached as Exhibit "D"(Comprehensive Map Amendment), "F"(Zone Change) and "H"(Site Plan Review and Sign Variance) are hereby adopted in support of this decision.

Section 7: That the Albany Comprehensive Plan Map designation of the 7.21-acre subject property is hereby amended from Light Commercial to General Commercial.

Section 8: That the Zoning Map designation of the same 7.21-acre subject property is hereby amended from Linn County RR-1 (Rural Residential, 1 acre minimum) with an UGM-RP (Urban Growth Management-Residential Professional) to City of Albany CH (Heavy Commercial).

Section 9: That a legal description of the property to be annexed and maps showing the amendment to the Comprehensive Plan and Zoning Maps are attached as Exhibits "A", "C" and "E".

Section 10: That the Site Plan for the construction of a 101,795 square foot enclosed retail outlet with an 18,510 square foot outdoor garden area and for the construction of a 16,385 square foot retail building with concurrent Sign Variance to allow the Home depot site to be treated as a Major Integrated Center which would allow (a) an aggregate wall sign area of 3 percent of the gross wall area of the face on which the sign is to be located, or 200 square feet, whichever is less where 100 square feet is allowed, and (b) a free-standing sign of 200 square feet where 160 square feet is allowed is hereby approved with the conditions listed in the attached Exhibit "J" on property described in Exhibit "G." A drawing showing the approved Site Plan is attached as Exhibit "I."

Section 11: That a copy of the map showing the amendments to the Comprehensive Plan Map and Zoning Map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 12: That a copy of the legal description of the subject property and the map showing the amendment to the zoning map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Section 13: That the City Council hereby authorizes the City Manager to sign a Development Agreement, attached Exhibit "K," for property more commonly known as 3420, 3430, 3434, and 3520 Spicer Road SE

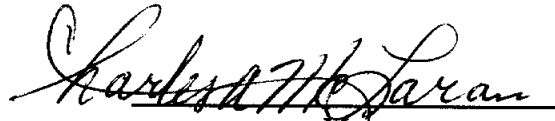
which shall be binding upon the undersigned, and his/her heirs, successors, and assigns, and shall be come a covenant running forever with the land described in Exhibit "G," regardless of whether said parties are signatories to this agreement.

Section 14: That the City Council hereby adjudges and declares that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist. This Ordinance shall take effect and be in full force and effect when signed by the Mayor, Home Depot acquires title to the property, and the City Manager thereafter files the abstract of the annexation proceedings with the Secretary of State as provided in Section 5 of this Ordinance. The City Manager shall make that filing as soon as possible after receiving proof of acquisition of title to the property by Home Depot. This Ordinance shall be void and of no effect unless the City Manager makes that filing on or before November 1, 1997.

Passed by the City Council: July 9, 1997

Approved by the Mayor: July 9, 1997

Effective Date: July 9, 1997



Mayor

ATTEST:



City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
FILE AN-08-96, CP-02-96, AND ZC-04-96**

Linn County Assessor's Map 11-3W-09C, Tax Lots 400 and 402 (Clark Property)

The following described real property in the County of Linn and State of Oregon:

Beginning at a point which is 10.60 chains East and 3.89 chains South from the Northwest corner of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon; thence South 14.55 chains, more or less, to a Northwest corner of a certain tract of land sold by J. F. Bain to A. W. Cormack; thence East 7.37 chains; thence North 11.37, more or less, to the center of a County Road; thence North 70° 45' West along the center of said County Road to the place of beginning.

EXCEPTING THEREFROM a certain tract of land deeded by John F. Bain to Harold L. Mayfield and Ruth I. Mayfield as described in Deed recorded at Volume 178, Page 647, Linn County Deed Records.

ALSO EXCEPTING THEREFROM a tract of land described as follows:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Edward White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A. W. Cormack; et al by Deed recorded August 9, 1920, in Book 120, Page 230, Linn County Deed Records; thence South 0° 06' West 106.83 feet; thence North 89° 14' West 40 feet; thence North 0° 06' East parallel to the East line of the said Cormack tract to the center of the County Road; thence South 70° 24' East along the center of said County Road to the place of beginning.

Linn County Assessor's Map 11-3W-09C, Tax Lot 401 (Chisholm Property):

The following described real property in the County of Linn and State of Oregon:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Donation Land Claim of Edward White, Notification No. 694 and Claim No. 48, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A.W. Cormack, et al by Deed recorded August 9, 1920, in Book 120, Page 230, Deed Records; thence South 0°06' West 106.83 feet; thence North 89°14' West 40 feet; thence North 0°06' East parallel to the East line of said Cormack tract to the center of the County Road; thence South 70°24' East along the center of said County Road to the point of beginning. (11S 03W 09C 00401)

**EXHIBIT A
LEGAL DESCRIPTION
FILE AN-08-96, CP-02-96, AND ZC-04-96**

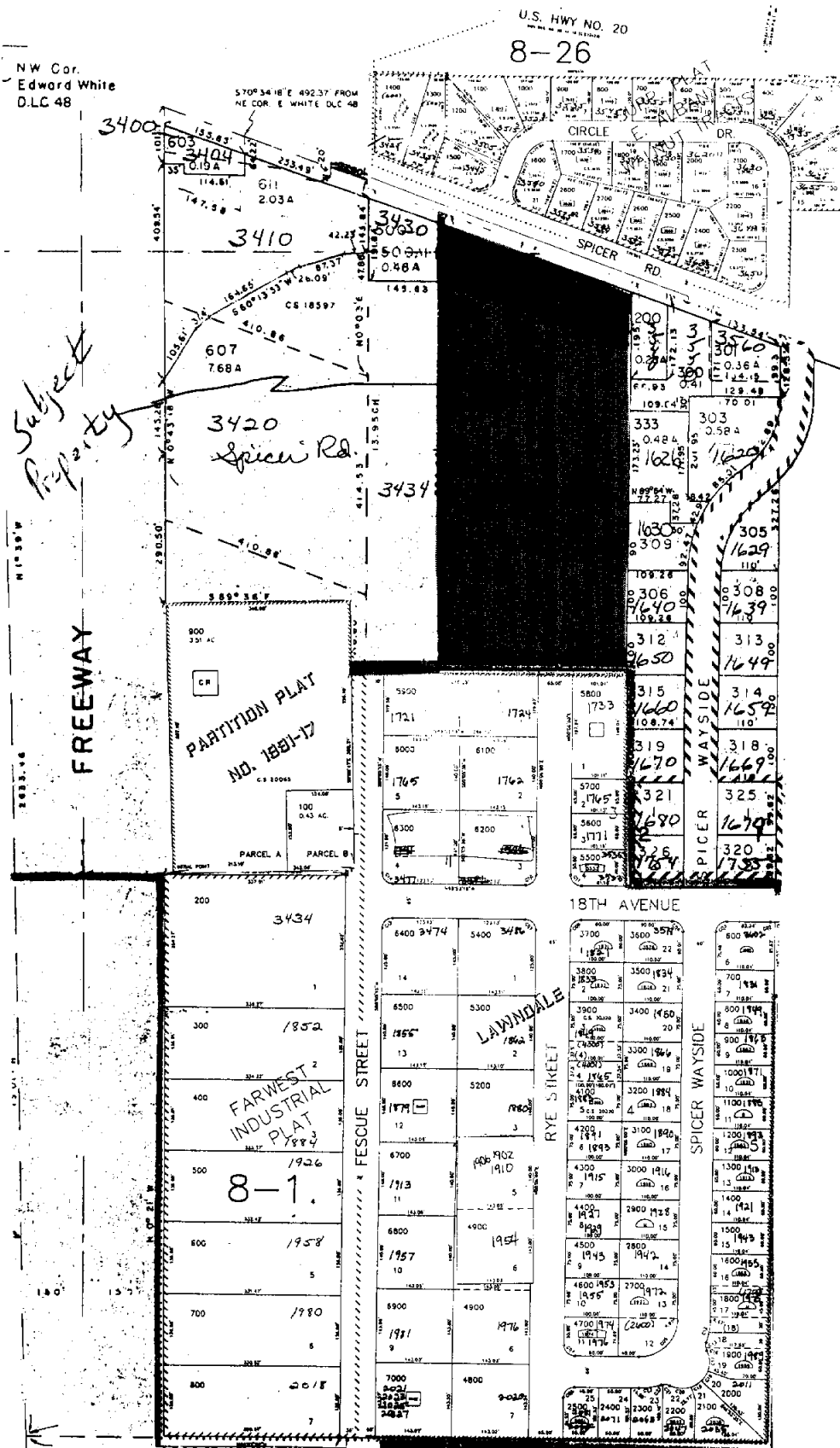


EXHIBIT B
FINDINGS FOR ANNEXATION
FILE AN-08-96

1. Annexation of the subject property is a logical and efficient extension of the boundaries of city limits to facilitate the functional and economic provision of services as the property to the east is currently within the city limits.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions of the City or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan.
4. The applicants have signed a Development Agreement for the construction of all public facilities necessary to serve the proposed development, at the applicant's cost which will be recorded with the Annexation Resolution and is binding for the applicant (Home Depot) and his/her heirs, successors, and assigns, and shall be come a covenant running forever with the subject property.
5. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
6. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
7. The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).
8. The proposed zoning designation of CH (Heavy Commercial) is in conformance with the Albany Comprehensive Plan designation of General Commercial . As such, the property may be developed applying the standards for the CH zoning district as provided for in the Albany Development Code.
9. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to city standards.

**EXHIBIT C
COMPREHENSIVE PLAN MAP
FILE CP-02-96**

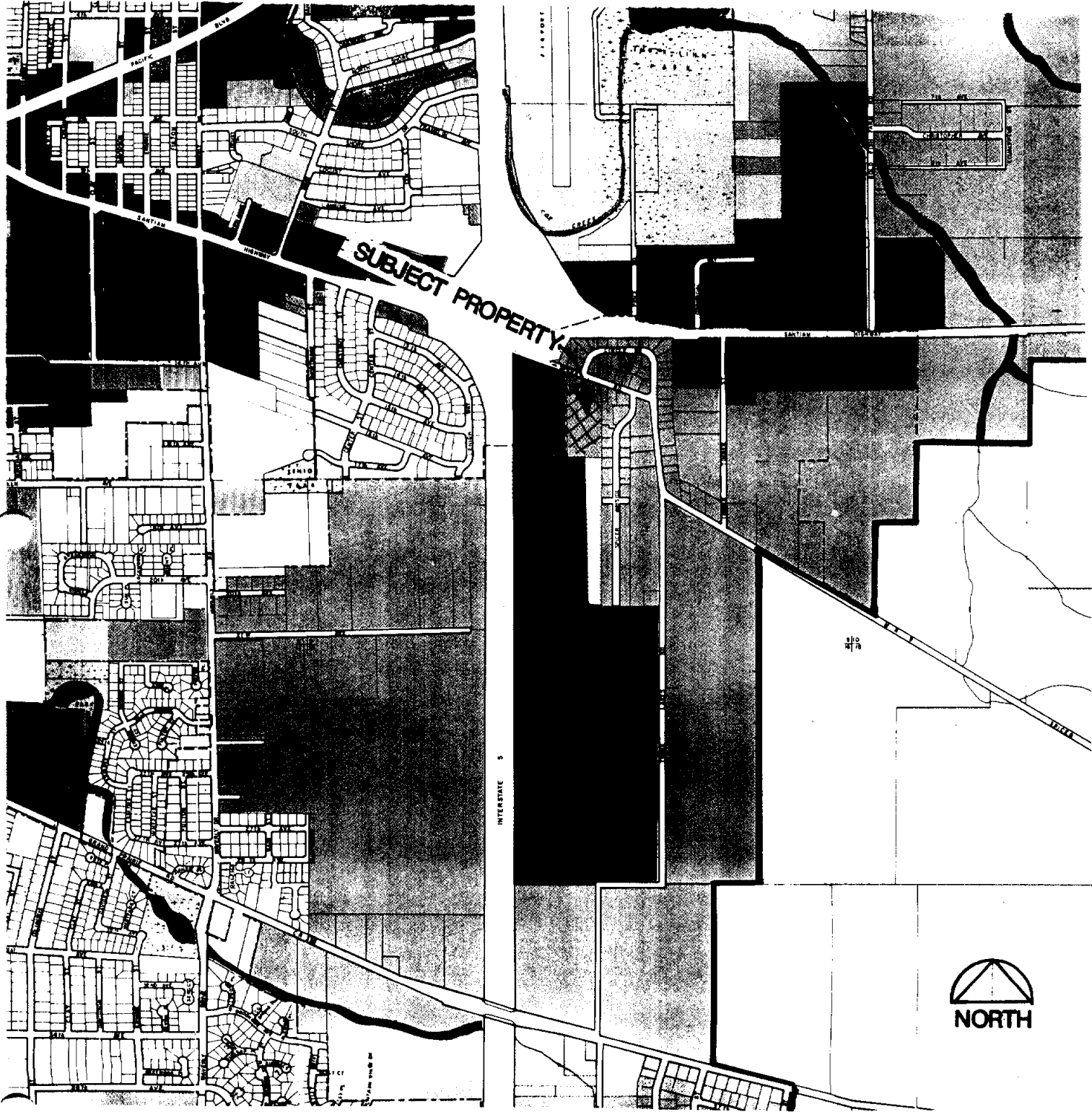


EXHIBIT D
FINDINGS OF FACT FOR COMPREHENSIVE PLAN AMENDMENT
FILE CP-02-96

(1) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.

- 1.1 The Comprehensive Plan (page 3) defines a policy as “a statement identifying a course of action or City position. Although more specific than goals, policies usually do not explain the exact method of implementing a goal.”

The Comprehensive Plan describes the City’s obligation in regard to policies as follows: “The City must follow relevant policy statements in making a land use decision...[or amend the Plan]. However, in the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g. shall, require) or more discretionary language (e.g. may, encourage).”

- 1.2 The property which is the subject of this application is designated on the Linn County Assessor’s Maps as Map No. 11S-3W-9C, Tax Lots 400, 401, and 402. These tax lots together form a contiguous land area of approximately 6.75 acres. The three tax lots will be referred to hereinafter as the “subject property.”
- 1.3 The requested Comprehensive Plan designation for the subject property is General Commercial. The existing Comprehensive Plan designation is Light Commercial.
- 1.4 The Comprehensive Plan (page 127) describes land designated General Commercial as “areas from neighborhood services to heavy commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, a commercial node has been created which will direct commercial development to one general area within the City and to avoid the continuance of ‘strip commercial’ development in order to more efficiently serve the shopping needs of the community and region.”
- 1.5 The Comprehensive Plan (page 127) describes land designated Light Commercial as land that “provides for limited commercial activities which include residential professional and neighborhood commercial uses. This designation is used to provide a buffer between residential and more intensive uses (such as between the Central Business District and the surrounding residential areas) and also to provide neighborhood commercial areas in close proximity to residential areas.”
- 1.6 The following Comprehensive Plan policies are relevant to this application. The policies are written in *italic* print, followed by Findings of Fact.

Goal 9: Economy - Economic Development

Policies:

1. *Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.*
 2. *Encourage the location of regional shopping facilities in Albany.*
- 1.7 If the Comprehensive Plan designation of the subject property is changed from Light Commercial to General Commercial, the subject property (6.75 acres) and the property immediately adjacent to the west--Map No. 11S-3W-9C, Tax Lot 607 (7.68 acres)--will form a block of property approximately 14 acres in size. Home Depot U.S.A., Inc. (Home Depot) has entered into a purchase and sale agreement with the applicants and with the owners of Tax Lots 500 and 607 for the purpose of assembling the subject property and Tax Lots 500 and 607 into a single commercial development.
- 1.8 The 14-acre block of property will provide the opportunity for Home Depot, or some other entity, to develop a regional shopping facility within the Albany Urban Growth Boundary (UGB). (The applicants have submitted a concurrent Site Plan Review application for construction of a 93,603 square-foot enclosed Home Depot retail store with an 18,510 square-foot outdoor garden center and another 18,882 square foot retail building for an as-yet unspecified use.)

Goal 14: Urbanization - Directing Growth

Policies:

10. *The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.*
12. *Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:*
 - a. *Efficient and safe utilization of transportation facilities.*
 - b. *A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.*
 - c. *Compatibility between land uses, particularly adjacent residential neighborhoods.*
 - d. *Efficient extension of public facilities and services.*
13. *Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.*
15. *Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.*

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.*

- 1.9 The applicants state in findings submitted in support of their applications that the size of the proposed site is commensurate with the trade area to be served. The site is approximately 14 acres. The market research done by the applicants shows the trade area to be the greater Albany area and the surrounding area located within approximately a 30-minute travel time.
- 1.10 The applicants state that the 14-acre site “will provide a retail center located near two highways with excellent access and visibility.” The two highways referred to by the applicants are Interstate 5, which is approximately 450 feet west of the subject property, and Highway 20, which is approximately 400 feet north of the property. The applicants have submitted a Transportation Impact Study in support of their application. City engineering staff has reviewed the transportation impact study, and has concluded that, with required improvements to the transportation system, the subject property will be adequately accessible.
- 1.11 If the Comprehensive Plan designation of the subject property is changed to General Commercial, a contiguous block of land designated for General Commercial use will be created. The applicants believe a site of at least 14 acres must be assembled to provide a site for a regional shopping facility. (The applicants in their Findings define “adequate size” as 14 or more acres.) A regional shopping facility of this size provides the opportunity to offer a wide range of goods for sale. The applicants observe this will provide the “opportunity of obtaining multiple items in one location without the necessity of traveling by automobile to different locations.”
- 1.12 The subject property is currently vacant land, except that Tax Lot 401 has a beauty shop on it which is closed. If the property is developed, an existing commercial area will developed (“infilled”).
- 1.13 In the review of a concurrent Zoning Map Amendment, it has been determined that public facilities and services can be made available to the subject property. The findings and conclusions of Criterion (2) and (3) of that review are incorporated here by reference.
- 1.14 The Comprehensive Plan designation of the subject property is Light Commercial. At the time it is annexed, it would come into the City with an OP (Office Professional) zoning designation. [The property is currently zoned Linn County RR-1 (Rural Residential, 1 acre minimum lot size), with a UGM-RP overlay. UGM-RP is an overlay zoning designation which means Urban Growth Management - Residential Professional. The UGM-RP overlay simply indicates that the property, when annexed, would come into the City with an RP designation; RP is the old name for OP.] The applicants have asked the City to annex the subject property.

Comprehensive Plan Goal 14, Policy 13 encourages residential professional uses as “buffers” between intensive commercial uses and less intensive residential uses. The subject property’s current Comprehensive Plan designation of Light Commercial (and its future City zoning designation of OP) are consistent with Goal 14, Policy 13.

- 1.15 If the Comprehensive Plan designation of the subject property is changed from Light Commercial to General Commercial, the OP designation could still be applied to the property, but a regional shopping facility cannot be located on land with a Light Commercial designation and an OP zoning designation.

In order to allow a regional shopping facility, the Comprehensive Plan designation of the property must be changed. The applicants have also submitted a concurrent zoning map amendment application to change the zoning designation to CH (Heavy Commercial).

- 1.16 If the Comprehensive Plan designation of the subject property is changed from Light Commercial to General Commercial, the potential use of the subject property will change from land that “provides for limited commercial activities which include residential professional and neighborhood commercial uses, ...used to provide a buffer between residential and more intensive uses... and also to provide neighborhood commercial areas in close proximity to residential areas,” to an area of “neighborhood services to heavy commercial establishments, suitable for a wide range of retail sales and service establishments.”
- 1.17 The subject property now functions as a buffer because it provides some distance between the adjacent General Commercial land to the west and the RR-1/UGM-RP land to the east. Uses developed on the property would be less intense Light Commercial uses rather than more intense General Commercial uses. The uses allowed when the OP zoning designation is applied are intended to be primarily office professional or neighborhood commercial. Residential development is also allowed.
- 1.18 The applicants, however, think it is “questionable whether the types of uses allowed under the OP zone could ever be convinced to locate on the Property no matter how much they were encouraged, so long as the T&R Restaurant and the Beacon Truck Stop exist west of the residential area to the east of the Property.”
- 1.19 If the subject property is developed with any type of commercial use, the Albany Development Code (ADC) requires a 10-foot wide strip of “buffering and screening” on the subject property, between the development and the single-family residential land to the east and south. The buffer area must be landscaped. Screening consists of a fence, wall, or hedge. This buffering and screening is intended to create a separation between the commercial and residential uses.

Goal 2: Land Use Planning - Updating and Amending the Plan

Policy:

2. *Base approval of Comprehensive Plan amendments upon consideration of the following:*
 - e. *Short- and long-term impacts of the proposed change.*
 - f. *Demonstration of public need for the change.*
 - g. *Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.*
- 1.20 The short-term impacts of the proposed change of the Comprehensive Plan designation of the subject property are that: a) a 14-acre block of property designated for General Commercial use will be created, and b) the potential use of the property will change from office professional and neighborhood commercial as a buffer between heavy commercial uses to the west and residential uses to the east.
- 1.21 In the long-term there will be an opportunity to provide a wider range of uses on the subject property than can be provided under the current Comprehensive Plan designation. The applicants believe this will provide a more diverse economy for Albany and create jobs. They state that the development they

propose will “provide approximately 140 new jobs for residents in the greater Albany area, of which 75 percent will be full-time jobs and 25 percent will be part-time jobs.” These jobs will “fall into four basic categories: (1) Entry level employees with no experience, with a wage in the range of \$7.00 to \$9.00 per hour, (2) employees with some experience in a trade, with a wage in the range of \$9.00 to \$15.00 per hour, (3) department supervisors with a wage in the range of \$10.00 to \$16.00 per hour, and (4) manager and assistant managers with annual salaries in the range of \$45,000 to \$65,000. The total payroll for The Home Depot will be approximately \$2,500,000 to \$3,000,000 per year.”

- 1.22 The applicants state that they were not able to locate any other available site of an adequate size (e.g. 14 or more acres), with a central location and good freeway access. They evaluated three other possible sites, but determined that none of the sites was viable for a regional shopping facility “because of one or more reasons, including inability to assemble a large enough site, lack of visibility, no access from major thoroughfares without having to travel through local neighborhoods, and a location not in close enough proximity to the market area.” The applicant evaluated the following sites:
- (a) The northeast corner of Knox Butte Road and I-5;
 - (b) The southwest corner of Pacific Highway and I-5 (the old Linn County Fairgrounds); and
 - (c) The west side of Highway 99E, south of 53rd Avenue.
- 1.23 Staff has identified one other property of at least 14 acres which is currently designated General Commercial within the UGB. It is Map 11S-3W-9D, a part of Tax Lot 100 (south of Highway 20, across from Goldfish Farm Road, approximately 22 acres).
- 1.24 The other sites identified by the applicants and staff do not have visibility from I-5 as good as the subject property.

(2) The requested designation is consistent with any relevant area plans adopted by the City Council.

- 2.1 The City Council interprets “relevant area plans” to mean plans, other than the Comprehensive Plan and Zoning Map, that specifically direct a future pattern of land use.
- 2.2 There are two area plans which include the subject property: a) the “East I-5 Vision,” dated June 1995, and b) the “East I-5 Infrastructure Study,” prepared for the City by consultants CH2M Hill, dated May 1995.
- 2.3 The East I-5 Vision suggests a future land use pattern. The Vision designates the subject property as Commercial, but does not address whether that use should be light or heavy commercial.
- 2.4 The Vision has not yet been “adopted by the City Council,” it has been “accepted.”
- 2.5 The “East I-5 Infrastructure Study” addresses the need for streets, water service, sanitary sewer service, and storm drainage in an area which includes the subject property. It assumes the future pattern of land use identified in the East I-5 Vision. It does not direct a future land use pattern. Therefore, this study is not a “relevant area plan” for the purposes of this review.

[The East I-5 Infrastructure Study is relevant to consideration of whether public facilities are adequate, or can be made adequate, to accommodate development on the subject property. Adequacy of public facilities is evaluated at the time a zoning designation is proposed for the property. The applicants have proposed a CH (Heavy Commercial) zoning designation for the property in a concurrent application.]

(3) The requested designation is consistent with the Comprehensive Plan map pattern.

- 3.1 The requested Comprehensive Plan Map designation is General Commercial. The existing Comprehensive Plan Map designation of the subject property is Light Commercial.
- 3.2 The Plan map designation of the land to the north across Spicer Road and to the east is URR (Urban Residential Reserve); to the south and southeast (east of Rye Street) is Medium Density Residential and to the south and southwest Light Industrial; and to the west is General Commercial.
- 3.3 If the Comprehensive Plan Map designation of the subject property is changed from Light Commercial to General Commercial, the property will abut Light Industrial land to the south, which is an acceptable interface because the uses allowed in General Commercial and Light Industrial designations are similar in impact. However, the subject property abuts Medium Density Residential to the south, and land that will come into the City when annexed as single-family residential to the east. In general, it is not desirable to designate land adjacent to residential as General Commercial because the difference in the intensity of uses may produce conflicts between those uses. The East I-5 Vision shows the URR land across Spicer Road to the north will become commercial in the future, so this interface may not be of similar concern.
- 3.4 As discussed in Criterion (1) above, the subject property now exists as a buffer between the existing General Commercial land adjacent to the west and the URR (Urban Residential Reserve) land to the east. The URR land is currently outside the city limits. Land designated URR comes into the City when annexed with an RS-6.5 (Residential Single Family) zoning designation, unless a zoning map amendment is requested. The URR land is currently developed with single family homes.
- 3.5 If the Comprehensive Plan designation of the subject property is changed from Light Commercial to General Commercial, the potential use of the subject property will change from land that "provides for limited commercial activities which include residential professional and neighborhood commercial uses, ... used to provide a buffer between residential and more intensive uses... and also to provide neighborhood commercial areas in close proximity to residential areas," to an area of "neighborhood services to heavy commercial establishments, suitable for a wide range of retail sales and service establishments."
- 3.6 The subject property now functions as a buffer because it provides some distance between the adjacent General Commercial land to the west and the RR-1/UGM-RP land to the east. Uses developed on the property would be less intense Light Commercial uses rather than more intense General Commercial uses. The uses allowed when the OP zoning designation is applied are intended to be primarily office professional or neighborhood commercial. Residential development is also allowed.
- 3.7 If the subject property is developed with any type of commercial use, the Albany Development Code (ADC) requires a 10-foot wide strip of "buffering and screening" on the subject property, between the

development and the single-family residential land to the east and south. The buffer area must be landscaped. Screening consists of a fence, wall, or hedge. This buffering and screening is intended to create a separation between the commercial and residential uses.

(4) The requested designation is consistent with the Statewide Planning Goals.

4.1 Statewide Planning Goal 2 (Land Use Planning), Goal 9, Economic Development, and Goal 14 (Urbanization) are relevant to review of the subject application.

4.2 *Goal 2 (Land Use Planning) is "to establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions."*

The Comprehensive Plan provides a policy framework for land use decisions. The Albany Development Code requires consideration of Comprehensive Plan policies when amendments to the Plan are proposed. The subject application is being processed in accordance with the Type IV land use process (Planning Commission and City Council public hearings required) prescribed in Article I of the Albany Development Code, and in accordance with the requirements set forth in the Code for Comprehensive Plan Map amendments. The Comprehensive Plan and Development Code have been acknowledged by the Land Conservation and Development Commission (LCDC) as consistent with the Statewide Planning Goals.

4.3 *Goal 9 (Economic Development) is "to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." This goal primarily sets forth requirements for communities' Comprehensive Plans, especially the provision of suitable areas for increased economic growth and activity.*

If the Comprehensive Plan designation of the subject property is changed to General Commercial, a contiguous 14-acre block of land designated for a wider range of uses than the old Light Commercial designation will be created. An opportunity to develop a regional shopping facility will be created which is not available with the old designation. The size of the site will be commensurate with the potential market. The location of the 14-acre site in proximity to the intersection of two major highways makes it more suitable for a regional shopping facility than for office professional or neighborhood commercial use. An area suitable for increased economic growth and activity will be provided.

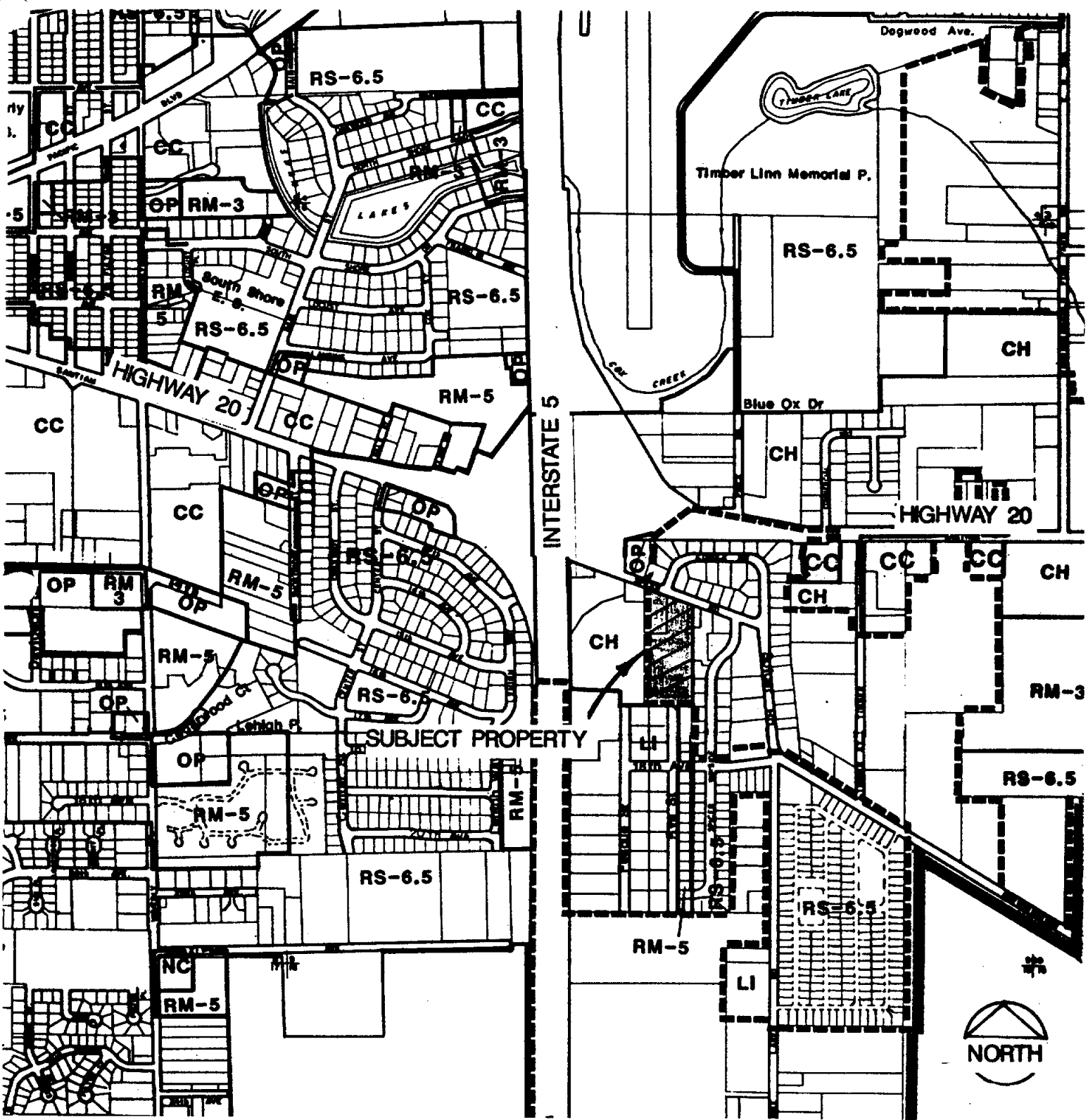
4.4 *Goal 14 (Urbanization) is "to provide for an orderly and efficient transition from rural to urban land use."*

The subject property is within Albany's Urban Growth Boundary (UGB) but outside the current city limits. The property is "urbanizable" not rural. No change in the boundary between rural and urbanizable land is proposed, so conversion of rural to urbanizable land is not at issue here. The subject property is considered available for urban use. The suitability of the land for the proposed use is evaluated in the review of concurrent Zoning Map Amendment and Site Plan Review applications. These reviews are in conformance with the City's acknowledged Comprehensive Plan and Development Code, and therefore, consistent with Goal 14.

In addition to the review criteria above, Oregon Administrative Rules (OAR) 660-12-060(1) states that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility."

The applicants have submitted a Zoning Map Amendment application concurrent with this Comprehensive Plan Map Amendment application. As part of the review of the Zoning Map Amendment application, the adequacy of the transportation system to accommodate potential development on the subject property has been reviewed. The findings and conclusions under Criterion (2) of that review also establish that a change in the Comprehensive Plan designation from Light Commercial to General Commercial will not significantly impact the transportation facilities in the vicinity of the subject property, if required improvements are made. Those findings and conclusions are incorporated here by reference.

EXHIBIT E
ZONING MAP
FILE ZC-04-96



CITY OF ALBANY ZONING MAP
Approximate Scale: 1" = 950'

EXHIBIT F
FINDINGS OF FACT FOR ZONE CHANGE
FILE ZC-04-96

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

1.1 The proposed base zone is CH (Heavy Commercial). The current Comprehensive Plan Map designation of the subject property is Light Commercial. The CH zoning designation is not consistent with the Light Commercial designation, however, a Comprehensive Plan Map amendment has been applied for in accordance with ADC 2.090-2.220. [The reference in the review criterion to "Section 2.080" is an erroneous reference to a section of the Development Code that has been renumbered.]

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

2.1 The proposed development will be located on approximately 14 acres east of Interstate 5, south of Highway 20. The subject property has frontage on Spicer Road and lies at the northerly terminus of Fescue Street. Fescue Street now ends at the southerly boundary of the subject property, although traffic traveling north on Fescue Street often continues north across the parking lot of the Beacon Truck Stop to access Spicer Road.

2.2 Development on the subject property will most likely take access to and from Spicer Road SE. Fescue Street may also be extended from its current northerly terminus to Spicer Road or Highway 20. (A concurrent site plan has been submitted by the applicants that shows Fescue Street extended to an intersection with Spicer Road then on to Highway 20.)

2.3 The CH zoning district is intended primarily for a mixture of commercial and light industrial uses which may have extensive outside storage, truck traffic and/or noise characteristics. [ADC 4.020(5)] The applicants have submitted a concurrent application for a Site Plan Review that proposes construction of a 93,603 square foot enclosed retail outlet with a 18,510 square foot outdoor garden center and construction of another 18,882 square foot retail building for an as-yet unspecified use. For the purposes of this review we assume the proposed development to be typical of what will be developed on the subject property if the zoning is changed to CH.

2.4 Spicer Road has been identified as a Collector street in recent work done by Kimley-Horn, Inc. as part of the City's Transportation System Plan process. Fescue Street is identified in the City's Comprehensive Plan (Plate 12, Master Street Plan) as a Collector street, and Kimley-Horn's work has confirmed it will function as a Collector.

2.5 Spicer Road has a right-of-way width of 60 feet, and a paved width of 24 feet. The existing road does not have curb and gutter, sidewalk, or bicycle lanes. The existing pavement is alligatored and rutted.

2.6 The applicants have submitted a "Transportation Impact Study," prepared by Kittleson & Associates, Inc., dated October 1996 (hereinafter called the "Kittleson Study").

- 2.7 The Kittleson Study estimates that the proposed development will generate a total of 6,625 vehicle trips per day. This is 3,395 more trips than the existing uses on the subject property generate.
- 2.8 The concurrent Site Plan Review application submitted by the applicants proposes to extend Fescue Street from its existing terminus at the southerly boundary of the subject property, through the property to an intersection with Spicer Road, and then northerly to Highway 20. We assume for the purposes of this review that any other development proposed on the property would also include this Fescue Street extension.
- 2.9 The Kittleson Study projects that the intersection of Fescue Street and Spicer Road will operate at a level of service "F" by the year 2015. The Kittleson Study does not show the intersection will meet signal warrants with the development currently being proposed.
- 2.10 The Kittleson Study identifies the need for improvements to the new intersection of Fescue Street and Highway 20. Although, the intersection would operate at an overall level of service of "C-D" in 2001 with the added traffic from the proposed development, the critical northbound left turn movement from the development onto Highway 20 will fall below the City's adopted acceptable level of service of "D" within 5 years. The traffic study indicates the overall level of service of the intersection will fall below the acceptable level of service "D" prior to the year 2015.
- 2.11 The intersection of the new Fescue Street and Highway 20 will be within Oregon Department of Transportation (ODOT) right-of-way. The applicants and City staff have had several discussions with ODOT regarding the operation of the intersection, and improvements needed at the intersection. ODOT has indicated that the existing eastbound free right turn movement is not desirable and should be eliminated.
- 2.12 Rye Street currently ends at the southern boundary of the subject property. A turnaround is needed if Rye Street is not extended into the subject property.
- 2.13 Needed improvements to Spicer Road:
- (a) Albany Development Code (ADC) Section 12.200 states that "sections of existing streets not meeting [C]ity standards which directly abut new development shall be constructed partial width to the appropriate [C]ity standard by the developer provided that a partial street improvement is determined by the [C]ity [E]ngineer to be adequate to handle the projected traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street."
 - (b) Spicer Road is a Collector street. ADC Section 12.120 requires, for Collector streets, a right-of-way width of 60-80 feet, and a paved width of 36-48 feet. "Where a range is indicated, the width shall be determined by the City Engineer." ADC Section 12.140 requires "a development project requiring land use approval...to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120."
 - (c) The City Engineer has determined that the minimum improvements to Spicer Road that are needed to serve potential development on the subject property are: curb and gutter; a storm drainage system; a 12-foot wide travel lane in each direction; and a 12-foot wide two-way left turn lane with necessary transitions. Curb and gutter are needed on the north side of Spicer

Road to facilitate drainage of the street improvements. There is insufficient right-of-way to construct the needed pavement and provide space for a shoulder and drainage ditch.

- (d) ADC Section 12.340 requires bicycle lanes to be provided on Collector streets at the time the street is constructed. ADC Section 12.350 requires a minimum bicycle lane width of six (6) feet adjacent to the curb.
- (e) ADC Section 12.290 requires sidewalks to be provided on Collector streets at the time the street is constructed. ADC Section 12.300 requires a minimum sidewalk width of seven (7) feet adjacent to the curb. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five (5) feet wide. Because the subject property is located in the City's "East I-5 Vision" planning area, setback sidewalks will be required. (The plan suggests design standards, such as "tree-lined streets," although these standards have not yet been adopted.)
- (f) In summary, the improvements that will be needed to Spicer Road are: 1) curb and gutter; 2) storm drainage; 3) a six-foot wide detached sidewalk on the south side with a 5-foot wide landscaped planting strip; a 12-foot wide travel lane in each direction; 6-foot wide bicycle lanes; a 12-foot wide two-way left-turn lane; and needed transitions. These improvements result in the need for an ultimate right-of-way width of 70 feet. Five (5) feet should come from the property on the south side of the street and five (5) feet should come from the property on the north side. However, the City Engineer has determined that the needed five (5) feet on the south side may be provided as an easement that will allow construction and maintenance of the required sidewalk.

2.14 Needed improvements to Fescue Street:

- (a) Fescue Street is a Collector Street. Based on the requirements of ADC Sections 12.120, 12.340, 12.350, 12.290, and 12.300 discussed in Finding of Fact 2.13 above, and the Kittleson Study, the City Engineer has determined that the minimum improvements to Fescue Street that are needed to accommodate potential development on the subject property are full width street improvements including: 1) curb and gutter; 2) storm drainage; 3) sidewalks; 4) and pavement on Fescue Street from the southerly boundary of the subject property to Highway 20. These improvements result in the need for right-of-way width of 70 feet.
- (b) The curb-to-curb width of Fescue Street, from Spicer Road south, must be 48 feet in order to provide: a 12 foot wide traffic lane in each direction; a 12 foot wide center turn lane; and a 6-foot wide bicycle lane on each side. Sidewalks must be six (6) feet wide, setback from the curb by a five (5) foot wide planter strip. The curb-to-curb width, from Spicer Drive north to Highway 20, shall be sufficient to provide four traffic lanes at the intersection with Highway 20 including: a 12-foot wide southbound lane; two 12-foot wide northbound left turn lanes; a 12-foot wide northbound through and right turn lane; six (6) foot wide bicycle lanes on each side; and two seven (7) foot wide sidewalks adjacent to the curb. The existing eastbound free right turn onto Fescue Street must be removed. The existing traffic signal must be re-constructed to accommodate the new lane configuration at the intersection of Fescue Street and Highway 20.

2.15 To meet this criterion, it must be found that “existing” transportation facilities are adequate for uses that are permitted under the proposed zoning designation, or that “anticipated” facilities will make be adequate. We interpret “anticipated” facilities as used in this criterion to mean facilities that include the improvements determined by the City Engineer to be necessary to serve uses allowed on the subject property if the zoning is changed, and for which a Petition for Improvement and Waiver of Remonstrance has been signed by the owners of the subject property. The property owner may also provide an improvement assurance for the improvements, or build them.

2.16 Future Improvements to Timber Street

In 1995, an “East I-5 Infrastructure Study” was prepared for the City by consultants CH2M Hill (referred to hereinafter as the “CH2M Hill” Study). The study identifies future improvements to the street system that will be necessary to accommodate development in the East I-5 area, which includes the subject property. At the time the City began its review of the Home Depot development, discrepancies were discovered between the CH2M Hill Study and the Kittleson Study. There were also inconsistencies between the Kittleson Study and the work done by Kimley-Horn referenced in Finding of Fact 1.3 above. These differences have been resolved as described in a letter to Peter Idema (ODOT) from Erik Havig (ODOT), dated January 29, 1997. The letter concludes that “the Kittleson study... looked at mitigation improvements to make the intersection of Spicer Drive and the Santiam Hwy. function into the future,” and that “the intersection of Spicer Drive will function at acceptable levels into the future assuming the planned transportation system is in place and that growth occurs at a rate similar to historical levels.” The “planned transportation system” is the system with the improvements required in conditions below.

In the intermediate or long term, the City believes that it is likely the intersection referred to above as the Spicer Drive and Santiam Highway intersection, which will become the Fescue Street/Santiam Highway 20 intersection with the required improvements, will be either be closed because of its proximity to the I-5 ramps or modified for one way only. The CH2M Hill Study references this possibility. “Two new connections to Highway 20 are needed to accommodate all of the growth planned for the East I-5 Study Area and to prepare for the possibility that the Spicer Drive connection may be eliminated at some point in the future when the I-5/Highway 20 interchange is reconstructed.” (CH2M Hill Study, page 6)

The proposed development will be a major trip generator. It will also increase the marketability of industrial property to the south. It is quite likely that growth in this area will exceed historical levels. Home Depot will contribute to the need for a new Timber Street alignment/traffic signal and would benefit from these improvements. If a local improvement district is ever formed to construct this improvement, Home Depot would have the opportunity to have input in the methodology chosen by the city to determine which and how much individual properties are benefitted.

(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.

3.1 The CH (Heavy Commercial) zoning district is intended primarily for a mixture of commercial and light industrial uses which may have extensive outside storage, truck traffic and/or noise characteristics. [ADC 4.020(5)] The applicants have submitted a concurrent application for a Site Plan Review that

proposes construction of a 93,603 square foot enclosed retail outlet with a 18,510 square foot outdoor garden center and construction of another 18,882 square foot retail building for an as-yet unspecified use. For the purposes of this review we assume the proposed development to be typical of what will be developed on the subject property if the zoning is changed to CH.

Sanitary Sewer

- 3.2 Sanitary sewer utility maps show that there is an 8-inch main that extends through the subject property from the existing end of Fescue Street northerly through the property to Spicer Road. This main is located within a 30-foot wide easement. There is no sanitary sewer main in Spicer Road along the frontage of the subject property. Properties to the east are not currently served by sewer.
- 3.3 ADC Section 12.490 requires that "sewer collection mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion." ADC Section 12.510 requires "all new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas."
- 3.4 The City Engineer has determined that a sanitary sewer main must be extended along the Spicer Road frontage of the subject property. This sewer must be installed at maximum depth and minimum grade in order to serve the maximum area east of the subject property.

Water

- 3.5 Water utility maps show that there are 16-inch public water mains along the southerly boundary of the subject property, north/south through the property, and along the westerly section of the property's Spicer Road frontage. There is also a 12-inch water main along the easterly section of the property's Spicer Road frontage. There are 8-inch water mains in Fescue Street and Rye Street. These water mains are sized adequately to serve development on the property. Looping of water lines to provide adequate fire protection will be required at the time development is proposed.
- 3.6 It appears that the 16-inch water main north/south through the property is partially within a 30-foot wide sewer easement, but ADC 12.370 requires a minimum 15-foot wide easement for water lines. The existing sewer easement may not provide this width. It also appears that there is no easement for the water main along the southerly boundary of the property.

Storm Drainage

- 3.7 Storm drain utility maps show there is a 24-inch storm drain across Spicer Road and I-5 just south of Highway 20. There are roadside ditches adjacent to Spicer Road and I-5, and a series of culverts under I-5 south of the southwest corner of the subject property.
- 3.8 ADC 12.580 requires that "all new development within the City must, where appropriate, make provisions for the continuation or appropriate extension of existing storm sewer lines or drainageways serving surrounding areas. ADC 12.550 requires that "a culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development."

- 3.9 The City Engineer has determined that Fescue Street must be extended through the subject property and that improvements must be made to Spicer Road to accommodate potential development on the subject property. Storm drain mains to drain the required street improvements, and to serve development on the property, must be extended along the northerly section of the Fescue Street extension and along the Spicer Road frontage of the subject property. The storm drain mains must be installed at maximum depth and minimum grade so that they can serve the Spicer Wayside and Spicer Road areas east of the subject property. Final pipe sizes, alignments, slopes, etc. are determined at the time that final engineering plans are submitted for review by the City Engineer.

Schools

- 3.10 The subject property is currently zoned RR-1 with a UGM-RP overlay. RR-1 is Rural Residential, 1 acre minimum lot size. The UGM-RP overlay means the property, when annexed to the City of Albany, would come into the City as OP, Office Professional. (RP is the old designation for what is now called the OP zoning district.) Both RR-1 zoned land and OP zoned land have the potential for generating demand for school space, because residential development is allowed in both zoning districts. If the zoning of the property is changed to CH (Heavy Commercial), only a very limited opportunity for residential development will still exist. The only types of residential development allowed in the CH zone are a single-family dwelling attached to a business use and a two-family dwelling unit located above a business use.

Police and Fire Protection

- 3.11 The Planning Division has provided notice of the subject application, and an opportunity for the Albany Police Department to comment. ADC 1.215 provides that "if the agency or city department does not comment within 10 days..., the agency or city department is presumed to have no comments or objections." The Police Department has not returned comments, so they are presumed to have no comments or objections.
- 3.12 The Planning Division has provided notice of the subject application, and an opportunity for the Fire Department to comment. The Fire Department has responded that the subject property can be provided with fire protection if water lines are looped through the property and if fire hydrants are provided at appropriate locations.

"Anticipated" Improvements

- 3.13 To meet this criterion, it must be found that existing services, such as water and sewer, can accommodate potential development on the subject property without adverse impact on the affected service area, or, if existing services are not adequate, that anticipated services can accommodate development. We interpret "anticipated" services as used in this criterion to mean services that include the improvements determined by the City Engineer to be necessary to serve potential development on the subject property if the zoning is changed, and for which a Petition for Improvement and Waiver of Remonstrance has been signed by the owners of the subject property.

(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.

- 4.1 Floodplains: *Comprehensive Plan Plate 5: Floodplains* shows no areas within a 100-year floodplain on the subject property. FEMA/FIRM Community Panel No. 410136 0185 B, dated September 29, 1986, shows the property in Zone C, an area of “minimal flooding.”
- 4.2 Slopes: *Comprehensive Plan Plate 7: Slopes* shows no areas of steep slopes on the subject property. The property is relatively flat.
- 4.3 Wetlands: *Comprehensive Plan Plate 6: Wetland Sites* shows no wetlands on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetlands Inventory, dated 1994, shows no wetlands on the property.
- 4.4 Vegetation: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the subject property.

There are approximately 15 deciduous and coniferous trees scattered across the subject property, and another 10 oak trees and 3 fir trees along the western and southern boundary of Tax Lot 401. These trees range in size from about 24 inches to 30 inches in diameter and are approximately 75-to-100 feet tall.

- 4.5 Historic District: *Comprehensive Plan Plate 9: Historic Districts* shows that the subject property is not within a historic district, and the City's Preservation Planner states that there are no known historic or archaeological sites on the property.
- 4.6 Groundwater Protection. The site has been in a variety of commercial use for many years. It is important that previous facilities be properly abandoned prior to new construction. Check with Linn County Environmental Health Manager, Rick Partipilo, at 967-3821 on requirements for abandoning septic tanks, for capping old wells, for removing buried fuel storage tanks or for correcting possible conditions that could present a potential for ground water contamination.
- 4.7 Airport. The subject property is located under the approach surface to the Albany Municipal Airport, approximately 3,000 feet south of Runway 34. At this distance, the height limitation imposed by Section 6.040 (1) of the revised Albany Development Code prohibits structures exceeding 137 feet on the subject property, well above the estimated height of 30 feet for the proposed building. The subject property is also located within the 55 to 60 Day-Night Sound Level (ldn) area. This finding serves as the required declaration of anticipated noise levels which may be objectionable to the applicant (ADC6.060 revised). There are other general conditions that apply to all development in proximity to the airport that are applicable to the request in order to prevent interference with airport operations.

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

- 5.1 The Comprehensive Plan (page 3) defines a policy as “a statement identifying a course of action or City position. Although more specific than goals, policies usually do not explain the exact method of implementing a goal.”

The Comprehensive Plan describes the City’s obligation in regard to policies as follows: “The City must follow relevant policy statements in making a land use decision...[or amend the Plan]. However, in the

instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals. In balancing and weighing those statements, the City can refer to general categories of policies and does not have to respond to each applicable policy. Also, in this weighing process, the City shall consider whether the policy contains mandatory language (e.g. shall, require) or more discretionary language (e.g. may, encourage).”

- 5.2 The property which is the subject of this application is designated on the Linn County Assessor’s Maps as Map No. 11S-3W-9C, Tax Lots 400, 401, and 402. These tax lots together form a contiguous land area of approximately 6.75 acres. The three tax lots will be referred to hereinafter as the “subject property.”
- 5.3 The zoning district proposed for the subject property is CH (Heavy Commercial). The existing zoning designation is Linn County RR-1 (Rural Residential, 1 acre minimum lot size) with a UGM-RP (Urban Growth Management Residential Professional) overlay. The UGM-RP overlay means, when annexed, the subject property would come into the City with an OP zoning designation. (RP is the old name for the current OP district.) The property is currently outside the city limits, but the applicants have asked the City to annex it.
- 5.4 The intent of commercial zoning districts is to provide land for commercial uses. The purpose of the differences among the zones in the permitted uses and development standards relate to the intensity of commercial development. The OP district encourages commercial development that is compatible with surrounding residential areas.
- 5.5 The Albany Development Code (ADC) describes the CH zoning district as “intended primarily for areas where a mixture of commercial and light industrial activities which may have extensive outside storage, truck traffic and/or noise characteristics can occur. This district is most appropriate in outlying areas or in areas intended to be compatible with or a buffer to heavier industrial uses.”
- 5.6 The Development Code describes the OP zoning district as “intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.”
- 5.7 The following Comprehensive Plan policies are relevant to this application. The policies are written in *italic* print, followed by Findings of Fact.

Goal 9: Economy - Economic Development

Policies:

1. *Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.*
2. *Encourage the location of regional shopping facilities in Albany.*

- 5.8 If the zoning designation of the subject property is changed from RR-1/UGM-RP to CH (Heavy Commercial), the subject property (6.75 acres) and the property immediately adjacent to the west--Map No. 11S-3W-9C, Tax Lot 607 (7.68 acres)--will form a block of property approximately 14 acres in size. Home Depot U.S.A., Inc. (Home Depot) has entered into a purchase and sale agreement with the applicants and with the owners of Tax Lot 607 for the purpose of assembling the subject property and Tax Lot 607 into a single commercial development.
- 5.9 The 14-acre block of property will provide the opportunity for Home Depot, or some other entity, to develop a regional shopping facility within the Albany Urban Growth Boundary (UGB). (The applicants have submitted a concurrent Site Plan Review application for construction of a 93,603 square-foot enclosed Home Depot retail store with an 18,510 square-foot outdoor garden center and another 18,882 square foot retail building for an as-yet unspecified use.)

Goal 14: Urbanization - Directing Growth

Policies:

10. *The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services*
 12. *Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:*
 - a. *Efficient and safe utilization of transportation facilities.*
 - b. *A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.*
 - c. *Compatibility between land uses, particularly adjacent residential neighborhoods.*
 - d. *Efficient extension of public facilities and services.*
 13. *Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood.*
 15. *Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.*
 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.*
- 5.10 The applicants state in findings submitted in support of their applications that the size of the proposed site is commensurate with the trade area to be served. The site is approximately 14 acres. The market

research done by the applicants shows the trade area to be the greater Albany area and the surrounding area located within approximately a 30-minute travel time.

- 5.11 The applicants state the 14-acre site “will provide a retail center located near two highways with excellent access and visibility.” The two highways referred to by the applicants are Interstate 5, which is approximately 450 feet west of the subject property, and Highway 20, which is approximately 400 feet north of the property. The applicants have submitted a Transportation Impact Study in support of their application. City staff has reviewed the transportation impact study, and has concluded that, with required improvements to the transportation system, the subject property will have adequate access.
- 5.12 The subject property is currently vacant land, except that Tax Lot 401 has a beauty shop on it. If the property is developed, an existing commercial area will be developed (“infilled”).
- 5.13 In the review of a concurrent Zoning Map Amendment, it has been determined that public facilities and services can be made available to the subject property. The findings and conclusions of Criterion (2) and (3) of that review are incorporated here by reference.
- 5.14 If the zoning designation of the subject property is changed to CH (Heavy Commercial), a contiguous block of land designated for heavy commercial use will be created. The applicants believe a site of at least 14 acres must be assembled to provide a site for a regional shopping facility. (The applicants in their Findings define “adequate size” as 14 or more acres.) A regional shopping facility of this size provides the opportunity to offer a wide range of goods for sale. The applicants observe this will provide the “opportunity of obtaining multiple items in one location without the necessity of traveling by automobile to different locations.”
- 5.15 The zoning designation of the subject property is RR-1, with a UGM-RP overlay. At the time it is annexed, it would come into the City with an OP (Office Professional) zoning designation. The applicants have asked the City to annex the subject property.

Comprehensive Plan Goal 14, Policy 13 encourages residential professional uses as “buffers” between intensive commercial uses and less intensive residential uses. The subject property’s zoning designation at the time it is annexed to the City is consistent with Goal 14, Policy 13.
- 5.16 If the zoning designation of the subject property is OP, a regional shopping facility cannot be located on the property. In order to allow a regional shopping facility, the zoning designation of the property must be changed to CH.
- 5.17 If the zoning designation of the subject property is changed from RR-1/UGM-RP to CH, the potential use of the subject property will change from land that is “intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts to land that is “intended primarily for areas where a mixture of commercial and light industrial activities which may have extensive outside storage, truck traffic and/or noise characteristics can occur.”
- 5.18 The subject property now functions as a buffer because it provides some distance between the adjacent CH land to the west and the RR-1/UGM-RP land to the east. Uses developed on the property will be less intense OP uses instead of more intense CH uses.

- 5.19 The applicants, however, think it is “questionable whether the types of uses allowed under the OP zone could ever be convinced to locate on the Property no matter how much they were encouraged, so long as the T&R Restaurant and the Beacon Truck Stop exist west of the residential area to the east of the Property.”
- 5.20 If the subject property is developed with any type of commercial use, the Albany Development Code (ADC) requires a 10-foot wide strip of “buffering and screening” on the subject property, between the development and the single-family residential land to the east. The buffer area must be landscaped. Screening consists of a fence, wall, or hedge. This buffering and screening is intended to create a separation between the commercial and residential uses.

Goal 2: Land Use Planning - Updating and Amending the Plan

Policy

2. *Base approval of Comprehensive Plan amendments upon consideration of the following:*
- e. Short- and long-term impacts of the proposed change.*
 - f. Demonstration of public need for the change.*
 - g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.*
- 5.21 The short-term impacts of the proposed change of the zoning designation of the subject property are that: a) a 14-acre block of property designated for CH (Heavy Commercial) use will be created, and b) the potential use of the property will change from office professional and neighborhood commercial as a buffer between heavy commercial uses to the west and residential uses to the east.
- 5.22 In the long-term there will be an opportunity to provide a wider range of uses on the subject property than can be provided under the current zoning designation. The applicants believe this will provide a more diverse economy for Albany and create jobs. They state that the development they propose will “provide approximately 140 new jobs for residents in the greater Albany area, of which 75 percent will be full-time jobs and 25 percent will be part-time jobs.” These jobs will “fall into four basic categories: (1) Entry level employees with no experience, with a wage in the range of \$7.00 to \$9.00 per hour, (2) employees with some experience in a trade, with a wage in the range of \$9.00 to \$15.00 per hour, (3) department supervisors with a wage in the range of \$10.00 to \$16.00 per hour, and (4) manager and assistant managers with annual salaries in the range of \$45,000 to \$65,000. The total payroll for The Home Depot will be approximately \$2,500,000 to \$3,000,000 per year.”
- 5.23 The applicants state that they were not able to locate any other available site of an adequate size (e.g. 14 or more acres), with a central location and good freeway access. They evaluated three other possible sites, but determined that none of the sites was viable for a regional shopping facility “because of one or more reasons, including inability to assemble a large enough site, lack of visibility, no access from major thoroughfares without having to travel through local neighborhoods, and a location not in close enough proximity to the market area.” The applicant evaluated the following sites:
- (a) The northeast corner of Knox Butte Road and I-5;

- (b) The southwest corner of Pacific Highway and I-5 (the old Linn County Fairgrounds); and
- (c) The west side of Highway 99E, south of 53rd Avenue.

5.24 Staff has identified one other property of at least 14 acres which is currently designated General Commercial within the UGB. It is Map 11S-3W-9D, a part of Tax Lot 100 (south of Highway 20, across from Goldfish Farm Road, approximately 22 acres).

5.25 The other sites identified by the applicant and staff do not have visibility from I-5 as good as the subject property.

EXHIBIT G
SITE PLAN & DEVELOPMENT AGREEMENT LEGAL DESCRIPTION
FILE SP-80-96

Linn County Assessor's Map 11-3W-09C. Tax Lots 400 and 402 (Clark Property)

The following described real property in the County of Linn and State of Oregon:

Beginning at a point which is 10.60 chains East and 3.89 chains South from the Northwest corner of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon; thence South 14.55 chains, more or less, to a Northwest corner of a certain tract of land sold by J. F. Bain to A. W. Cormack; thence East 7.37 chains; thence North 11.37, more or less, to the center of a County Road; thence North 70° 45' West along the center of said County Road to the place of beginning.

EXCEPTING THEREFROM a certain tract of land deeded by John F. Bain to Harold L. Mayfield and Ruth I. Mayfield as described in Deed recorded at Volume 178, Page 647, Linn County Deed Records.

ALSO EXCEPTING THEREFROM a tract of land described as follows:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Edward White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A. W. Cormack; et al by Deed recorded August 9, 1920, in Book 120, Page 230, Linn County Deed Records; thence South 0° 06' West 106.83 feet; thence North 89° 14' West 40 feet; thence North 0° 06' East parallel to the East line of the said Cormack tract to the center of the County Road; thence South 70° 24' East along the center of said County Road to the place of beginning.

Linn County Assessor's Map 11-3W-09C. Tax Lot 401 (Chisholm Property):

The following described real property in the County of Linn and State of Oregon:

Beginning at an iron pin in the center of a County Road which is South 6.47 chains and East 17.97 chains from the Northwest corner of the Donation Land Claim of Edward White, Notification No. 694 and Claim No. 48, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said pin being the most Northerly Northwest corner of that tract conveyed to A.W. Cormack, et al by Deed recorded August 9, 1920, in Book 120, Page 230, Deed Records; thence South 0°06' West 106.83 feet; thence North 89°14' West 40 feet; thence North 0°06' East parallel to the East line of said Cormack tract to the center of the County Road; thence South 70°24' East along the center of said County Road to the point of beginning. (11S 03W 09C 00401)

EXHIBIT G
SITE PLAN & DEVELOPMENT AGREEMENT LEGAL DESCRIPTION
FILE SP-80-96

Linn County Assessor's Map 11-3W-09C, Tax Lot 500 (Clark Property)

The following described real property in the County of Linn and State of Oregon:

Beginning at a point in the center of a County Road which is North 89° 50' West 701.47 feet and South 0° 03' West 256.12 feet from the Northwest corner of the Edward N. White Donation Land Claim #48 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 0° 03' West 190 feet; thence North 89° 56' East 145.86 feet; thence North 0° 00 1/2' East 137.22 feet to the center of the County Road; thence North 70° 05' West along the center of said County Road 154.44 feet to the place of beginning.

Linn County Assessor's Map 11-3W-09C, Tax Lot 607 (Ultamar Property)

The following described real property in the County of Linn and State of Oregon:

Beginning at a point in the center of the County Road, said point being South 70° 34' 18" East 745.86 feet from the Northwest corner of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West of the Willamette Meridian, in the County of Linn and State of Oregon; thence South 0° 01' 47" East 143.84 feet to the point of beginning of the following tract of land; thence West 42.23 feet; thence South 72° 58' 50" West 87.37 feet; thence along a 117.50 foot radius curve to the left, the long chord of which bears South 65° 46' 58" West 26.09 feet; thence South 60° 13' 53" West 164.65 feet; thence along a 83.90 foot radius curve to the left, the long chord of which bears 46° 41' 39" West 37.40 feet; thence South 34° 28' 27" West 105.61 feet to a point on the East right of way line of the Interstate 5 Freeway; thence South 0° 43' 18" East along said East line 145.28 feet; thence southerly along said East line to a point which is South 0° 24' East 290.50 feet from the last said point, said point also being the Northwest corner of a tract of land described in a Quitclaim Deed recorded in Volume 370, Page 159, Microfilm Records of Linn County, Oregon; thence South 89° 36' 21" West along the North line of said tract 346.14 feet to the Northeast corner thereof; thence South 0° 03' West along the East line of said tract 118.80 feet to a point; thence North 89° 36' 33" East 30.00 feet; thence North 89° 55' 51" East 145.85 feet to the West line of a tract of land described in Volume 261, Page 032, Deed Records of Linn County, Oregon; thence North 0° 04' 13" West along said West line 734.84 feet to the Southeast corner of a tract of land described in a Memorandum of Lease recorded in Book 283, Page 820, Deed Records of Linn County, Oregon; thence South 89° 59' 13" West along the South line of said tract 145.34 feet to the Southwest corner thereof; thence North 0° 01' 47" West along the West line of said tract 47.88 feet to point of beginning.

EXHIBIT G
SITE PLAN & DEVELOPMENT AGREEMENT LEGAL DESCRIPTION
FILE SP-80-96

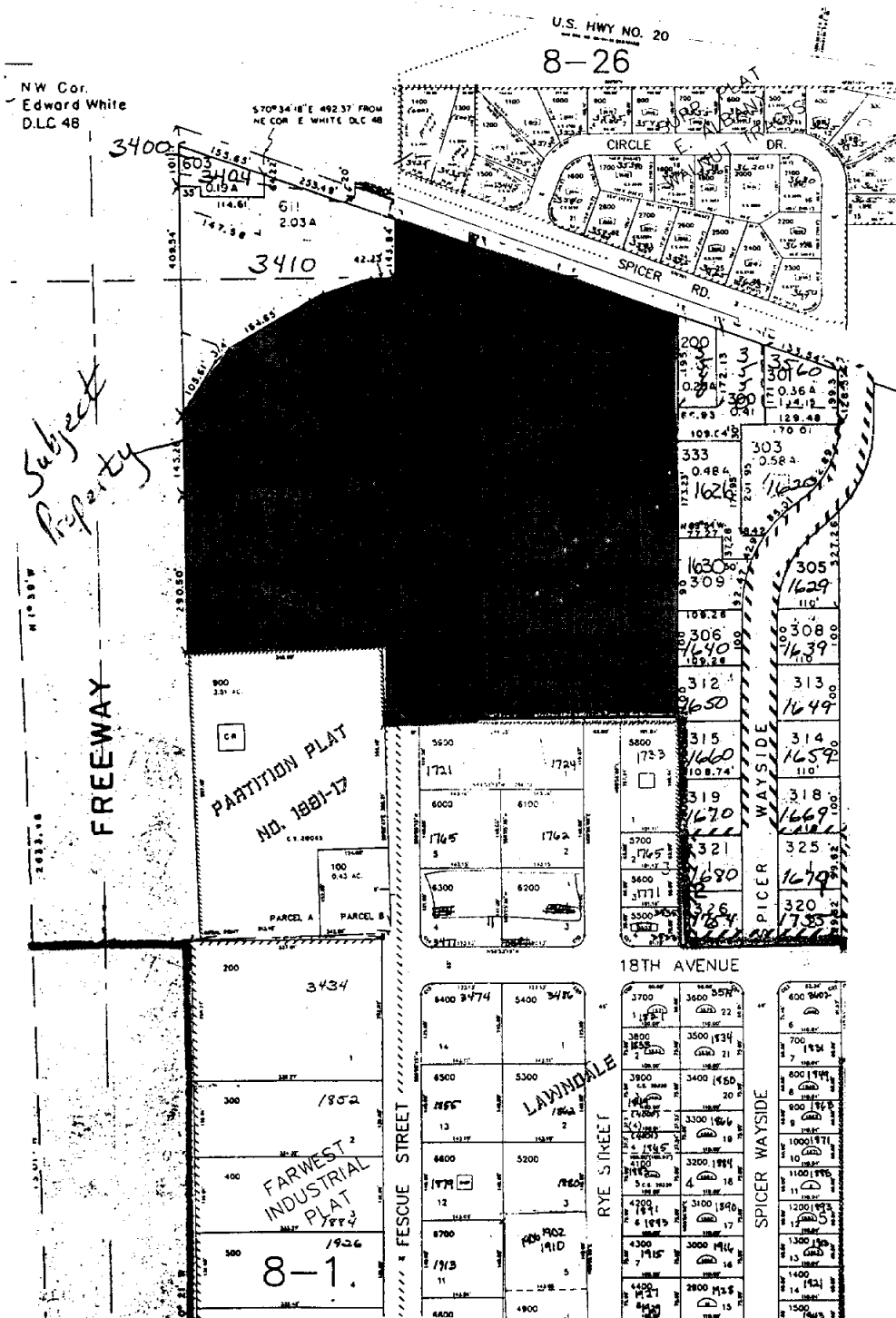


EXHIBIT H
FINDINGS OF FACT FOR SITE PLAN REVIEW AND SIGN VARIANCE
FILE SP-80-96 AND VR-03-97

Site Plan Review:

(1) Public facilities can accommodate the proposed development.

Transportation

- 1.1 The applicants propose to construct a 101,795 square foot home improvement retail store with an 18,510 square foot garden center, and an 16,385 square foot retail store for an as-yet undetermined use. They have submitted a site plan with six (6) separate sheets. The cover sheet is titled "The Home Depot, Albany, Oregon; Option B. There is no date on the cover sheet, but subsequent sheets are dated 12/18/96 with a revised site plan changing the size of the buildings dated May 15, 1997
- 1.2 The proposed development will be located on approximately 14 acres east of Interstate 5, south of Highway 20. The subject property has frontage on Spicer Road and lies at the northerly terminus of Fescue Street. Fescue Street now ends at the southerly boundary of the subject property, although traffic traveling north on Fescue Street often continues north across the parking lot of the Beacon Truck stop to access Spicer Road.
- 1.3 Spicer Road has been identified as a Collector street in recent work done by Kimley-Horn, Inc. as part of the City's Transportation System Plan process. Fescue Street is identified in the City's Comprehensive Plan (Plate 12, Master Street Plan) as a Collector street, and Kimley-Horn's work has confirmed it will function as a Collector.
- 1.4 Spicer Road has a right-of-way width of 60 feet, and a paved width of 24 feet. The existing road does not have curb and gutter, sidewalk, or bicycle lanes. The existing pavement is alligatored and rutted.
- 1.5 The applicants have submitted a "Transportation Impact Study," prepared by Kittleson & Associates, Inc., dated October 1996 (hereinafter called the "Kittleson Study").
- 1.6 The Kittleson Study estimates the proposed development will generate a total of 6,625 vehicle trips per day. This is 3,395 more trips than the existing uses on the subject property generate.
- 1.7 The applicants propose to extend Fescue Street from its existing terminus at the southerly boundary of the subject property, through the property to an intersection with Spicer Road, and then northerly to Highway 20.
- 1.8 The Kittleson Study projects that the intersection of Fescue Street and Spicer Road will operate a level of service "F" by the year 2015. The Kittleson Study does not show the intersection will meet signal warrants.
- 1.9 The Kittleson Study identifies the need for improvements to the intersection of Fescue Street and Highway 20. Although, the intersection would operate at an overall level of service of "C-D" in 2001 with the added traffic from the proposed development, the critical northbound left turn movement from the development onto Highway 20 will fall below the City's adopted acceptable level of service of "D" within 5 years. The traffic study indicates the overall level of service of the intersection will fall below

the acceptable level of service "D" prior to the year 2015. Based on data in the Kittleson Study, in the year 2001 the proposed development will generate more than 50 percent of the traffic on Fescue Street using the intersection at Highway 20.

- 1.10 The intersection of the northerly extension of Fescue Street and Highway 20 will be within Oregon Department of Transportation (ODOT) right-of-way. The applicants and City staff have had several discussions with ODOT regarding the operation of the intersection, and improvements needed at the intersection. ODOT has indicated that the existing eastbound free right turn movement is not desirable and should be eliminated.
- 1.11 Rye Street currently ends at the southern boundary of the subject property. The applicants site plan shows a "hammerhead" turnaround to be constructed on their property. Rye Street is public street. There is no public right-of-way on the subject property in which to construct the turnaround. In order to construct the turnaround to City standards, the right-of-way must measure 100 feet by 50 feet.
- 1.12 Needed Improvements to Spicer Road:
 - (a) The revised Albany Development Code (ADC) 12.200 states that "sections of existing streets not meeting city standards which directly abut new development shall be constructed partial width to the appropriate city standard by the developer provided that a partial street improvement is determined by the City Engineer to be adequate to handle the projected traffic loadings. The design of the improvement shall consider the ultimate design of the fully widened street."
 - (b) Spicer Road is a Collector street. ADC 12.120 requires, for Collector streets, a right-of-way width of 60-80 feet, and a paved width of 36-48 feet. "Where a range is indicated, the width shall be determined by the City Engineer." ADC 12.140 requires "a development project requiring land use approval...to dedicate additional right-of-way if an existing street abutting or within the development does not meet the widths designated in Section 12.120."
 - (c) The City Engineer has determined that the minimum improvements needed to accommodate the projected traffic volume on Spicer Road, considering the traffic to be generated by the proposed development are: curb and gutter; a storm drainage system; a 12-foot wide travel lane in each direction; and a 12-foot wide two-way left turn lane with necessary transitions. Curb and gutter are needed on the north side of Spicer Road to facilitate drainage of the street improvements. There is insufficient right-of-way to construct the needed pavement and provide space for a shoulder and drainage ditch.
 - (d) Section 12.340 of the revised Albany Development Code requires bicycle lanes to be provided on Collector streets at the time the street is constructed. Section 12.350 requires a minimum bicycle lane width of six (6) feet adjacent to the curb.
 - (e) Section 12.290 of the revised Albany Development Code requires sidewalks to be provided on Collector streets at the time the street is constructed. Section 12.300 requires a minimum sidewalk width of seven (7) feet adjacent to the curb. This width may be reduced to six (6) feet if the sidewalk is separated from the curb by a landscaped planter strip at least five (5) feet wide. Because the subject property is located in the City's "East I-5 Vision" planning area, setback sidewalks will be required. (The plan suggests design standards, such as "tree-lined streets," although these standards have not yet been adopted.)

- (f) In summary, the improvements that will be needed to Spicer Road are: 1) curb and gutter on the south side; 2) storm drainage; 3) a six-foot wide detached sidewalk on the south side with a 5-foot wide landscaped planting strip; a 12-foot wide travel lane in each direction; a 6-foot wide bicycle lane on the south side; a 12-foot wide two-way left-turn lane; and needed transitions. These improvements result in the need for an ultimate right-of-way width of 70 feet. Five (5) feet should come from the property on the south side of the street and five (5) feet should come from the property on the north side. However, the City Engineer has determined that the needed five (5) feet on the south side may be provided as an easement that will allow construction and maintenance of the required sidewalk.

1.13 Needed Improvements to Fescue Street:

- (a) Fescue Street is a Collector Street. Based on the requirements of the Sections 12.120, 12.340, 12.350, 12.290, and 12.300 of the revised Albany Development Code discussed in Findings of Fact 1.12 above, and the Kittleson Study, the City Engineer has determined that the minimum improvements needed to accommodate projected traffic volumes on Fescue Street, considering the traffic that will be generated by the proposed development are full width street improvements including: 1) curb and gutter; 2) storm drainage; 3) sidewalks; 4) and pavement on Fescue Street from the southerly boundary of the subject property to Highway 20. These improvements result in the need for right-of-way width of 70 feet.
- (b) The curb-to-curb width of Fescue Street, from Spicer Road south, must be 48 feet in order to provide: a 12 foot wide traffic lane in each direction; a 12 foot wide center turn lane; and a 6-foot wide bicycle lane on each side. Sidewalks must be six (6) feet wide, setback from the curb by a five (5) foot wide planter strip. The curb-to-curb width, from Spicer Drive north to Highway 20, shall be sufficient to provide four traffic lanes at the intersection with Highway 20 including: a 12-foot wide southbound lane; two 12-foot wide northbound left turn lanes; a 12-foot wide northbound through and right turn lane; six (6) foot wide bicycle lanes on each side; and two seven (7) foot wide sidewalks adjacent to the curb. The existing eastbound free right turn onto Fescue Street must be removed. The existing traffic signal must be re-constructed to accommodate the new lane configuration at the intersection of Fescue Street and Highway 20.

1.14 Coordination of Improvements to Santiam Highway (Highway 20)

The Oregon Department of Transportation (ODOT) intends to make improvements to Highway 20 beginning in the summer of 1997, including improvements to the intersection of Highway 20 and what will be its intersection with the proposed new Fescue Street, including modification of the traffic signal. Coordination between the ODOT project and the improvements to the new Fescue Street/Highway 20 intersection will be necessary. The ODOT project may take two years. ODOT may not complete modification of the new Fescue Street/Highway 20 intersection traffic signal prior to the time the proposed development is ready for occupancy. An interim access plan, including a traffic signal, will be needed if ODOT has not modified the traffic signal prior to occupancy of the proposed development.

1.15 Future Improvements to Timber Street

In 1995, an "East I-5 Infrastructure Study" was prepared for the City by consultants CH2M Hill (referred to hereinafter as the "CH2M Hill" Study).. The study identifies future improvements to the street system that will be necessary to accommodate development in the East I-5 area, which includes the subject property.

At the time the City began its review of the Home Depot development, discrepancies were discovered between the CH2M Hill Study and the Kittleson Study. There were also inconsistencies between the Kittleson Study and the work done by Kimley-Horn referenced in Finding of Fact 1.3 above. These differences have been resolved as described in a letter to Peter Idema (ODOT) from Erik Havig (ODOT), dated January 29, 1997. The letter concludes that "the Kittleson study... looked at mitigation improvements to make the intersection of Spicer Drive and the Santiam Hwy. function into the future," and that "the intersection of Spicer Drive will function at acceptable levels into the future assuming the planned transportation system is in place and that growth occurs at a rate similar to historical levels." The "planned transportation system" is the system with the improvements required in conditions below.

In the intermediate or long term, the City believes that it is likely the intersection referred to above as the Spicer Drive and Santiam Highway intersection, which will become the Fescue Street/Santiam Highway 20 intersection with the required improvements, will be either be closed because of its proximity to the I-5 ramps or modified for one way only. The CH2M Hill Study references this possibility. "Two new connections to Highway 20 are needed to accommodate all of the growth planned for the East I-5 Study Area and to prepare for the possibility that the Spicer Drive connection may be eliminated at some point in the future when the I-5/Highway 20 interchange is reconstructed." (CH2M Hill Study, page 6)

The proposed development will be a major trip generator. It will also increase the marketability of industrial property to the south. It is quite likely that growth in this area will exceed historical levels. Home Depot will contribute to the need for a new Timber Street alignment/traffic signal and would benefit from these improvements. If a local improvement district is ever formed to construct this improvement, Home Depot would have the opportunity to have input in the methodology chosen by the city to determine which and how much individual properties are benefitted.

1.16 Waverly Drive/Highway 20 (Santiam Highway)

- (a) On January 8, 1997, the Albany City Council, based on recommendations from city engineering staff, established minimum transportation guidelines for new development.
- (b) Guideline 16.1 (Roadway and Intersection Capacity) states that "all streets and intersections adjacent to the development, and streets and intersections directly utilized by the development for access, regardless of the generated volume of traffic, and streets and intersections off site from the development that will receive 50 or more additional peak hour vehicular trips with completion of the development, must have a minimum level of service "D."
- (c) The Waverly Drive/Santiam Highway intersection is currently at level of service "E." The Kittleson study (Figure 7) indicates that the proposed development will generate 60 weekday PM peak hour trips eastbound and 95 westbound.
- (d) On May 6, 1997, the Albany City Council held a work session to discuss city policy on approving developments affecting congested intersections. The Council reached consensus that they are interested in pursuing both a citywide Systems Development Charge for transportation and an aggressive General Obligation bond program.
- (e) Council direction to staff was that additional development may be approved provided the needed intersection/roadway project has been identified as a high priority project in the financing

strategy in the city's draft Transportation System Plan (TSP). Funding for high priority projects is expected to emerge in the next one to seven years.

- (f) Intersection improvements to Waverly Drive/Santiam Highway is a high priority project in the draft TSP. The project consists of construction of an eastbound right turn lane, additional northbound/southbound through lanes, and a westbound left turn lane. The projected cost is \$2,020,000.

Sanitary Sewer

- 1.17 Sanitary sewer utility maps show that there is an 8-inch main that extends through the subject property from the existing end of Fescue Street northerly through the property to Spicer Road. This main is located within a 30-foot wide easement. There is no sanitary sewer main in Spicer Road along the frontage of the subject property. Properties to the east are not currently served by sewer.
- 1.18 Section 12.490 of the revised Albany Development Code requires that "sewer collection mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion."

The Site Plan submitted by the applicants shows an extension of the sanitary sewer along the Spicer Road frontage of the subject property. Section 12.510 ADC requires "all new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of existing sewer lines serving surrounding areas." The City Engineer has determined that the sanitary sewer along the Spicer Road frontage of the subject property must be installed a maximum depth and minimum grade in order to serve the maximum area east of the subject property.

- 1.19 The Site Plan shows the extension of a 4-inch service line approximately 330 feet from the existing main to the proposed Home Depot building. In order to reduce infiltration into the public sanitary sewer, Section 12.490ADC limits the length of private services to 100 feet. The City Engineer may require extension of public sewers into the interior of the property. The Site Plan must be modified so that the length of the service lateral does not exceed 100 feet.
- 1.20 Any public sewer must lie within a public right-of-way or within a public easement. Section 12.370ADC requires a sanitary sewer easement to be a minimum of 20 feet.

Water

- 1.21 Water utility maps show that there are 16-inch public water mains along the southerly boundary of the subject property, along the proposed Fescue Street extension, and along the westerly section of the property's Spicer Road frontage. There is also a 12-inch water main along the easterly section of the property's Spicer Road frontage. There are 8-inch water mains in Fescue Street and Rye Street.

It appears that the 16-inch water main along the Fescue Street extension is partially within a 30-foot wide sewer easement, but ADC 12.370 requires a minimum 15-foot wide easement for water lines. The existing sewer easement may not provide this width. It also appears that there is no easement for the water main along the southerly boundary of the property.

- 1.22 The Site Plan submitted by the applicants shows a proposed 8-inch public water line extension from the end of the existing 8-inch main at the northerly end of Rye Street. The Site Plan also shows the

extension of the a 12-inch public water main from the existing 8-inch water main at the northerly end of Fescue Street to the existing 16-inch main. This main extension is needed to loop the existing system and to provide fire flows.

The City of Albany Water System Facility Plan requires that the maximum spacing of valves on major distribution lines in commercial and industrial areas be no greater than 500 feet. This requirement was adopted to allow the isolation of sections of mains in the event of a break or for construction or repair work. The existing 16-inch main through the subject property is used as a distribution main. The two existing valves, east of I-5 and at the Spicer Road/Circle Drive intersection, are approximately 1,600 feet apart. The Engineering Division has determined that the installation of two in-line valves between the existing valves would satisfy the Water Facility Plan requirements.

- 1.23 The Site Plan also shows extension of 8-inch dead-end mains for fire hydrants along the northerly side of the Home Depot building and along the south side of the Retail "A" building. Over time, water in very long dead-end mains becomes stagnant and can create a health risk. "Looping" water mains eliminates the stagnant water problem, and improves fire flows to the hydrant.
- 1.24 The Site Plan shows proposed fire hydrants near the northwest and southwest corners of the proposed Home Depot building and at the northeast and southwest corners of the Retail "A" building. These fire hydrants are necessary to provide adequate fire protection. The double check valves on the public water lines are not required.
- 1.25 The proposed street plan eliminates the existing hydrant at the planned Fescue Street and Spicer Road intersection. This hydrant is needed for fire protection, and must be replaced.
- 1.26 The applicants have submitted a "Lot and Waterline Exhibit," dated 4-28-97, which shows the proposed Garden Center will be 20 feet east of the existing 16-inch water main.

Storm Drainage

- 1.27 Storm drain utility maps show there is a 24-inch storm drain across Spicer Road and I-5 just south of Highway 20. There are roadside ditches adjacent to Spicer Road and I-5, and a series of culverts under I-5 south of the southwest corner of the subject property.
- 1.28 The Site Plan submitted by the applicants proposes to drain the entire proposed development northward to the 24-inch main. The Site Plan shows extension of public storm drain mains from the 24-inch main, along the subject property's Spicer Road frontage, and along the extension of Fescue Street.
- 1.29 The Site Plan also shows separate private storm drainage/detention systems for both potential building sites east and west of the proposed extension of Fescue Street. The applicants have used the "Modified Rational Method" to calculate the amount of detention required. Current City of Albany design criteria require that detention be calculated using the SCS TR-55 method (or an acceptable alternative).
- 1.30 Section 12.580 of the revised Albany Development Code requires that "all new development within the City must, where appropriate, make provisions for the continuation or appropriate extension of existing storm sewer lines or drainageways serving surrounding areas. Section 12.550ADC requires that "a culvert or other drainage facility shall be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside of the development."

The City Engineer has determined that the proposed public storm drain main extension along the northerly section of the Fescue Street extension and along the Spicer Road frontage of the subject property must be installed at maximum depth and minimum grade so that it can serve the Spicer Wayside and Spicer Road areas east of the subject property. Final pipe sizes, alignments, slopes, etc. are determined at the time that final engineering plans are submitted for review by the City Engineer.

Pedestrians

- 1.31 Currently, there are no pedestrian facilities along Spicer Road or Fescue Street.
- 1.32 Section ADC 12.290 requires sidewalks to be provided at the time a Collector Street is constructed and also at the time of development of the adjoining property. Because the subject property is located in the City's "East I-5 Vision" planning area, setback sidewalks will be required. (The plan suggests design standards, such as "tree-lined streets," although these standards have not yet been adopted.)
- 1.33 The Site Plan proposes a number of pedestrian connections. There are frontage sidewalks along Spicer Road and Fescue Street, and sidewalks from the streets to the entrances of the proposed buildings.
- 1.34 Section 8.080(2)(b) of the revised Albany Development Code requires that "pedestrian connections to adjoining properties shall be provided except where such a connection is impractical. Pedestrian connections shall connect the on-site circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential of redevelopment, streets, accessways and walkways on-site shall be laid out or stubbed to allow for extension to the adjoining property."

Cyclists

- 1.35 Currently cyclists using Spicer Road share the roadway with motorized traffic. Fescue Street currently does not extend through the property.
- 1.36 Section 12.340 of the revised Albany Development Code requires bicycle lanes on Collector streets at the time the street is construction. Section 12.350ADC requires a minimum bicycle lane of six (6) feet adjacent to the curb.
- 1.37 The Site Plan shows that bike lanes are proposed in conjunction with improvements to Fescue Street. Bike lanes along this property's frontage on Spicer Road are included in the proposed street improvement project.
- 1.38 For each parking area in a commercial or office development containing more than 15 spaces, the Albany Development Code requires a minimum of two bicycle parking spaces plus 1 space for every 10 automobile spaces required [ADC 9.120(13) revised]. This would result in 38 bicycle spaces for Home Depot and 11 spaces for the Retail A building.

Transit

- 1.39 Fescue Street and Spicer Road are designated as collectors. As development of this area continues, the need for transit service will increase. As funding is available, transit service will be expanded along the network of collectors and arterials.

- 1.40 The City acknowledges that transit service does not currently serve this area; however, it may in the future. The provision for a bus shelter pad by the applicant would facilitate the upgrading of future service in this area. It would also benefit the applicant in the long term because there would not be a future need to remove landscaping to accommodate the pad.

(2) Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.

- 2.1 Topography. The subject property is relatively flat with an elevation ranging from 235 feet to 236 feet. The west half of the site is currently being used for a truck stop and contains a paved fueling station, a motel and a graveled parking area of overnight parking. The eastern portion of the site is currently vacant except for a small beauty shop located at the northeast corner of the site.
- 2.2 Floodplain. The subject property does not lie within a floodplain as shown of FEMA/FIRM Community Panel No. 4101370002E (dated March 16, 1989).
- 2.3 Wetlands. The US Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (Albany Quad)(1994) shows no wetlands on the subject property nor have any wetlands been identified by the applicants, affected parties, or by staff review.
- 2.4 Vegetation. The subject properties are not identified as having natural vegetation or wildlife habitat as noted on Plate 3 of the Comprehensive Plan. There are approximately 15 deciduous and coniferous trees scattered across the subject property, and another 10 oak trees and 3 fir trees along the western and southern boundary of Tax Lot 401. These trees range in size from about 24 inches to 30 inches in diameter and are approximately 75-to-100 feet tall.
- 2.5 Historic District. The subject property is not located within any historic district identified on Plate 9 of the Albany Comprehensive Plan.
- 2.6 Groundwater Protection. The site has been in a variety of commercial use for many years. It is important that previous facilities be properly abandoned prior to new construction. Check with Linn County Environmental Health Manager, Rick Partipilo, at 967-3821 on requirements for abandoning septic tanks, for capping old wells, for removing buried fuel storage tanks or for correcting possible conditions that could present a potential for ground water contamination.
- 2.7 Airport. The subject property is located under the approach surface to the Albany Municipal Airport, approximately 3,000 feet south of Runway 34. At this distance, the height limitation imposed by Section 6.040 (1) of the revised Albany Development Code prohibits structures exceeding 137 feet on the subject property, well above the estimated height of 30 feet for the proposed building. The subject property is also located within the 55 to 60 Day-Night Sound Level (Ldn) area. This finding serves as the required declaration of anticipated noise levels which may be objectionable to the applicant (ADC6.060 revised). There are other general conditions that apply to all development in proximity to the airport that are applicable to the request in order to prevent interference with airport operations.

(3) The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.

- 3.1 **Overview.** The applicant proposes to build a 101,795 (previously 93,603) square foot enclosed retail outlet with a 18,510 square foot outdoor garden area on the east side of Fescue Street and a 16,385 (previously 18,882) square foot retail building with related parking on the west side of Fescue Street.
- 3.2 **Intent of Zoning District.** A variety of uses are permitted in the CH (Heavy Commercial) zoning district, which is intended primarily for areas where a mixture of commercial and light industrial activities which are characterized by extensive outside storage, truck traffic, and/or noise [ADC 4.020(4) revised]. The proposed use is appropriate for the CH district because of the scale of the building and transportation needs.
- 3.3 **Surrounding Development and Land Use.** To the north, across Spicer Road, a residential single-family subdivision and two professional offices in the Office Professional district (this property has also received Conditional Use approval for the construction of a restaurant). To the northwest in the CH district, there are offices for the Oregon State Police and a bank. To the east outside the city limits, there are single-family residents on parcels ranging in size from 10,000 square feet to 25,264 square feet, and a residential subdivision with lots of 11,000 square feet. To the south west of Rye Street, there are a variety of light industrial uses and vacant land industrial land in the Light Industrial district. There are residences on the east side of Rye Street in the Residential Limited Multiple Family district. To the west is Interstate 5.
- 3.4 **Compatibility.** At the level of site plan review, the question of compatibility must first be framed within the context of the following purpose statement: *Site plan review is intended to promote functional, safe, and attractive developments which maximize compatibility with surrounding developments and uses and with the natural environment. Site plan review mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Site plan review is not intended to evaluate the proposed use or the structural design of the proposal. Rather, the review focuses on the layout of a proposed development, including building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. [ADC 8.020 revised]*
- 3.5 **Modifications.** This review is limited to examining compatibility in terms of the physical design of the proposed development. To the extent that impacts of the use can be modified by redesign of the site, this review will consider building placement, setbacks, parking areas, external storage areas, open areas, and landscaping. Whether the site is appropriate for uses allowed in the CH district is considered in the application for the zone change. Compatibility issues related to traffic impacts are addressed earlier in this review under public facilities - transportation.
- 3.6 **Standard Conditions.** There are a number of on-site development standards set forth in the Albany Development Code that are intended to foster high quality development throughout the City and to minimize adverse effects on surrounding property owners or the general public. These standards address such features as off-street parking, landscaping, setbacks, height limitations, outside storage, garbage disposal, fences, signs, lot coverage, and lighting. Additional conditions of approval may be warranted if on-site development standards do not adequately mitigate the issues of compatibility.
- 3.7 **Comments from Neighbors.** The Notice of Public Hearing was remailed to 21 adjacent property owners as this report was being completed. The issues most commonly raised by neighbors are discussed in detail as follows. Two neighbors located directly across from the northeastern corner of the site appeared at the Planning Commission public hearing and raised issues related to increased traffic on Spicer Road, location of their driveway, need for an additional driveway on Circle Drive, the impact of the widening of Spicer Road on their existing hedge located across the Spicer Road frontage, if the speed

limit would be increased on Spicer Road with the street improvements, and to the possibility of loitering after hours in the parking lot. Frank Parisi, Home Depot's attorney responded to the issues and indicated the willingness of Home Depot to find solutions to those concerns. City staff also responded to some of the concerns relating to the location of the hedge and that it appeared that the hedge in question can be saved as the street plan is for the curb to be 5-6 feet from where the hedge ends.

3.8 **Lot Coverage.** Commercial Development Standards, as shown in Article 4 of the Albany Development Code, Table 1, indicate that CH zoned property may have building and parking coverage up to 100% of the land area being developed. The applicant's are not covering their entire sites with building and parking. Both sites have met or exceed Development Code standards for landscaping adjacent to public rights-of-way, parking lot landscape standards, and buffering and screening areas.

3.9 **Landscaping.** The landscape standards for commercially zoned property require that all front yards exclusive of access ways and other permitted intrusions are required to be landscaped prior to issuance of an occupancy permit. A temporary occupancy permit for up to one year may be issued if the developer posts a bond with the city. The CH zoning district has a front yard setback of 10 feet. A condition of approval specifies the required minimum landscaping along the Fescue Street and Spicer Road frontages in accordance with the following proportions per 1000 square feet of required yard area:

- a. One tree at least six feet in height;
- b. Five five-gallon or eight one-gallon shrubs, trees or accent plants.
- c. The remaining area treated with attractive ground cover (e.g. lawn, bark, rock, ivy, and evergreen shrubs) [ADC 9.140(2) revised].

3.10 **Buffering Requirements.** In order to reduce the impacts on adjacent uses which are of a different type, buffering is required in accordance with the matrix which follows Section 4.280 of the revised Albany Development Code. The site plan applies the buffering standards along the east property line where there are residences as required by the matrix. The applicant has voluntarily applied the buffering standards along the south property line. A condition of approval specifies the required minimum buffering along the east property line in accordance with the following proportions:

- a. At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart.
- b. At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area
- c. The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs.)
- d. Where screening is required the following standards apply in addition to a and c above: (1) One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting; or (2) A minimum of a five-foot fence or masonry wall constructed to provide a uniform sight-obscuring screen, or (3) An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.

- 3.11 **Landscape/Irrigation Plans.** The site plan showing landscape areas qualifies as the conceptual landscape plan required at the time of application. The plan shows that street frontages and parking lot islands will be landscaped as required. The applicant has not submitted a detailed landscape and irrigation plan. As a condition of approval, such a plan must be submitted for staff review and approval prior to occupancy of the building.
- 3.12 **Vision Clearance Safety.** The vision of drivers entering intersections must remain unobstructed by landscaping and fencing in order to prevent motor vehicle accidents. This applies to driveway intersections as well as street intersections. As a condition of approval, landscaping and fencing shall be placed respecting vision clearance areas as described in Section 12.180 of the revised Albany Development Code.
- 3.13 **Signage.** The placement of signs is regulated through Article 13 of the Albany Development Code in order to enhance the aesthetic character of the City. Sign permits are required for signs identifying the development. The applicant has requested a Sign Variance to classify the site as a major integrated center and as such would adhere to the signage restrictions listed in Sections 13.434 through 13.438 of the revised Albany Development Code for the Home Depot development. Signage requirements for "The Home Depot" development located east of Fescue Street and south of Spicer Road will be conditioned by the Variance decision as discussed on pages 25 through 29 of this report. The Building "A" development occurring on the west side of Fescue Street is subject to the sign regulations listed in Sections 13.420 through 13.425 of the revised Albany Development Code. Both developments are limited by the height restrictions of the Heavy Commercial zoning district [ADC 4.240(1) revised]. Specifically, the "pylon sign" designated near between the Retail "A" building and Interstate 5 may be used as the conforming sign for the Retail "A" building, but it cannot be used for Home Depot as indicated on the Site Plan because it would be an off-premise sign.
- 3.14 **Lighting.** To minimize the night time impact of the proposed use, a condition of approval requires that any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street [ADC 9.120(14) revised].
- 3.15 **Refuse.** The unsightliness of refuse containers must be screened from view of passing motorists along Fescue Street or customers of Home Depot. The trash compactor located neat the southwest corner of the Home Depot building is not screened, nor does the site plan show a location for the refuse contained for the retail building west of Fescue Street. A condition of approval requires that all refuse materials be contained within a screened area consisting of a sight-obscuring fence, wall or hedge at least 6 feet in height [ADC 4.300 revised].
- 3.16 **Outside Storage.** All activities associated with the proposed uses will occur within the Home Depot or Retail A buildings, except for the gardening center attached to Home Depot. The site plan indicates that the garden center will be enclosed by a 13-foot high sight-obscuring fence. This design is consistent with the requirement that open storage is permitted provided that such storage is enclosed with a sight-obscuring fence, wall, or hedge, or a berm, any or all of which must be constructed of non-combustible material. A condition of approval implements this standard.

(4) Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.

- 4.1 The site plan submitted by the applicant shows a total of 701 parking spaces for both proposed developments, including 15 disabled parking spaces.
- 4.2 The Albany Development Code requires 1 off-street parking space per 300 square feet of gross floor area Offices and 1 space per 500 square feet of gross floor area for Building Material Sales. Shopping Centers, Food, Drugs, Hardware, Variety and Department Stores are required to have one space per 200 square feet of sales floor area. Warehousing and whole sale businesses are required to provide 1 off-street parking space per 2 employees plus 1 space per 300 square feet of patron serving area plus 1 space per company vehicle. Speciality shops and other retail stores under 6,000 square feet in size are required to provide 1 off-street parking space per 300 square feet of gross floor area plus 1 space per 3 employees. In the case of mixed uses, the total requirements for off-street parking shall be the sum of the requirements for the various uses [ADC 4.250 revised].
- 4.3 The applicant proposes to construct a 101,795 square foot enclosed retail outlet [3,680 square feet, offices; 35,756 square feet, building supplies; 57,355 square feet, hardware; 5,004 square feet, receiving and holding (6 employees)] and an 18,510 square foot, outdoor garden area (Home Depot site). Based upon Development Code standards, a minimum of 358 off-street parking spaces are required. The applicant has proposed to construct 475 off-street parking spaces which exceeds the requirements of ADC 4.250.
- 4.4 The applicant proposes to construct an 16,385 square foot Retail A building on the west side of Fescue Street which by Development Code standards would require a minimum of 54 off-street parking spaces based on the square footage of the building. The applicant has proposed to construct 226 off-street parking spaces which allow 172 parking spaces for employees which will exceed the requirements of ADC 4.250.
- 4.5 Parking areas shall be divided into bays of not more than 12 parking spaces. Between or at the end of each parking bay there shall be curbed planters of at least 5 feet in width [ADC 9.150(1 & 4) revised]. The applicant's site plan conforms to this requirement.
- 4.6 Parking areas shall be separated from the exterior wall of a structure by pedestrian entrance ways or loading areas or by a 5-foot strip of landscaping materials [ADC 9.150(3)]. The proposed site plan shows a 5-foot concrete walkway along the north, east, and south sides of the Home Depot building. A similar separator is needed on the north side of the Retail A building.

Sign Variance

13.710(1) The granting of the Variance would not decrease traffic safety nor detrimentally impact any other identified items of public welfare.

- 1.1 The applicant states that "Home Depot's proposed Albany site with a total of 112,132 square feet in gross floor area between the Home Depot and the Outdoor Garden Center, would be consistent with existing Major Integrated Centers in Albany, particularly Heritage Mall. Approval of Home Depot as a Major Integrated Center will provide the minimum required graphic identification for Home Depot, providing: (a) A graphic that is more visually appealing in scale to the size of the building; and (b) Create better identification for customers to locate the store, minimizing traffic impact or other hazards."

13.710(2) There are unique circumstances or conditions of the lot, building, or traffic patterns such that: (a) The requested Variance better implements the purpose of the Article as stated in Section 13.110; (b) The granting of the Variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any one business. The Variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this Article.

- 2.1 The applicant states in response to (a) that “The granting of the Variance would logically increase traffic safety by more appropriately signing the Home Depot site, providing better visual clarity of the graphics, making the store more readily identifiable.”
- 2.2 The applicant states in response to (b) that “The unique conditions of Home Depot’s building and lot justify this Variance for approval. Situated on more than 14 acres with more than 100,000 square feet in the main building, approval would provide a more equitable means of business identification on par with other Albany retailers, particularly the Fred Meyer Development, Heritage Mall, Heritage Plaza, and the Albany Plaza.”
- 2.3 The applicant states that “Approval would merely put Home Depot on a par with other retailers in Albany, some with less exterior building frontage and overall floor square footage. Not only will approval as a Major Integrated Center provide a more equitable method of business identification, but it will also promote public safety by providing a more legible exterior identification for traffic along Fescue and Spicer Roads, creating greater aesthetic value by providing signs more in scale with the building, and improve the economic benefit generated for the City of Albany from Home Depot.”

13.710(3) The Variance would not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a Variance.

- 3.1 The applicant states that the “Variance approval would not grant special consideration to Home Depot in relation to either (a) neighboring businesses, or (b) competing businesses. Instead, approval would provide a more equitable allocation of signage for Home Depot’s building frontages than granted under standard conditions.”
- 3.2 The Albany Sign Code restricts signage for an individual business in the CH (Heavy Commercial) district to 1.5 square feet per foot of street frontage for a maximum aggregate area of 200 square feet, with wall signage restricted to 1 foot per foot of wall frontage or 12% of the wall area whichever is less with a maximum wall sign of 100 square feet. Free-standing signs are limited to 3/4 square foot of street frontage with a maximum size of 160 square feet and a maximum height of 30 feet.
- 3.3 The Albany Sign Code allows two wall signs on each street or parking lot frontage in a Major Integrated Center with an aggregate area of 3% of the wall area provided that the building wall is at least 75 feet from a residential district with a maximum aggregate area of 200 square feet. Free-standing signs are limited to a maximum of 200 square feet per street frontage, with a maximum height of 30 feet. Free-standing signs must be spaced a minimum of 200 feet apart.
- 3.4 In order to fully assess the impact of granting the proposed Variance, staff reviewed the signage at other integrated centers as follows to determine if the granting of the Variance would be justified:

<u>BUSINESS NAME</u>	<u>SQ FT OF BUILDING</u>	<u>DISTANCE FROM STREET</u>	<u>QTY (SIZE) TYPE OF SIGN</u>
GI Joe's	56,480	365' from 14th Avenue	1 (198.44 sf.) G I JOE'S individual letters
Target	82,000	480' from 14th Avenue	1 (170 sf.) Logo & TARGET individual letters
J C Penney	33,000	680' from Geary Street	1 (78 sf.) J C PENNEY individual letters
		650' from Clay Street	1 (78 sf.) J C PENNEY individual letters
		300' from 14th Street	1 (78 sf.) J C PENNEY individual letters
Sears	68,000	600' from Geary Street	1 (125 sf.) SEARS individual letters
		700' from Clay Street	1 (125 sf.) SEARS individual letters 1 (50 sf.) AUTO CENTER individual letters
Sears		800' from Santiam Hwy	1 (125 sf.) SEARS individual letters 1 (62.5 sf.) PARTS & SERVICE individual letters
Emporium	48,000 square	340' from Geary Street	1 (148 sf.) EMPORIUM individual letters
		460' from 14th Avenue	1 (148 sf.) EMPORIUM individual letters
		440' from N. property line	1 (148 sf.) EMPORIUM individual letters
Fred Meyers	110,000	1,120' from Santiam Hwy	1 (115 sf.) FRED MEYER individual letters
		350' from Waverly Drive	1 (115 sf.) FRED MEYER individual letters
		680' from 14th Avenue	1 (115 sf.) FRED MEYER individual letters
		350' from Santiam Hwy west	1 (115 sf.) FRED MEYER individual letters
			1 (49.6 sf.) Mounted Sign
		360' from Santiam Hwy east	1 (115 sf.) FRED MEYER individual letters
Bi-Mart	30,000	430' from Santiam Hwy	1 (195.31 sf.) BI-MART individual letters
		20' from Clay Street	1 (100 sf.) BI-MART individual letters
Payless	29,500	300' from Waverly Drive	1 (144.68 sf.) Mounted Sign
Alberton's	31,000	300' from Waverly Drive	1 (90 sf.) Mounted Sign
Mervyn's	61,250	180' from Airport Road	1 (99 sf.) MERVYN'S individual letters
		515' from Albany Avenue	1 (99 sf.) MERVYN'S individual letters

		700' from Pacific Blvd.	1 (99 sf.) MERVYN'S individual letters
K-Mart	80,850	200' from Pacific Blvd.	1 (59.33 sf.) K-MART individual letter
		200' from Pacific Blvd.	1 (70 sf.) AUTO CENTER individual letters
		700' from Albany Avenue	1 (128.33 sf.) K-MART individual letter

3.5 The applicant is proposing wall signs on three sides of the building ranging in size from 168.75 square feet (west elevation, plus an additional 29 square foot "Nursery" sign for an aggregate area of 197.75 square feet) to 186 square feet on the north and south elevations (see attached elevation drawings). The signage on the west elevation is located approximately 35 feet from Fescue Street ("Nursery sign") and 60 feet from Fescue Street (The Home Depot). The north elevation sign ("Home Depot") is located approximately 210 feet from Spicer Road. The south elevation sign ("The Home Depot") faces an interior property line and is approximately 100 feet from the property line and approximately 400 feet from the 18th Avenue and Fescue Street intersection. The applicant proposes a free-standing sign, 196 square feet in size.

13.710(4) Granting of the Variance would not obstruct views of other buildings or signs or cover unique architectural features of a building or detract from landscape areas.

4.1 The applicant states that "Due to the large size and topography of the 14.27 acre Home Depot parcel, obstruction of other buildings, signs, architectural features or landscape areas is not an issue."

13.710(5) The size, placement, color, and graphics of the proposed sign results in more attractive signage than that allowed under strict interpretation of the Code.

5.1 The applicant states that "The proposed sign program, allowing up to 200 square feet of building signage per elevation, or 3% of the gross wall area, whichever is less, as required for Major Stores in Integrated Centers, creates signage that is more in scale with the size of Home Depot's exterior walls. To scale down the signage under 100 square feet would severely distort the signage presentation to the public. As evidenced in the accompanying photograph of The Home Depot Beaverton store, the signage would drastically look out of scale to the exterior wall space.

As the attached Fred Meyer example shows, adequately sized building signage is important to properly identify the business within a scale that is consistent with the building size. We submit that the Variance application for Home Depot not only is consistent with other approvals for existing retail, but also creates a better sign program than would be allowed outside the Major Integrated Center classification."

EXHIBIT I
APPROVED SITE PLAN
Site Plan Review File SP-80-96 and Variance File VR-03-97

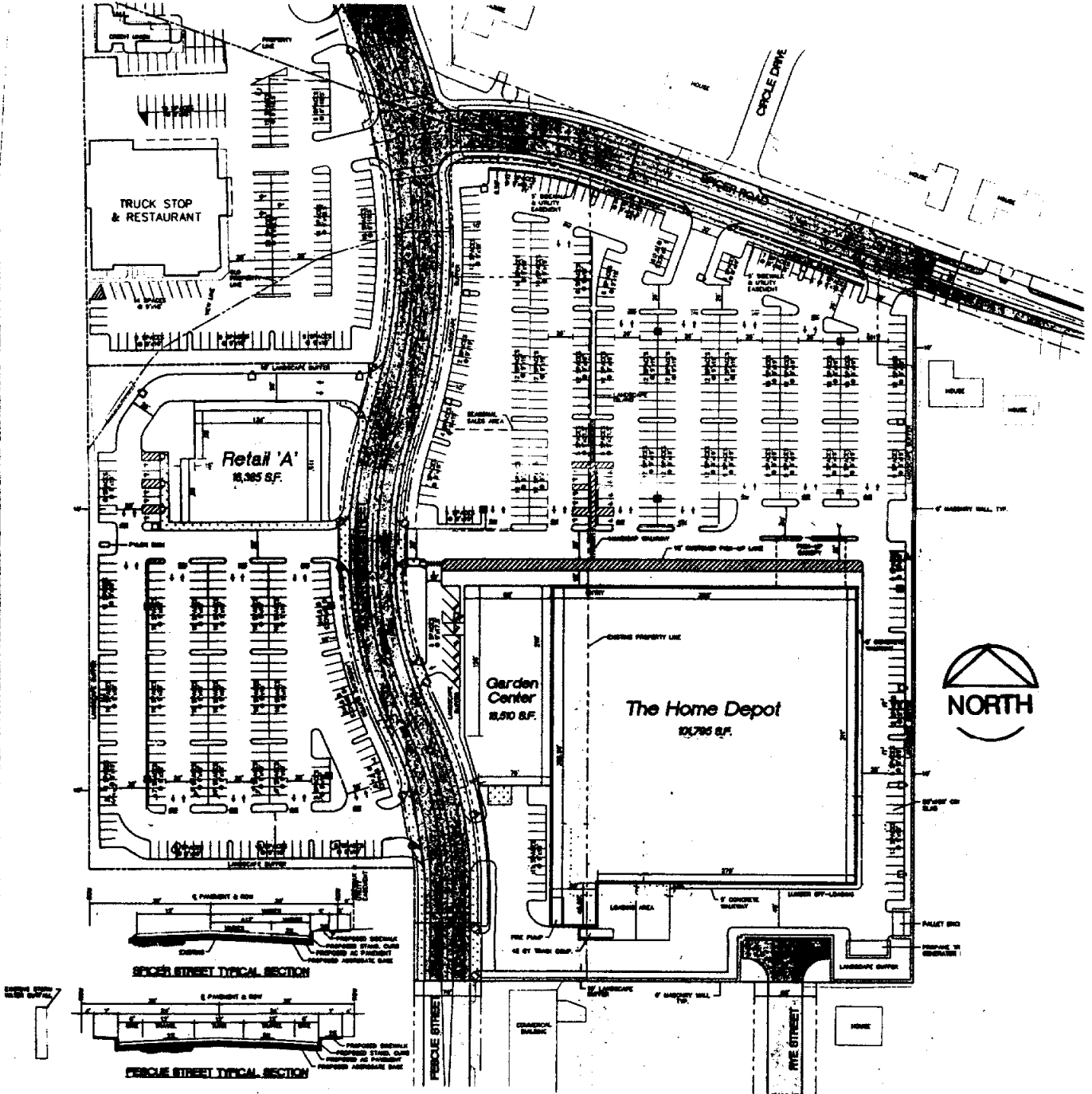


EXHIBIT J
LAND USE CONDITIONS OF APPROVAL
Site Plan Review File SP-80-96 and Variance File VR-03-97

The following land use conditions of approval relate to site plan review criteria in the Albany Development Code and to the findings of fact in the staff report. Unless otherwise noted, all conditions of approval must be completed to the satisfaction of the City's representative prior to occupancy of the building.

PUBLIC FACILITIES (TRANSPORTATION)

1.1 Needed Improvements to Spicer Road:

- (a) Construct street improvements to city standards on Spicer Road along the frontage of the subject property, including: 1) curb and gutter; 2) storm drainage; 3) a 6-foot wide detached sidewalk on the south side with a 5-foot wide landscaped planting strip; a 12-foot wide travel lane in each direction; 6-foot wide bicycle lanes; a 12-foot wide two-way left-turn lane; and needed transitions.
- (b) These improvements result in the need for an ultimate right-of-way width of 70 feet. The property owner shall dedicate an easement five (5) feet in width on the subject property along its entire Spicer Road frontage for construction and maintenance of the required sidewalk.

1.2 Needed Improvements to Fescue Street:

- (a) Construct full width street improvements to City standards on Fescue Street from its existing terminus at the southerly boundary of the subject property to Highway 20. All work on Fescue Street within the Oregon Department of Transportation (ODOT) right-of-way shall be coordinated with ODOT.
- (b) The curb-to-curb width of Fescue Street, from Spicer Road south, must be 48 feet in order to provide: a 12 foot wide traffic lane in each direction; a 12 foot wide center turn lane; and a 6-foot wide bicycle lane on each side. Sidewalks must be six (6) feet wide, setback from the curb by a five (5) foot wide planter strip.
- (c) The curb-to-curb width, from Spicer Drive north to Highway 20, shall be sufficient to provide four traffic lanes at the intersection with Highway 20 including: a 12-foot wide southbound lane; two 12-foot wide northbound left turn lanes; a 12-foot wide northbound through and right turn lane; six (6) foot wide bicycle lanes on each side; and two seven (7) foot wide sidewalks adjacent to the curb. The existing eastbound free right turn onto Fescue Street must be removed.
- (d) These improvements result in the need for right-of-way width of 70 feet south of Spicer Road and 74 feet north of Spicer Road. The property owner shall dedicate a strip of land 70 feet in width as shown on the Site Plan for public right-of-way. Except that only 65 feet will need to be dedicated along the southerly 118.8 feet of the subject property, because the owner of property adjacent (Tax Lot 900, Linn County Assessor's Map 11S-3W-9CD) to the subject property has already dedicated a 5-foot wide strip of land that will accommodate the proposed extension of Fescue Street.

- 1.3 Modify the existing traffic signal at the new Fescue Street/Highway 20 intersection to accommodate the new intersection configuration. Install new poles, mast arms, signal heads, and related equipment needed to modify the signal installation. The existing controller may be used.
- 1.4 Prepare and include an interim signalization plan for the intersection of the new Fescue Street and Highway 20 with public improvement plans for the development's Site Improvement (SI) permit. The interim plan shall assume that ODOT's reconstruction of the signal is delayed and will occur after the proposed development is ready for an occupancy permit.
- 1.5 All public improvements shall be designed and constructed to meet City approval through the City's SI permit process. All public improvements must be constructed or improvement assurances meeting the requirements of ADC 12.590-12.610 shall be provided, prior to issuance of building permits. All conditions of approval shall be met prior to occupancy. If ODOT has not reconstructed the traffic signal at the intersection of the new Fescue Street and Highway 20 when the proposed development is ready for occupancy, the property owner shall implement the interim access plan and provide improvement assurances for the ultimate reconstruction of the signal.
- 1.6 The property owner shall sign a Petition for Improvement and Waiver of Remonstrance for the future improvement of Timber Street (shown on Figure 3 of the "East I-5 Infrastructure Study" prepared by CH2M Hill, dated May 1995). If a Local Improvement District (LID) is ever formed to construct these improvements, the property owner's share of the cost will be based on benefit that will be determined at that time. The significant cost of improvements to the intersection of Fescue Street and Highway 20 borne by the property owner as part of this Site Plan Review shall be considered at the time benefit for the future project is determined. The property owner will have the opportunity to have input in the method chosen by the City to determine when and how individual properties are benefitted. The City will provide the Petition and Waiver form and will mail it to the applicant for notarized signatures within 10 working days of the effective date of the approval by the City Council [ADC 12.060 revised].

PUBLIC FACILITIES (SANITARY SEWER)

- 1.7 A sanitary sewer collection main shall be constructed across the full length of the Spicer Road frontage of the subject property, as shown on the Site Plan. This sanitary sewer shall be installed at maximum depth and minimum grade in order to serve the maximum area east of the subject property.
- 1.8 The Site Plan must be modified so that the length of the sanitary sewer service lateral does not exceed 100 feet. This may be done by extending a public main closer to the proposed Home Depot building, or by extending a service lateral to the westerly edge of the proposed building.
- 1.9 A 20-foot wide public easement must be provided for all public sanitary sewer lines not lying within a public right-of-way. The applicant must provide the City with the legal description for the public easement and the City will insert the approved description into the City's easement form for signatures and recordation.
- 1.10 According to the City of Albany Finance Department, this property has not been assessed for existing public sanitary sewer mains. An in-lieu-of assessment charge for sanitary sewer for this tax lot in the amount of \$45 per running foot of frontage, and \$1500 per existing service lateral (Resolution No. 3445) may be assessed based upon the current in-lieu of assessment ordinance when the parcel is developed and/or prior to connection to the sanitary sewer system [AMC Chapter 10.14].

- 1.11 Sanitary sewer System Development Charges for commercial development are calculated based on the number of plumbing drainage fixtures for the proposed building. These charges are due (or arrangements for financing the charges must be made) at the time of issuance of Building Permits (Resolution No. 3513).

PUBLIC FACILITIES (WATER)

- 1.12 The property owner shall provide 15-foot wide easements centered over all existing and proposed water lines, including the existing 16-inch water main located west of the proposed Garden Center. The applicant must provide the City with the legal description for the public easement and the City will insert the approved description into the City's easement form for signatures and recordation.
- 1.13 Install the 12-inch water main extension, shown on the site plan, from the existing 8-inch water main at the northerly end of Fescue Street to the existing 16-inch main. Two in-line 16-inch valves must also be installed on the existing 16-inch main: One at the connection point of the proposed 12-inch main in fescue Street and one at the connection point of the water main for the fire hydrant at the northeast corner of the "Retail A" building.
- 1.14 Eliminate the proposed 450-foot long dead-end fire hydrant main shown on the Site Plan north of the proposed Home Depot building. This must be done by connecting to the existing 8-inch public water main at the northerly end of Rye Street and extending the 8-inch line along the easterly property line of the subject property to the 12-inch main in Spicer Road. This public water main extension shall include fire hydrants near the southeast and northeast corners of the proposed Home Depot building.
- 1.15 Do not install the double check valves shown on the public water lines. They are not required. (The fire hydrants shown on the Site Plan near the northwest and southwest corners of the Home Depot building and at the northeast and southwest corners of the Retail "A" building are needed for fire protection and shall be installed.)
- 1.16 Reinstall the fire hydrant that will be removed at the proposed intersection of Fescue Street and Spicer Road.
- 1.17 Water service to the new building is not shown on the submitted Site Plan. **Prior to issuance of Building Permits**, the intended meter locations and sizes are to be shown on the plans. The requirements for installing new services and meters are issued by the Engineering Division. In addition, the size of the new water service lines need to be indicated on the plans submitted for Building Permit issuance. This requirement is placed to ensure that the service line head loss is not excessive, resulting in a water pressure reduction at the building [AMC 11.01.100 and Uniform Plumbing Code].
- 1.18 Backflow protection is required for fire sprinkler and irrigation systems [AMC 11.01.225 and OAR 333.61.070]. All required backflow protection devices shall be installed and tested at the applicant's expense **within 60 days of occupancy of the building** and thereafter tested annually at the applicant's cost.
- 1.19 According to the City of Albany Finance Department, this property has not been assessed for existing public water mains. An in-lieu-of assessment charge for water for this tax lot in the amount of \$30 per running foot of frontage (Resolution No. 3467) may be assessed based upon the current in-lieu of assessment ordinance when the parcel is developed and/or prior to connection to the public water system (AMC Chapter 11.14). This in-lieu-of assessment for water mains may be discounted for properties

connecting to waterlines purchased from Pacific Power & Light in accordance with the discount percentages discussed in Resolution No. 3467.

- 1.20 Water System Development Charges for commercial development are calculated based on the size of water meter installed. These charges must be paid, or arrangements for financing the charges made, at the time of issuance of Building Permits (Resolution No. 3514).

PUBLIC FACILITIES (STORM DRAINAGE)

- 1.21 Install the public storm drain main extensions along the northerly section of the Fescue Street extension and along the Spicer Road frontage of the subject property at the maximum depth and minimum grade in order to serve the Spicer Wayside and Spicer Road areas east of the subject property.
- 1.22 Final design calculations for proposed detention systems, one for the Retail "A" building area and one for the Home Depot building area, must use the SCS TR-55 method or an acceptable alternative.

PUBLIC FACILITIES (SIDEWALKS)

- 1.23 Construct a 7-foot wide curbside sidewalk along both sides of the Fescue Street improvements north of Spicer Road and south of Santiam Highway and a 6-foot setback sidewalk along the south side of Spicer Road and Fescue Street south of Spicer Road in conjunction with those street improvements.
- 1.24 Construct a sidewalk across the front of both proposed buildings and from the front of each building to Fescue Street.

PUBLIC FACILITIES (BIKE LANES)

- 1.25 Construct 6-foot wide bike lanes along both sides of the Fescue Street improvements.

PUBLIC FACILITIES (TRANSIT)

- 1.26 **Prior to issuance of Building Permits**, an 8' x 10' easement for a bus shelter and pad shall be granted to the City of Albany for access, repair and maintenance purposes on both sides of Fescue Street near the private sidewalk connection to the street. The applicant must provide the City with the legal description for the public easements and the City will insert the approved description into the City's easement form for signatures and recordation.
- 1.27 **Prior to issuance of an Occupancy Permit**, an 8' x 10' bus shelter pad shall be constructed to City Standards in the location of both easements.

SPECIAL FEATURES

- 2.1 **Prior to issuance of Building Permits**, provide a letter of response from the Linn County Environmental Health Department to the Public Works Engineering Division that prior underground facilities have been properly abandoned.
- 2.2 All outdoor lighting shall be oriented to prevent glare above the horizon. Any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street.

- 2.3 No use may be made of the subject property in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, impair visibility in the vicinity of the airport, create bird strike hazards, or other wise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

COMPATIBILITY

- 3.1 **Landscape Plan. Submit Landscape Plan to the Planning Division for review and approval prior to occupancy of the building** [ADC 9.180 revised].

Minimum Landscaping required adjacent to Fescue Street for the Home Depot development in a minimum 10-foot wide landscape strip [ADC 9.140 revised]:

- a. **Seventeen (17)** street trees a minimum of 6 feet in height at time of planting and spaced a maximum distance of 45 feet on center.
- b. **Forty (40)** five-gallon shrubs or **sixty (60)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping required adjacent to Fescue Street for the development on the east side of Fescue Street in a minimum 10-foot wide landscape strip [ADC 9.140 revised]:

- a. **Eleven (11)** street trees a minimum of 6 feet in height at time of planting and spaced a maximum distance of 45 feet on center.
- b. **Twenty-five (25)** five-gallon shrubs or **thirty-eight (38)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping required adjacent to Interstate Five for the development on the east side of Fescue Street in a minimum 10-foot wide landscape strip [ADC 9.140 revised]:

- a. **Eleven (11)** street trees a minimum of 6 feet in height at time of planting and spaced a maximum distance of 45 feet on center.
- b. **Twenty-five (25)** five-gallon shrubs or **thirty-eight (38)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping/Buffering required adjacent to Spicer Road in a minimum 10-foot wide landscape strip (Home Depot Development) [ADC 9.140 revised]:

- a. **Fourteen (14)** deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or **twenty-eight (28)** evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least **twenty (20)** five-gallon shrubs or **forty (40)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).

Minimum Landscaping/Buffering/Screening required adjacent to east property line in a minimum 10 foot wide landscape strip [ADC 9.210 revised]:

- a. **Twenty-four (24)** deciduous trees not less than 10 feet high at time of planting and spaced not more than 30 feet apart or **forty-eight (48)** evergreen trees not less than 5 feet in height at time of planting and spaced not more than 15 feet apart.
- b. At least **thirty-five (35)** five-gallon shrubs or **seventy (70)** one-gallon shrubs.
- c. The remaining area treated with attractive ground cover (lawn, bark, rock, ivy, evergreen shrubs, etc.).
- d. (1) One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting; or (2) A minimum of a five-foot fence or masonry wall constructed to provide a uniform sight-obscuring screen, or (3) An earth berm combined with evergreen plantings or a fence which forms a sight and noise buffer at least six feet in height within two years of installation.

Minimum Landscaping for Planter Bays: **one (1)** tree at least 10 feet high and decorative ground cover containing at least **two (2)** shrubs for every **100 square feet** of landscape area [ADC 9.150(1) revised].

- 3.2 **Irrigation.** All required landscaped areas must be provided with a piped underground water supply irrigation system unless a licensed landscape architect or certified nurseryman submits written verification that the proposed plant materials do not require irrigation. Irrigations systems installed in the public right-of-way require an Encroachment Permit.
- 3.3 **Installation of Landscaping.** Prior to issuance of an Occupancy Permit , *either* the landscaping shall be installed as shown on the approved Final Landscape Plan *or* the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the plant materials and labor as determined by the Director which shall be forfeited to the City of Albany if landscaping is not completed within nine months of issuance of the temporary occupancy permit. An extension of three months may be granted by the Director when circumstances beyond the control of the developer prevents earlier completion.
- 3.4 **Landscape Maintenance.** It shall be the continuing obligation of the property owner to maintain required landscaped areas in an attractive manner free of weeds and noxious vegetation. In addition, the minimum amount of required living landscape materials shall be maintained [ADC 9.200 revised].
- 3.5 **Refuse Containers.** All refuse materials shall be contained within a screened area consisting of a sight-obscuring fence, wall or hedge at least 6 feet in height. No refuse container shall be placed within 15 feet of a dwelling window.
- 3.6 **Vision Clearance Safety.** No trees, shrubs, fences, or signs may be located within any vision clearance area which **prohibits** structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. **For a commercial driveway, the measurement along the lot line and driveway shall be 20 feet and for Spicer Road and Fescue Street, the measurement for the two sides is 30 feet** [ADC 12.180 revised].
- 3.7 **Signage.** Obtain Sign Permit(s) prior to placement of signs [ADC 13.320(15) revised]. The total number and area of signs shall conform to the following for the Home Depot development [ADC 13.434, 13.436 and 13.438 revised].

- a. One free-standing, sign per street frontage with a customer entrance is allowed. This sign is limited to 200 square feet per face and 30 feet in height with a minimum spacing of 200 feet between free-standing signs. Free-standing sign for the Home Depot development must be located east of Fescue Street.
- b. Two wall signs per street or parking lot frontage are allowed. Aggregate wall signage shall be limited to 3 percent of the gross wall area of the face on which the sign is to be located, or 200 square feet, whichever is less provided that the wall is at least 75 feet from a residential area. Individual wall signs located within 100 feet of any property line, may not exceed an area of 115 square feet

3.8 **Signage. Obtain Sign Permit(s)** [ADC 13.210 revised other than for a change of face [ADC 13.320(15) revised]. In a CH zoning district, the total number and area of signs shall conform to the following for the 18,882 square foot retail site [ADC 13.434, 13.436 and 13.438 revised]. For calculation purposes the frontage for this tax lot is 540 feet.

Maximum Number of Signs [ADC 13.422 (1) revised]:	2 per frontage
Maximum Aggregate Area [ADC 13.422(2) revised]:	200 square feet
Maximum Individual Wall Sign [ADC 13.423(1) revised]:	100 square feet or 12% of wall area, whichever is less.
If wall signs used exclusively,	
Maximum Aggregate Area [ADC 13.423(2) revised]:	250 square feet
Maximum Individual Wall Sign [ADC 13.423(2) revised]:	125 square feet or 12% of wall area, whichever is less.
Maximum Free-Standing Sign [ADC 13.424.(3) revised]:	160 square feet with a maximum height of 30 feet [ADC 13.424(1) revised].
Maximum Projecting Sign [ADC 13.425(2) revised]:	80 square feet

3.9 **Signage.** When a free-standing or projecting sign is located at the corner of two intersecting rights-of-way and placed a distance from the right-of-way corner of less than 75 feet, the sign shall be counted as one sign for each frontage. Where a face can be seen from a street, then that face shall count as part of the aggregate area for that street frontage (not to exceed counting one face per frontage). The maximum size allowed for such sign shall be based on the street frontage with the highest average daily traffic count or the average of the two frontages [ADC 13.510(5) revised].

3.10 **Lighting.** Any lighting provided on the site, including that provided by and/or for the illumination of a parking lot, building, or signage shall be arranged to reflect the light away from any residential uses and the adjacent street.

PARKING

4.1 **Provide a minimum of 358 off-street parking spaces for the Home Depot development and provide a minimum of 122 off-street parking spaces for the 16,385 square foot retail store [ADC 4.250 revised].** Parking spaces shall be designated in the parking lot [ADC 9.120(8)] prior to occupancy. Standard parking spaces shall be a minimum of 9 feet by 19 feet. Forty percent of the total parking spaces in the lot may be designated for compact cars. The minimum dimensions for compact spaces shall be 8 feet by 16 feet. Such spaces shall be signed and/or the space painted with the words "Compact Car Only." **Provide fourteen (14) "Disabled" parking stalls a minimum of 17 feet in width**

including access aisle for the Home Depot development and six (6) spaces for the 18,880 square foot retail store. The handicapped parking space shall be designated on the pavement "Disabled Only" and signed as required in Chapter 31 of the Uniform Building Code and in particular Section 3108 [ADC9.120(12) revised].

- 4.2 The parking lot must be constructed in conformance with Section 9.120(3) of the revised Albany Development Code. The Site Plan does not indicate perimeter curbing [ADC9.120(5) revised] nor wheel bumpers for parking slots fronting sidewalks [ADC9.120(6) revised]. This requirement must be indicated on the plans submitted for Building Permits and must be met at the time of construction of the parking lot. (Note: If sidewalks are 7'6" wide, wheel bumpers are not required and the length of the space becomes 16'6".)
- 4.3 A loading area must be provided which is not less than ten feet in width by twenty-five feet in length and have an unobstructed height of fourteen feet and contain not less than 750 square feet for the Home Depot development and 250 square feet for the 18,882 square foot retail store. Required loading facilities must be installed prior to issuance of Final Occupancy Permit and must be permanently maintained as a condition of use. Vehicles in the berth shall not protrude into a public right-of-way or sidewalk. Loading berths shall be located so that vehicles are not required to back or maneuver in a public street (ADC4.260 revised).
- 4.4 **Provide a minimum of two bicycle parking spaces plus 1 space per every 10 automobile spaces required on both the Home Depot site and Retail A site.** Each space must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Required spaces must be located as near as possible to building entrances used by automobile occupants [ADC 9.120(13) revised].
- 4.5 Directional arrows must be painted on the pavement with designated lanes at the entrances of all driveways. If a three-lane driveway is proposed, the minimum width shall be 36 feet with designated lanes and turning movements [ADC 12.100(2) revised].