



COMMUNITY DEVELOPMENT

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

Notice of Decision

Modification of Approved Conditional Use Review and Minor Variance

CU-04-23 & VR-02-23

June 30, 2023

Proposal:	Modifications to an approved conditional use (CU-10-17) to utilize the existing fire access off Lyon Street as an employee access for the existing Greater Albany School District Bus Transportation Facility. The applicant also requests a minor variance to the minimum two-way travel aisle standard of 24 feet wide to utilize the existing 20-foot-wide emergency access.
Review Body:	City Council (Type IV review)
Property Owner/Applicant:	Greater Albany Public School District; C/O David Bolin; 718 7th Avenue SE, Albany, OR 97321
Applicant's Representative:	Udell Engineering; C/O Laura LaRoque; 63 E. Ash Street, Lebanon, OR 97355
Engineer:	Udell Engineering and Land Surveying, LLC; C/O Brian Vandetta; 63 E. Ash Street, Lebanon, OR, 97355
Project Manager:	HMK Company; C/O Skip Hamilton; P.O. Box 1175, Albany, OR 97321
Address/Location:	2485 Ferry Street SW, Albany, OR 97321
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-18BA Tax Lot: 1103
Zoning:	Light Industrial (LI) & Residential Medium Density (RM) Districts
Total Land Area:	7.51 acres

On June 14, 2023, the Albany City Council **DENIED** the application as described above. The Council based its decision upon testimony received at the public hearing, the review criteria listed in the Albany Development Code (ADC), and deliberations of June 14, 2023, public hearing. The supporting documentation relied upon by the council in making this decision is available for review at City Hall, 333 Broadalbin Street SW, Albany, OR 97321. For more information, please contact Jennifer Cepello, project planner, at 541-971-7561 or jennifer.cepello@cityofalbany.net.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830, a notice of intent to appeal the decision shall be filed with LUBA no later than 21 days after the Notice of Decision is mailed or otherwise submitted to parties entitled to notice.

Signature on file

City of Albany, Mayor

Appeal to LUBA Expiration Date: July 21, 2023

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Analysis of Development Code Criteria

Albany Development Code (ADC) includes the following review criteria for Modifications to a Conditional Use (ADC 1.330(8)) and a Minor Variance (2.696). Land use applications must meet all of the review criteria in order to be approved. The Albany City Council found the following review criteria was not met.

Modification of Approved Conditional Use Review (CU-04-23)

The modified site plan will be found to be consistent with the approved site plan if the review body determines that there are no greater adverse impacts, or, if additional adverse impacts are identified, they have been adequately mitigated. The review body's determination on consistency shall be based on a comparison of the approved site plan and the modified site plan, taking into account:

Criterion E

Compatibility with surrounding development;

Findings of Fact

- E.1 The proposed development is limited to a modification of the site's previously approved 20-foot-wide emergency access to Lyon Street. The requested modification is to utilize the existing 20-foot-wide emergency access for both employee vehicular access and as a secondary emergency access.
- E.2 The subject property is located within the Sunrise Neighborhood. Development to the north of the property is bare land and light industrial; to the east is a mix of bare land and residential; to the south is commercial and residential; and to the west is industrial. The requested modification and variance are located along the eastern property line, abutting the residential development. The proposed modified development would allow some employee vehicle access to enter the site off the Lyon Street right-of-way. The employee traffic would be required to navigate local residential streets to access the proposed secondary access to the site.
- E.3 Testimony received at the public hearing expressed numerous concerns about additional traffic upon the local right-of-way, the current state of the right-of-way surfaces on 25th and 28th Avenues, speeding upon the residential roads, and the existing right-of-way width on 25th and 28th Avenues, both of which allow on-street parking.
- E.4 Albany does not have an adopted threshold or guideline for the maximum volume of vehicle trips appropriate for a residential local street. ADC 12.122 contains the design guidelines for local streets and identifies Minor Local streets as having a curb-to-curb width of 30 feet and less than 1,000 Average Daily Trips (ADT), with Network Local streets as having a curb-to-curb width of 32 feet and ADT greater than 1,000.
- E.5 East of the subject property is Lyon Street and 28th Avenue, both of which have curb-to-curb widths that exceed 32 feet and would therefore meet the design standard for a Network Local street. The section of 28th Avenue between Lyon Street and Marion Street has a curb-to-curb width of 30 feet and meets the standard for a Minor Local street.
- E.6 The original approval (CU-10-17) identified the "GAPS Bus Barn" as a mix of Warehousing and Distribution upon the LI portion of the property and an Educational Institution and a Basic Utility use for the associated parking in the RM portion.
- E.7 An evaluation of the development's impact on the transportation system was reviewed under planning file CU-10-17 and referenced a submitted Traffic Impact Analysis performed by Associated Transportation Engineering and Planning (ATEP), dated February 9, 2018. When completed the school bus barn was estimated to generate 1,714 vehicle trips per day, of which 78 would occur during the AM peak traffic hour, and 171 during the PM peak traffic hour.
- E.8 Based upon the May 8th, 2023, Staff Report and public testimony City Council finds the routing of industrial and institutional employee traffic to be not compatible with the surrounding residential

development. Council further finds the existing access, Ferry Street, to be adequate for the use of bus and employee traffic, as originally approved.

Conclusion

- E.1 The requested modification to utilize an existing emergency access through a residential neighborhood as an employee access for an industrial and institutional use is found to not be compatible with the surrounding residential development; therefore, the proposed Modification of a Conditional Use Review and Minor Variance is denied.