

ORDINANCE NO. 5788

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTIES LOCATED AT THE NE CORNER OF PACIFIC BOULEVARD AND ELLINGSON ROAD SW

WHEREAS, the Albany Planning Commission held a public hearing on August 27, 2012, on the proposed map amendments and recommended approval based on evidence presented in the staff report and testimony presented at the public hearing for City of Albany Planning Files CP-02-12 and ZC-03-12; and

WHEREAS, the Albany City Council held a public hearing on the same application on September 12, 2012, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated; and

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

Section 1: The Findings of Fact and Conclusions included in the Staff Report attached as Ordinance Exhibit A are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the properties described in Ordinance Exhibit B hereby amended from Commercial-Light, LC, to General Commercial, GC.

Section 3: The Zoning Map designation of the properties described in Ordinance Exhibit C is hereby amended from Neighborhood Commercial, NC, to Community Commercial, CC.

Section 4: 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 Clerk of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 5: A copy of the legal description of the affected property is attached as Ordinance Exhibit D. It shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared 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, and this Ordinance shall take effect and be in full force and effect when passed by the City Council and approved by the Mayor.

Passed by the Council: Sept 12, 2012

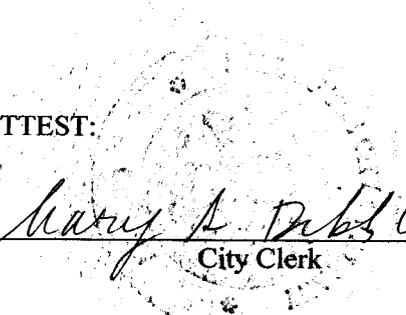
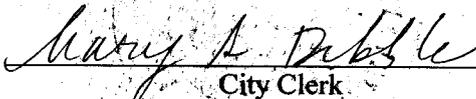
Approved by the Mayor: Sept 12, 2012

Effective Date: Sept 12, 2012



Mayor

ATTEST:

City Clerk



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
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STAFF REPORT

Comprehensive Plan Map Amendment and Zoning Map Amendment (CP-02-12 & ZC-03-12)

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, September 12, 2012
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

EXECUTIVE SUMMARY

The applicant submitted a Comprehensive Plan Map and Zoning Map amendment application to change the designation of 3.5 acres, which includes two separate parcels of land. The applicant proposes to **change the Comprehensive Plan designation** of the site from Light Commercial (LC) to General Commercial (GC) and **change the zoning** from Neighborhood Commercial (NC) to Community Commercial (CC). **The applicant is Bob Mitchell.** The address is not yet assigned; the location is east of Pacific Blvd and north of Ellingson Drive. The applicant does not state any proposed use for the properties at this time.

A Comprehensive Plan map amendment to General Commercial must be consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and on balance be more supportive of the Plan as a whole than the current designation of Light Commercial [ADC 2.220(3)]. The Plan's policies also require evaluation of short-and long-term impacts of the proposed change.

The staff analysis concluded the following:

- The requested General Commercial Plan designation for this site is consistent with the Statewide Planning Goals;
- The property is already classified as a commercial site. Changing the Comprehensive Plan map from Light Commercial to General Commercial for the 3.5 acres of land would have little impact on the overall inventory of commercial sites for future employment and commercial growth across the whole city;
- The CC zoning district allows for more of a variety of uses. The applicant has demonstrated that this site is the best site to meet demand for general commercial land versus the alternatives;
- The diversity of allowed commercial uses fits with the general mixed development pattern of the area;
- Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area;
- In order to address the Transportation Planning Rule (TPR), the applicant has proposed capping the number of new trips that could occur on the site under the new CC designation to the number that can occur under the current NC designation;
- Conditions of approval will limit future development to 209 net PM peak hour trip generation from the site, and the applicant shall record "Declaration of Covenants and Restrictions" that run with the land to ensure future development does not exceed the trip cap; and
- The intent and purpose of the proposed CC zoning district best satisfies the goals and policies of the Comprehensive Plan.

In summary, the proposal will likely have little to no impact in the Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals. Therefore, the **Planning Commission and Staff Recommendation is APPROVAL WITH CONDITIONS** of the Proposed Comprehensive Plan and Zoning Map amendments.

GENERAL INFORMATION

DATE OF REPORT: September 4, 2012

STAFF REPORT PREPARED BY: Evan Fransted, Project Planner; and David Martineau, Project Planner

REVIEW BODIES: Planning Commission and City Council

PROPERTY OWNER/
APPLICANT: Bob Mitchell; 1120 Linnwood Drive NE; Albany, OR 97322

APPLICANT REPS: Brain Vendetta; Udell Engineering; 63 East Ash Street; Lebanon, OR 97355
Bob Speaker; 2960 NW Marshall Drive; Corvallis, OR 97330

ADDRESS/LOCATION: No address yet; east of Pacific Boulevard and north of Ellingson Drive

MAP/TAX LOTS: Linn County Assessor's Map No. 11S-03W-30; Tax Lots 202 & 205

ZONING: Commercial- Light

COMPREHENSIVE PLAN: NC (Neighborhood Commercial)

TOTAL LAND AREA: 3.5 acres

EXISTING LAND USE: Vacant

SURROUNDING COMP. PLAN: North: Light Commercial (LC)
South: LC
East: LC
West: LC and Residential Medium Density

SURROUNDING ZONING: North: NC (Neighborhood Commercial)
South: LI (Light Industrial) across Ellingson Road
East: IP (Industrial Park) across Union Pacific railroad tracks
West: NC and RMA (Residential Medium Density Attached) across Pacific Boulevard

SURROUNDING USES: North: Residential- single family
South: Residential- single family
East: Agriculture- grass seed farm
West: Residential- multi-family residences

PRIOR HISTORY: It appears that in 1981, the property was zoned C-1 (Neighborhood Commercial) and the comprehensive plan designation was Light Commercial.

Tax Lot 202: In 1982, there was a Partition approved for this lot (Planning File PA-01-82).

Tax Lot 205: No prior land use approvals.

NOTICE INFORMATION

A Notice of Public Hearing was mailed to surrounding property owners on August 17, 2012. The site was posted on August 20, 2012, with a sign that advertises the public hearing.

APPEALS

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a

Ordinance Exhibit A/Staff Report/CP-02-12 and ZC-03-12, Page 2

Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

STAFF ANALYSIS

Comprehensive Plan Map Amendment File CP-02-12

The Albany Development Code includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion 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. [ADC 2.220(3.a)]

FINDINGS OF FACT

- 1.1 **Current Plan Designation:** The current Comprehensive Plan Map designation of the properties is Light Commercial (LC). The LC designation “provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to provide a buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential uses) and also to provide neighborhood commercial uses in close proximity to residential uses.”
- 1.2 **Requested Designation:** The request is to change the designation of 3.5 acres of land from LC to General Commercial (GC). The GC Comprehensive Plan designation “identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of ‘strip commercial’ development in order to more efficiently serve the shopping needs of the community and region.”

RELEVANT GOALS AND POLICIES

- 1.3 The proposed Comprehensive Plan map amendment to change land from LC to GC must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed Community Commercial designation is more supportive of the Comprehensive Plan, on balance, than the current Light Commercial designation. The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in *bold italic* print followed by findings of fact and conclusions.

GOAL 1: CITIZEN INVOLVEMENT (Chapter 9)

- 1.4 ***Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.***

Policy 2: When making land use and other planning decisions:

- a. ***Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.***
- b. ***Utilize all criteria relevant to the issue.***
- c. ***Ensure the long-range interests of the general public are considered.***
- d. ***Give particular attention to input provided by the public.***
- e. ***Where opposing viewpoints are expressed, attempt to reach consensus where possible.***

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

The City of Albany's Comprehensive Plan and Development Code include requirements for citizen involvement in the decision-making process for Comprehensive Plan Map Amendments. Comprehensive Plan Map Amendments are processed as Type IV land use decisions with notice to affected parties, including surrounding property owners and affected government agencies. Public hearings before the Planning Commission and City Council are held. Notice of the public hearings is posted on the subject property, and at other public locations in Albany. The City's Comprehensive Plan and Development Code, including the processes for citizen involvement, have been acknowledged by the Land Conservation and Development Commission as consistent with statewide planning goals.

People who are notified of the public hearing are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the application is based on the review criteria listed in the Development Code. The review criteria for Comprehensive Plan Map amendments ask about the long and short term impacts of the proposed changes and about the public need for the change. These questions are discussed under Goal 2 below. The purpose of the public hearing is to provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The Planning Commission and City Council facilitate this process at the public hearings.

GOAL 2: LAND USE PLANNING - UPDATING AND AMENDING THE COMPREHENSIVE PLAN
(Chapter 9)

- 1.5 ***Goal: Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:***
- 1. Remains current and responsive to community needs.***
 - 2. Retains long-range reliability.***
 - 3. Incorporates the most recent and reliable information.***
 - 4. Remains consistent with state laws and administrative rules.***

Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:

(a) Conformance with goals and policies of the Plan.

The conformance of this application to the goals and policies of the Comprehensive Plan is the subject of the discussion under this review criterion.

(b) Citizen review and comment.

A Comprehensive Plan Map amendment application is processed as a Type IV land use decision. The City's Development Code requires notification to surrounding property owners that this Comprehensive Plan Map amendment application has been received and that there will be public hearings on the application. Signs advertising the public hearing must also be posted on the property [ADC 1.440 and 1.410]. A Notice of Public Hearing was mailed to surrounding property owners and the property was posted with the required signs.

(c) Applicable Statewide Planning Goals.

This section of the staff report evaluates the proposed Comprehensive Plan map amendments against the applicable goals and policies of the Plan and the Statewide Planning Goals are evaluated here under Review Criterion (1) and Review Criterion (4) below.

(d) Input from affected governmental units and other agencies.

Local utility providers may have an interest in the proposed change in the land use designation of this property. Local utility companies were notified of the proposed map amendments.

Pacific Boulevard is a State highway (Highway 99E) under the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT submitted comments for the proposal that are included under Review Criterion (2) of the Zoning Map amendment review that follows on pages 14-15 of this staff report. ODOT Rail Division and Union Pacific Railroad were notified as well in relation to the adjacent rail corridor.

ORS 197.610 requires the City to notify the Oregon Department of Land Conservation and Development (DLCD) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice was provided to DLCD.

(e) Short - and long-term impacts of the proposed change.

The short and long-term impacts of the proposed Comprehensive Plan map change will be centered on the loss of Light Commercial land for General Commercial land. The evaluation will look at compatibility with adjacent uses, capacity of existing services...etc. The short and long term implications are discussed in the findings below.

(f) Demonstration of public need for the change.

Written information submitted with the application says “the public need for Neighborhood Commercial to serve the Belmont neighborhood is best satisfied by the existing 2.70-acre NC-zone site on the west side of Pacific Boulevard. The area is partially developed and contains a convenience store, pizza-style restaurant and bar on 1.35 acres...This location has a significant competitive advantage over the subject property because it is on the same side of the highway as the Belmont Neighborhood...The subject property is located on a principal arterial street and borders a high-volume, high-speed rail line...The General Commercial allows a variety of community service and regional commercial uses that are appropriate for this site.”

(g) Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.

The available alternatives to the proposed application are to either continue the current comprehensive plan or request a different comprehensive plan than the proposed General Commercial. The current Light Commercial comprehensive plan designation allows for Neighborhood Commercial (NC) and Office Professional (OP) zoning districts.

ADC 4.020 says that “the NC district is intended primarily for small areas of retail establishments serving nearby residents’ frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius.”

“The OP district is intended to provide a vertical or horizontal mix of professional offices, personal services, live-work, residential and limited related commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses and the desired character of the neighborhood. OP is typically appropriate along arterial

or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts.”

The proposed General Commercial comprehensive plan designation allows for Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), and Office Professional (OP) zoning districts.

The concurrent Zoning Map amendment application is to change the zone from Neighborhood Commercial (NC) to Community Commercial (CC). ADC 4.020 says “the CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas.”

Written information submitted with the application says “the two small parcels that comprise the subject property could meet the City’s need for either Light or General Commercial land. The locational factors discussed previously demonstrate that the subject property better fulfills the public need in the General Commercial designation. Other properties are not available to provide the need for General Commercial land at this location.”

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY (Chapter 1)

- 1.6 ***Goal: Reduce air pollution in the Albany area and ensure that existing and future land use activities maintain air quality standards.***

Goal: Reduce the adverse effects of noise in the Albany area.

Policy 2: As much as possible, separate noise-sensitive uses and noise-generating uses.

Policy 3: Locate, design, and buffer noise-generating land uses such as major transportation facilities and industrial areas to protect both existing and potential noise-sensitive use.

Air and Sound Quality. The concurrent zone change application to Community Commercial zoning, would limit the uses to those permitted in the CC zone, where “sound and visual buffers should be used to mitigate impacts on nearby residential areas” and is designed for “small to medium-scale businesses, services.” Air and sound quality will be evaluated at the time of development to ensure compliance with the Department of Environmental Quality (DEQ) and the City of Albany standards.

GOAL 9: ECONOMY (Chapter 3)

Note: *The Goal 9 Comprehensive Plan Economic Development goals and policies, are organized under headings Albany’s Economy, Land Use, and Public Infrastructure.*

Albany’s Economy

- 1.7 ***Goal 1: Diversify the economic base in the Albany area and strengthen the area’s role as a regional economic center.***

The current Light Commercial designation of the property provides the opportunity for a number commercial uses on the property. The current zoning of the property, NC (Neighborhood Commercial), allows such uses as offices, restaurants, retail sales, community services, religious institutions and some residential.

The General Commercial Comprehensive Plan designation will provide the opportunity to zone this property for a wide range of commercial uses. The applicants have submitted a concurrent zoning map amendment application to zone the property CC (Community Commercial). The CC designation will

allow a variety of commercial uses on the property. ADC 4.020(3) describes Community Commercial zones as suitable for a diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Some examples of the uses allowed in CC zoning districts include most of NC zoning uses above, as well as, contractors and industrial services, manufacturing with retail, entertain and recreation, self-serve storage, vehicle repair, educational institutions and residential units above a business.

Land Use

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

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

Statewide Planning Goal 9 requires cities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and other employment uses. An adequate land supply provides sites suitable for the 20-year planning period, as well as for the short-term to meet development opportunities as they occur. This is necessary to accommodate a varied range of small, medium and large employers, for new and expanding businesses, and to ensure land is available for immediate development.

The basis for determining whether there is an adequate supply of various types of land is data included in the suitable sites inventory in the Comprehensive Plan and the 2007 Economic Opportunities Analysis (EOA), adopted as a background document to the Plan.

- 1.9 Demand for Industrial Land in Albany – the Economic Opportunities Analysis

The 2007 EOA projects that Albany will add more than 6,000 jobs between 2007 and 2027. The industries that are most likely to locate or expand in Albany are warehousing and transportation, manufacturing, retail, health care, and government services.

The projected employment growth by industry translates to demand for approximately 120 acres of industrial land and 350 acres of land for retail, services, and government uses. The EOA indicates that Albany needs to provide between 146 and 245 sites to accommodate employment. The largest sites (50 acres and larger) will be needed for development by major industries, such as large manufacturing firms or transportation and warehousing firms. It is estimated that the total sites needed from 2 to 5 acres will be 20-25 sites. The majority of the smallest sites (2 acres and less) will be used for other employment, such as retail, services, government, and institutional uses.

- 1.10 Supply of Suitable Employment Sites in Albany

The 2007 EOA includes a buildable lands inventory and analysis of site suitability. It was based on development data, environmental constraints, verification with aerial photos, exclusion of small remnants of land, trends in residential development on employment lands, and land that is in the process of being developed.

At the time the 2007 EOA was completed, there were 418 acres considered to be suitable employment land within the Albany UGB. Of those, 318 acres (a total of 63 sites) are considered available and serviceable in the short-term (0-2 years). Of the 63 suitable short-term sites, 34 are designated for commercial. Most of these sites are less than 5 acres.

- 1.11 The EOA concludes that Albany has an adequate supply of small to medium commercial and industrial sites in the 2 to 5 acre size (p. 23). The City has 16 commercial sites between 2 and 5 acres, and the projected demand is for 10 to 12 sites.

The greatest demand for commercial land is for sites larger than 5 acres. The EOA also projects demand for commercial sites less than 2 acres.

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

Policy 2, General: Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.

The subject site is bordered by Pacific Boulevard, Ellingson Road, railroad tracks and a single-family residential property located in the NC (Neighborhood Commercial) zoning district. Pacific Boulevard is a principal arterial street with a right-of-way width of over 100 feet. The intersection of Pacific Boulevard and Ellingson Road contains a traffic signal. The properties to the south of Ellingson Road and east of Pacific Boulevard are zoned LI (Light Industrial) and contain mostly single-family residential houses. There are few pedestrian oriented uses on the east side of Pacific Boulevard in this area. There is a bus stop located on the corner of Pacific Boulevard and Ellingson Road near the site. Currently, the Albany Transit System, Route 3 is a west bound bus that stops at this location once an hour from 9:40 am to 5:55 pm, Monday through Friday.

On the west side of Pacific Boulevard, there is a convenience store, restaurant, apartments and Linn-Benton Community College. There are several pedestrian oriented uses on the west side of Pacific Boulevard. There is a bus stop near the corner of Pacific Boulevard and Lanier Street.

1.13 The proposed General Commercial Plan designation and concurrent request for CC zoning would allow for a variety of other commercial uses that are auto-oriented and pedestrian oriented.

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

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

ADC 22.400 defines “infill” as “development of land that has been bypassed, remained vacant, and/or is underused in otherwise built-out areas, or the intensification of an existing use due to redevelopment. Generally, water, sewer, and streets and other public services are readily available.” The subject property meets this definition. The site is vacant and public services are available.

The site is currently designated for commercial uses. The proposed General Commercial Plan designation and concurrent request for CC zoning would allow for commercial uses.

1.15 ***Policy 2, Commercial: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that 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.***

The subject properties have direct access to Pacific Boulevard and bus routes. The concurrent request for CC zoning would allow for a variety commercial uses. However, the properties are 3.5 acres combined and it may not be possible to provide enough stores to encourage shopping without auto use. The majority of people will probably access this site by auto. The property to the north is a residential use. Any development of the subject property will have to provide a 10-foot wide buffering and screening area along the north property line. The residential neighborhood across Pacific Boulevard is separated from this site by over 100 feet of right-of-way. The extension of public facilities and service is addressed in

Review Criterion 3 of under the concurrent Zoning Map Amendment below.

Public Infrastructure

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

Policy 1: Encourage the siting of new industrial and commercial development on land that is adequately served by existing infrastructure; where the infrastructure can be made adequate, require the “minimum necessary” improvement cost to be borne by the new business rather than by existing taxpayers or utility rate payers.

Policy 5: Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans and carpools as alternatives to single-occupancy vehicle commuting.

Transit, bicycling & sidewalks: Pacific Boulevard abuts the west boundary of the property. Ellingson Road abuts to the south. Pacific Boulevard is on Albany Transit System Route 3. There are sidewalks and designated bike lanes along both sides of Pacific Boulevard. A more complete discussion of the impact of commercial development on the transportation system is included under Review Criterion (2) of the Zoning Map amendment review that follows on pages 14-15 of this staff report.

Sewer: There is a 21-inch public sanitary sewer main in Ellingson Road. An 8-inch public sewer main is stubbed. No public sanitary sewer facilities exist along the subject property’s Pacific Boulevard frontage.

While the City’s Wastewater Facility Plan shows no system deficiencies in this area, it is anticipated that future development on the subject property would require the extension of a public sanitary sewer main along the full length of the property frontage along Pacific Boulevard.

Water: City utility maps show a 16-inch public water main in Pacific Boulevard along the property’s frontage and a 16-inch water main along the property’s Ellingson Road frontage.

Storm Drainage: There is a 12-inch/15-inch public storm drainage main along the property’s Pacific Boulevard frontage. The public storm drainage facilities in Pacific Boulevard are under the jurisdiction of ODOT.

GOAL 11: PUBLIC FACILITIES AND SERVICES (Chapter 6)

- 1.17 See the public facilities and services discussion under the concurrent Zoning Map amendment evaluation, Review Criterion (3) on pages 15-16 of this staff report. The discussion concludes that the existing public facilities, services, and utilities are adequate for Community Commercial zoning uses.

GOAL 12: TRANSPORTATION (Chapter 5)

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

Goal 2: Provide a safe transportation system.

Goal 3: Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Goal 4: Provide a transportation system that balances financial resources with community livability and economic vitality.

Policy 2: Maintain acceptable roadway and intersection operations where feasible considering environmental, land use, and topographical factors.

Policy 4: Minimize conflicts along high volume and/or high speed corridors.

Policy 5: Encourage development design that emphasizes safety and does not create unnecessary conflicts.

FINDINGS OF FACT

1.18 See the discussion under Zoning Map Amendment Review Criterion (2). To avoid repeating the same information here, those findings and conclusions are included here by reference. In summary, the transportation system is adequate to support the proposed CC zoning. In addition, the Plan map change from LC to GC and zone change to CC would have no significant effect on the transportation system serving the site.

GOAL 14: URBANIZATION (Chapter 8)

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

Policy 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. Approval 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.

Policy 11: Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve.

- a. Be located, designed, and operated so as to be compatible with surrounding residential uses.***
- b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.***
- c. Be limited in number, size, and location. Generally, new sites shall be less than five acres in total area and shall be located at least one-half mile in travel distance from any other commercial site which provides or is available to provide for similar commercial needs. Zone change applications for new neighborhood commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.***

1.19 The subject properties combined are 3.5 acres. There are commercial properties across Pacific Boulevard located in the NC zoning district that total 2.70 acres. The remainder of the surrounding area is composed of single-family residential, multi-family apartments, a community college and agriculture. The site can be accessed by pedestrians with existing sidewalks along Pacific Boulevard. There are cross walks at the intersection of Pacific Boulevard and Ellingson Road that provides pedestrian access across Pacific Boulevard. The site is served by public transit. The majority of people in the service area will probably access this site by auto on Pacific Boulevard where vehicle access is viable. There are no additional studies required at this time for the proposed Comprehensive Plan and Zoning Map amendment. Transportation and public services are discussed in detail under Zoning Map Amendment Review Criterion (2) and (3).

Policy 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.***

1.20 This same policy is discussed under Findings of Fact 1.16 above.

CONCLUSIONS (CRITERION 1, PLAN GOALS AND POLICIES)

- 1.1 Goal 1, Citizen Involvement. The City's public hearing process allows for public input on the application. Notice was mailed to property owners within 300 square feet of the site and to other public agencies. The notification and involvement processes conform to the procedures specified in the City's Development Code.
- 1.2 Goal 2, Land Use Planning. If the proposed map amendments are approved, a 3.5 acre site designated for general commercial use will be created. The general commercial Comprehensive Plan designation allows for the concurrent zoning map amendment of CC (Community Commercial) zoning district.
- 1.3 The burden of proof is on the applicant to demonstrate that public need for the proposed Comprehensive Plan amendment outweighs alternatives and that the proposal satisfies the goals and policies of the Comprehensive Plan. The proposed amendments are not based on a critical public need. The existing LC Plan designation and NC zoning allows for a small number of uses. The CC zoning district allows for more of a variety of uses. The applicant has demonstrated that this site is the best site to meet demand for general commercial land versus the alternatives.
- 1.4 Goal 5, Natural Resources. The site does not contain any significant natural vegetation, wetlands, or cultural resources. The proposed Plan change would have no impact on Goal 5 resources.
- 1.5 Goal 9, Economy. There is enough commercial land inside the Urban Growth Boundary to accommodate the need for commercial sites between 2 and 5 acres for at least the next 20 years. The property is already classified as a commercial site. Changing the Comprehensive Plan map from Light Commercial to General Commercial for the 3.5 acres of land would have little impact on the commercial sites inventory for future employment and commercial growth across the whole city. The proposed map amendment to commercial land is too small to diversify the City's economic base but would allow for more uses of the property than is currently available.
- 1.6 Goal 11, Public Facilities and Goal 12, Transportation. The site has adequate public utilities and services to accommodate a change from LC to GC.
- 1.7 Goal 14, Urbanization. The 3.5 acre commercial site is proportional to and accessible to the surrounding area.
- 1.8 Efficient Land Use Pattern. The change to the GC Plan designation would allow for more commercial uses than currently allowed. The proposed Plan map change results in a more efficient and desirable land use pattern.
- 1.9 The site is surrounded by development and is considered "infill" development. Infill development is encouraged by Comprehensive Plan goals and policies. The proposed Plan amendment would support development of the site that can be served by public facilities and are close to main transportation corridors.
- 1.10 In summary, the requested General Commercial (GC) Comprehensive Plan Map designation for the site has been evaluated against relevant Comprehensive Plan goals and policies. Overall, the proposed GC Plan designation supports the policies.
- 1.11 This review criterion is met.

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

FINDING OF FACT

- 2.1 “Relevant area plans” as used here means land use plans. For example, the City has relevant area plans for areas such as East I-5 and North Albany. There are no relevant area plans for the area where the properties are located.
- 2.2 The City is in the process of creating the South Albany Area Plan that will include this site, as well as the surrounding neighborhood east of Pacific Boulevard. The plan has not been finalized yet and cannot be used to review this application.

CONCLUSION

- 2.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

Criterion 3: The requested designation is consistent with the Comprehensive Plan map pattern.

FINDINGS OF FACT

- 3.1 The subject site is located on the corner of Pacific Boulevard and Ellingson Road. The proposed Comprehensive Plan Map amendment would change the map designation of 3.5 acres from Light Commercial to General Commercial. The applicant submitted a concurrent Zoning Map amendment to change the zoning of the property from NC (Neighborhood Commercial) to CC (Community Commercial).
- 3.2 The area is composed of land designated for commercial, industrial, residential, and public uses. To the north and west of the property where the Comprehensive Plan Map amendment is proposed is land designated for commercial use. The properties to the north are zoned NC (Neighborhood Commercial) and contain single-family residential and commercial. The properties across Pacific Boulevard to the west have apartments, a convenience store, a restaurant and a warehouse. Linn-Benton Community College is to the southwest across Pacific Boulevard and is zoned RS-6.5 (Residential Single Family). The properties to the south of Ellingson Road and east of Pacific Boulevard are zoned LI (Light Industrial) and contain mostly single-family residential houses. The property to the east, across the railroad tracks, is a grass field and zoned LI.
- 3.3 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Particular goals and/or policies provide guidance about what kind of uses and land patterns are desirable.

For example, Goal 14 (Urbanization), Policy 12, says, “Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas... Goal 13 says, “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.” Goal 15 says, “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.” (Comprehensive Plan, page 8-3)

- 3.4 The Comprehensive Plan describes the land use designations that appear on the Comprehensive Plan Map. (Comprehensive Plan, page 9-12)

A Light Commercial designation on the Map “provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to provide a buffer

between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential uses) and also to provide neighborhood commercial uses in close proximity to residential uses.”

A General Commercial designation on the Map “identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments. Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of ‘strip commercial’ development in order to more efficiently serve the shopping needs of the community and region.”

- 3.5 In findings submitted with the application, the applicants say, “As the name implies, the Neighborhood Commercial zoning district is intended to provide quick access to daily goods and services for nearby residents, a place to buy milk, a pizza, or wash clothes. It is a version of the neighborhood store. In the typical land use pattern, NC zoning appears as spot zoning of a few acres at most, within or very close to large residential areas. To optimize the feasibility of the use, it is usually located some distance from full service commercial areas to have a locational advantage.”

“In this case, the subject property is located on a busy arterial, at the southern end of several properties zoned from commercial use totaling 39.67 acres. When this area fully develops, it will be difficult for NC subject property to attract commercial uses that do not directly compete with the larger acreage Regional Commercial site to the north. A 2.70-acre NC-zoned site on the west side of Pacific Blvd. is partially developed with a convenience store, pizza-style restaurant, and bar. It has a competitive advantage as a neighborhood commercial area because it is on the same side of the highway as the Belmont neighborhood. For these reasons, the subject property is not an appropriate site to be limited to convenience uses. It is not geographically positioned to fulfill the purpose of the NC zoning district. It is better suited to be CC zoning district that is permitted under the requested General Commercial Comprehensive Plan designation.” (Findings, page 21-22)

- 3.6 The uses that may be allowed in NC zoning district with Site Plan Review include: offices, retail sales and service, community services, residential care facility, single family residential, and residential units above or attached to a business.
- 3.7 The uses that may be allowed CC zoning district with Site Plan Review include: contractors and industrial services, manufacturing with retail, adult entertainment, indoor and outdoor entertainment and recreation, offices, parking, restaurants, retail sales and service, self-serve storage, bars, vehicle repair, vehicle services, community services, daycare facility, religious institutions, residential care facility, and residential units above or attached to a business.

CONCLUSIONS

- 3.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
- 3.2 There no predominant map pattern for this area. The general pattern could be considered a mixed development pattern.
- 3.3 The proposed map amendment would create a commercial parcel of land with more commercial uses allowed than the current Comprehensive Plan designation. The diversity of allowed commercial uses fits with the general mixed development pattern of the area.
- 3.4 The requested Plan designation is consistent with the Comprehensive Plan map pattern.
- 3.5 This review criterion is met.

Criterion 4: The requested designation is consistent with the Statewide Planning Goals.

FINDING OF FACT

- 4.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals.

The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

CONCLUSIONS

- 4.1 The requested General Commercial Plan designation for this site is consistent with the Statewide Planning Goals.
- 4.2 This criterion is met.

STAFF ANALYSIS

Zoning Map Amendment File ZC-03-12

The Albany Development Code includes the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Criterion 1: The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.

FINDINGS OF FACT

- 1.1 The applicant proposes to change the zoning of 3.5 acres from NC (Neighborhood Commercial) to CC (Community Commercial).
- 1.2 The current Comprehensive Plan map designation of the subject site is Light Commercial (LC). The proposed CC zoning is not consistent with the LC Plan designation of the site.
- 1.3 The applicant has applied to change the Comprehensive Plan Map designation from Light Commercial to General Commercial.
- 1.4 The proposed zone change to CC is consistent with the concurrent proposed General Commercial designation of the property.

CONCLUSIONS

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map amendment to General Commercial. The proposed CC zoning is consistent with the General Commercial Plan designation.
- 1.2 This criterion is satisfied.

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

FINDINGS OF FACT

- 2.1 The site is located on the northeast corner of the Highway 99E/Ellingson Road intersection. The zone change would change the designation of 3.5 acres of property from NC (Neighborhood Commercial) to CC (Community Commercial).

- 2.2 The site is currently vacant.
- 2.3 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.4 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.5 In order to comply with the TPR, the applicant has proposed "capping" the number of new trips that would be allowed to under the requested CC zone designation to the amount that could be generated by development of the site under the current NC zone designation. Because new vehicle trips would be limited to what could occur under the current zone designation, the zone change would not result in an incremental increase or create additional impacts (beyond what could already occur) on the transportation system.
- 2.6 The applicant submitted a memo, dated July 30, 2012, which estimates the number of new vehicle trips that could result from development of the site under the current NC (Neighborhood Commercial) zone designation. The analysis assumes that the 3.52 acre site could be developed with three 5,000 square foot (sf) retail buildings, one 3,000 sf convenience market, and two 4,000 sf fast food restaurants. All of those uses are allowed by the ADC under the current NC zone designation on the site. The resulting ratio of building floor area to lot size is 0.17. Most commercial development in Albany occurs with a floor area ration of about 0.25, meaning that the analysis used by the applicant is conservative and likely under estimates the number of trips that could be generated by development on the site.
- 2.7 The applicant used ITE trip generation rates to estimate the number of vehicle trips that would be generated by development of the site under the current zone designation, assigned a pass-by factor of 50%, and then totaled the number of net new trips that could be generated by site development. The analysis estimated that the site would generate 209 net new PM peak hour trips.

CONCLUSIONS

- 2.1 The proposed zone change would change the designation of 3.5 acres from NC to CC.
- 2.2 Albany's Transportation System Plan includes improvements necessary to accommodate anticipated development through the year 2030, and does not identify any capacity or level of service problems occurring adjacent to the development.
- 2.3 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a "significant affect".
- 2.4 In order to address the TPR, the applicant has proposed capping the number of new trips that could occur on the site under the new CC zone designation to the number that can occur under the current NC designation. An analysis submitted by the applicant estimated that development of the site under the current designation could result in 209 net new PM peak hour trips.

CONDITIONS

- 2.1 Future development applications for the site shall be subject to a Trip Cap limiting the net PM peak hour trip generation from the site to 209.

2.2 The applicant shall record “Declaration of Covenants and Restrictions” that will bind all parties having or acquiring any right, title, or interest in the property as follows:

- The property shall be subject to the Trip Cap imposed by the City through its conditions of approval on the Map amendments.
- The property may not be used for any use(s) that will exceed the Trip Cap imposed by the City in its approval of the Map Amendments, unless and until the condition(s) of approval creating the Trip Cap is removed or otherwise amended through a subsequent decision of the City.
- The Trip Cap may be applied by the City of Albany at the time of site plan or conditional use review for any proposed uses on the property.

Criterion 3: Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.

3.1 Water. City utility maps show a 16-inch public water main in Pacific Boulevard along the property’s frontage and a 16-inch water main along the property’s Ellingson Road frontage.

The existing public water system facilities in this area are adequate to serve development allowed in the proposed CC zoning district.

3.2 Sanitary Sewer. City utility maps show a 21-inch public sanitary sewer main in Ellingson Road along the property’s frontage. An 8-inch public sewer main is stubbed to the north at the subject property’s southwest corner. No public sanitary sewer facilities exist along the subject property’s Pacific Boulevard frontage. Two parcels north of the subject property are not connected to the public sanitary sewer system, nor do they have access to a public sewer main.

While the City’s Wastewater Facility Plan shows no system deficiencies in this area, it is anticipated that future development on the subject property would require the extension of a public sanitary sewer main along the full length of the property frontage along Pacific Boulevard. Such an extension will make public sewer available to the parcel to the north.

3.3 Storm Drainage. City utility maps show a 12-inch/15-inch public storm drainage main along the property’s Pacific Boulevard frontage. The public storm drainage facilities in Pacific Boulevard are under the jurisdiction of ODOT. Any proposed storm water discharge to the ODOT storm drainage system must be approved by ODOT.

It is likely that any development occurring on the subject property would be required to provide on-site storm water detention. The detention would help control the amount of runoff entering the public storm drainage system during severe rainfall events.

Future development on the site would likely require street improvements along a portion of the property’s Ellingson Road frontage. The required public street improvements would include public storm drainage facilities.

3.4 Schools. Schools in the requested CC zoning district require a Conditional Use application. CC zoning allows less residential uses than the current NC zoning. The requested zone change CC would reduce the likelihood of residential development on the properties.

3.5 Police and Fire Protection. The Albany Police Department and Fire Department provide services to all development in Albany.

CONCLUSIONS

3.1 Existing public water facilities are capable of serving potential development in the proposed CC zone.

- 3.2 The public sanitary sewer system is capable of serving potential development in the proposed CC zone.
- 3.3 Future development on the subject property will likely require the extension of a public sewer main along the property's Pacific Boulevard frontage.
- 3.4 The existing public storm drainage facilities near the subject property are not adequate to accommodate uncontrolled storm water runoff from development on the site. On-site storm water detention will likely be required of any development on the subject property, regardless of the property's zoning.
- 3.5 Changing the zoning designation of the property from NC to CC will not create any additional demand for school space.
- 3.6 The Albany Police and Fire Departments will provide service to development on the property regardless of the zoning.
- 3.7 Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.
- 3.8 This review criterion is met.

Criterion 4: The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

FINDINGS OF FACT

- 4.1 The current zoning designation of the property where the Zoning Map amendment is proposed is NC (Neighborhood Commercial). The proposed zoning is CC (Community Commercial).
- 4.2 This review criterion requires that the intent and purpose of the proposed CC zoning district "best satisfies" the goals and policies of the Comprehensive Plan.

INTENT AND PURPOSE OF NC AND CC ZONING DISTRICTS

- 4.3 ADC 4.020 says the purpose of commercial and industrial zoning districts is "...to regulate and segregate the uses of lands and buildings and to regulate the density of development."
- 4.4 ADC 4.020(2) says that "the NC district is intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius."
- 4.5 ADC 4.020(3) says "the CC district recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas."

RELEVANT GOALS AND POLICIES

- 4.6 The findings and conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment staff report are applicable to the Zoning Map amendment as well. To avoid repeating the same information here, those findings and conclusions are included here by reference.

CONCLUSIONS

- 4.1 The intent and purpose of the proposed CC zoning district best satisfies the goals and policies of the Comprehensive Plan.
- 4.2 This criterion has been met.

Criterion 5: The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

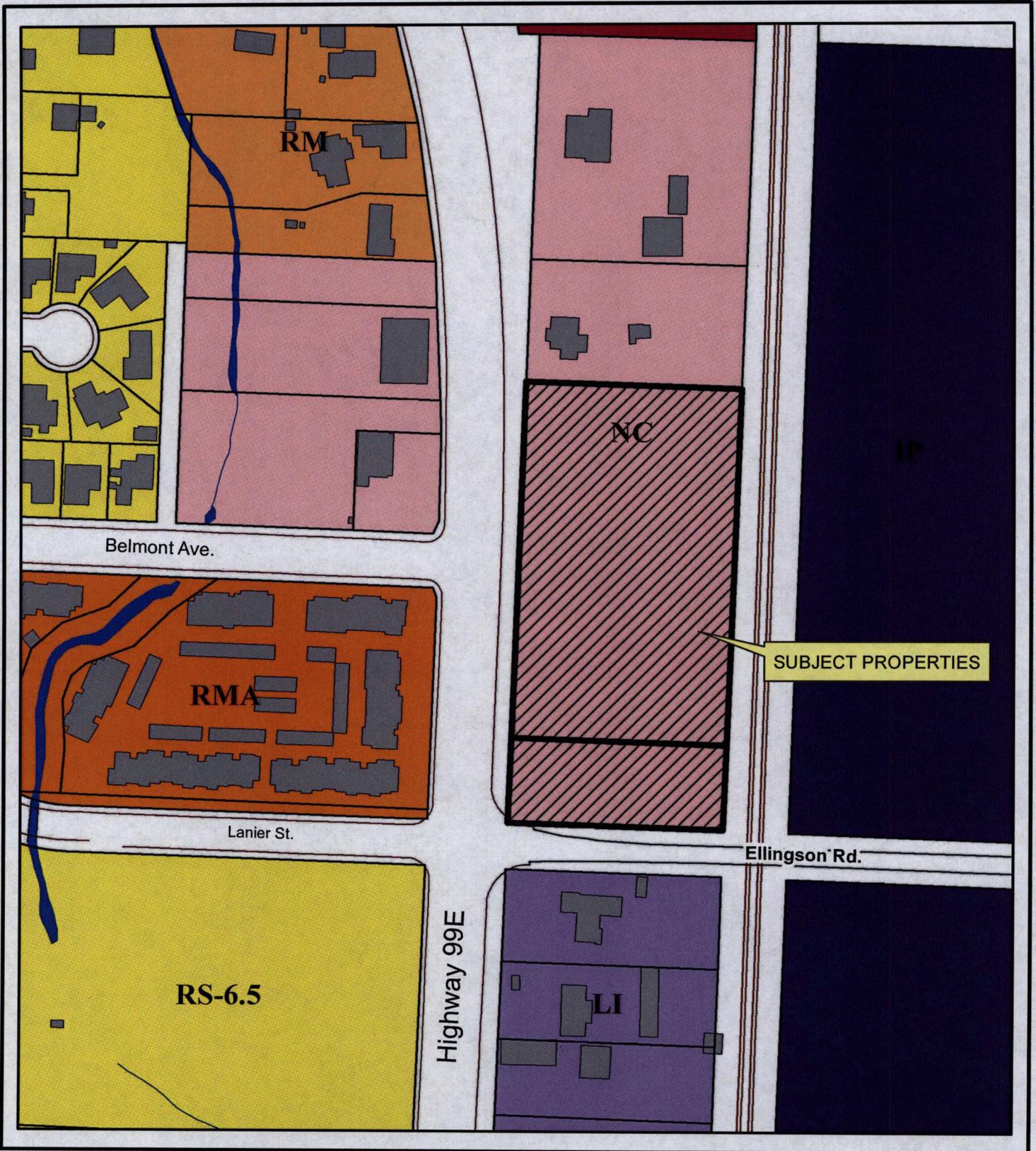
FINDINGS OF FACT

- 5.1 Albany's Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.

CONCLUSIONS

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

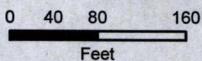
Attachment: Location Map



LOCATION MAP



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



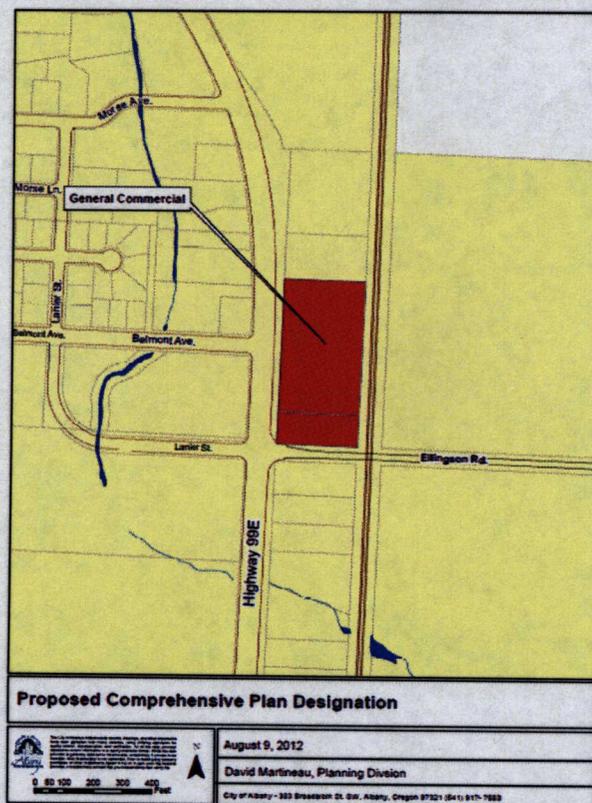
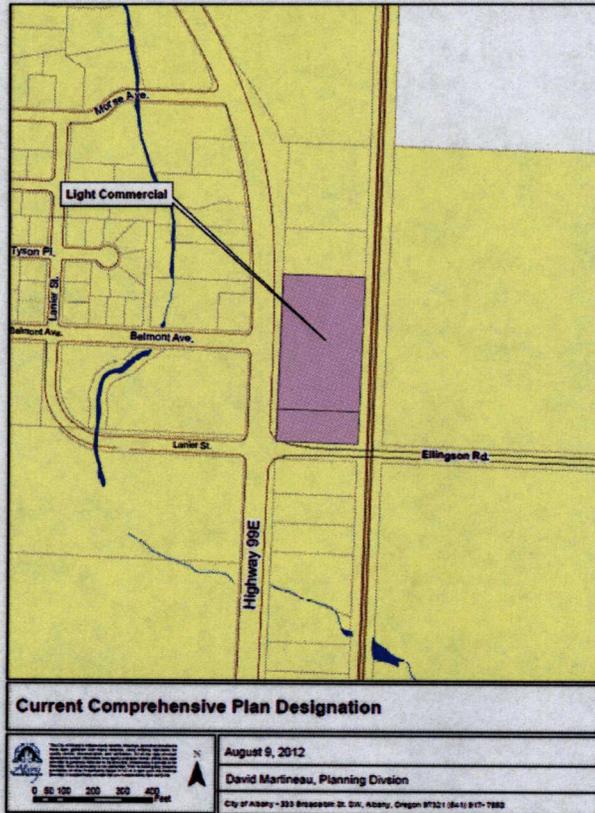
May 31, 2012

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7676

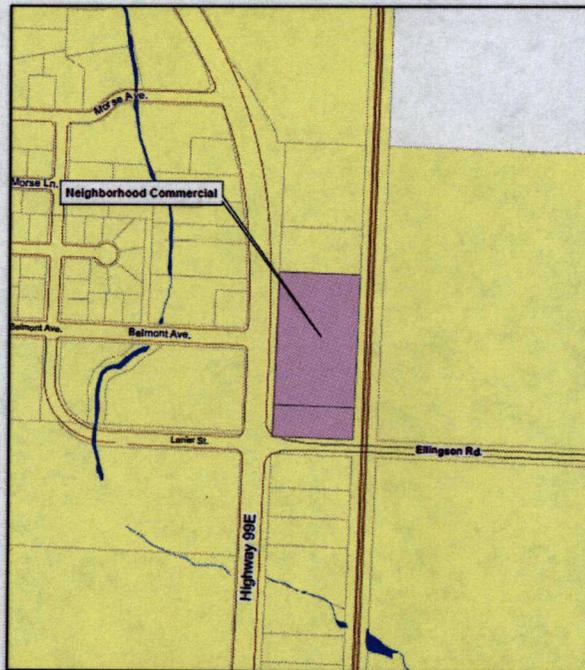
CP-02-12, Comprehensive Plan Map Amendment

A Comprehensive Plan Map Amendment that would change the designation of 3.5 acres of land from LC (Light Commercial) to GC (General Commercial) as shown on the following maps:

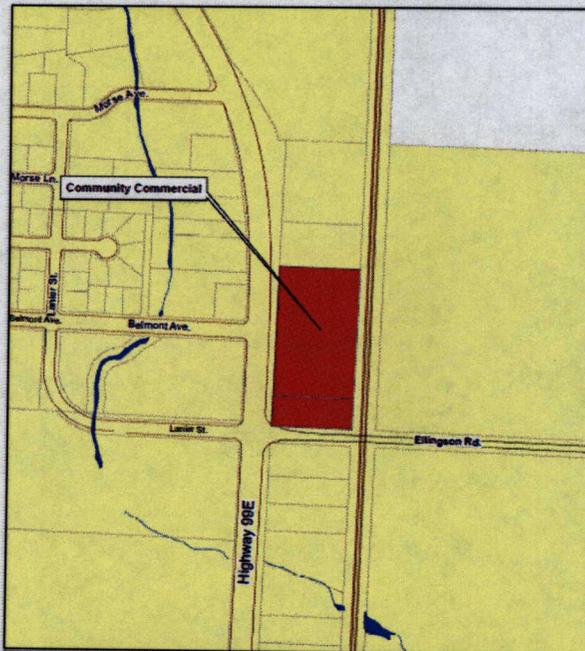
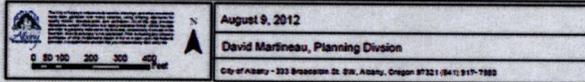


ZC-03-12, Zoning Map Amendment

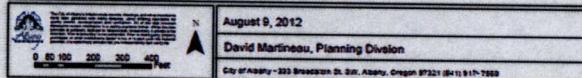
A Zoning Map Amendment that would change the designation of 3.5 acres of land from NC (Neighborhood Commercial) District to CC (Community Commercial) District as shown on the following maps:



Current Zoning Designation



Proposed Zoning Designation



LEGAL DESCRIPTION

PROPERTY PROPOSED FOR COMPREHENSIVE PLAN AMENDMENT FROM LIGHT COMMERCIAL TO GENERAL COMMERCIAL WITH CONCURRENT ZONE CHANGE FROM NEIGHBORHOOD COMMERCIAL DISTRICT TO COMMUNITY COMMERCIAL DISTRICT:

An area of land in the Northwest $\frac{1}{4}$ of Section 30 in Township 11 South of Range 3 West of the Willamette Meridian, City of Albany, Linn County, Oregon, being more particularly described as follows:

Beginning at a point (1/2" iron rod per Linn County Survey No. 17995) which bears South 0° 32' 30" West 1022.56 feet and East 31.25 feet (per Linn County Survey No. 17995) from the Northwest corner of said Section 30; thence South 89° 43' 29" East 28.00 feet to the true point of beginning on the north right-of-way of Ellingson Road; thence South 89° 43' 29" East, along the north right-of-way of Ellingson Road, 248.71 feet to a point on the west line of the Southern Pacific Railroad property; thence North 0° 03' 56" East, along the Southern Pacific Railroad property, 572.44 feet to a point; thence North 89° 45' 43" West 262.04 feet to a point on the east right-of-way of US Highway 99E; thence following said east right-of-way the following courses and distances: South 0° 32' 00" West 422.05 feet to a point; thence North 89° 40' 58" West 10.00 feet to a point; thence South 0° 32' 00" West 135.22 feet to a point; thence leaving said east right-of-way South 61° 29' 20" East 31.71 feet to the true point of beginning.

Containing 3.50 acres

Basis of Bearing Linn County Survey No. 17995



COMMUNITY DEVELOPMENT DEPARTMENT

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

Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

NOTICE OF DECISION

GENERAL INFORMATION

DATE OF NOTICE: September 14, 2012

DATE OF DECISION: September 12, 2012

FILES: CP-02-12 and ZC-03-12

TYPES OF APPLICATIONS: (1) Quasi-judicial Comprehensive Plan Map amendment to change 3.5 acres from Commercial-Light to Commercial-General.

(2) Quasi-judicial Zoning Map amendment to change 3.5 acres from NC (Neighborhood Commercial) to CC (Community Commercial).

REVIEW BODIES: Planning Commission and City Council

PROPERTY OWNER/APPLICANT: Bob Mitchell; 1120 Linnwood Drive NE; Albany, OR 97322

APPLICANT REPS.: Brain Vendetta; Udell Engineering; 63 East Ash Street; Lebanon, OR 97355
Bob Speaker; 2960 NW Marshall Drive; Corvallis, OR 97330

ADDRESS/LOCATION: No address yet; east of Pacific Boulevard and north of Ellingson Drive

ASSESSORMAPS/TAX LOTS: Linn County Assessor's Map No. 11S-03W-30; Tax Lots 202 & 205

On September 12, 2012, the Albany City Council adopted Ordinance No. _____ to amend the Albany Comprehensive Plan Map and the Albany Zoning Map as described above.

A copy of Ordinance No. _____ is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Project Planner David Martineau at 541-917-7550.

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 plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.


Mayor

Attachments: Conditions of Approval, Information for the Applicant and Location Map