

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 CHANGING THE PLAN DESIGNATION AND ZONING OF 6.25 ACRES OF PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF 34<sup>TH</sup> AVENUE SE AND HILL STREET SE; AND CHANGING THE PLAN DESIGNATION FOR 1012 34<sup>TH</sup> AVENUE SE

WHEREAS, the Albany Planning Commission held a public hearing on October 15, 2012, on the proposed map amendments and recommended approval based on evidence in the staff report and testimony presented at the hearing for Albany Planning Files CP-03-12, ZC-04-12 and RL-04-012; and

WHEREAS, the Albany City Council held a public hearing on the applications on October 24, 2012, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

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 Exhibit A are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the properties identified in Exhibit B is hereby amended from Low Density Residential, LDR, and General Commercial, GC, to Village Center.

Section 3: The Zoning Map designation of the properties identified in Exhibit C is hereby amended from Residential Single Family, RS-5, to Mixed Use Commercial, MUC.

Section 4: A copy of legal and descriptions of the subject properties as described in Exhibit D and this ordinance and exhibits 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.

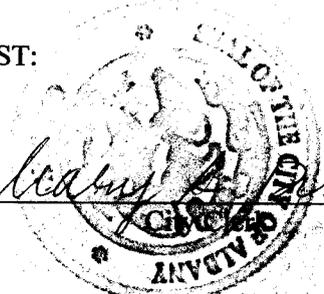
Passed by the Council: October 24, 2012

Approved by the Mayor: October 24, 2012

Effective Date: October 24, 2012

  
Mayor

ATTEST:




# Community Development Department

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## STAFF REPORT FINDINGS AND CONCLUSIONS Comprehensive Plan Map and Zoning Map Amendments, Tentative Replat (Planning Files: CP-03-12 & ZC-04-12 & RL-04-12)

### EXECUTIVE SUMMARY

This is a proposal to change the zoning of 6.25 acres of vacant land near the southeast corner of 34<sup>th</sup> Avenue and Hill Street from RS-5 (Residential Single-Family) to MUC (Mixed Use Commercial) with concurrent applications to amend the Comprehensive Plan Map from Low-Density Residential to Village Center, and a Tentative Replat to reconfigure the five lots into four lots and remove utility easements. (Site 1)

The purpose of the map amendments is to allow the vacant 6.25 acre site to develop with commercial and residential uses.

The City is also proposing to change the Comprehensive Plan designation of the small remaining property at the southeast corner of 34th Avenue and Hill (1012 34th Avenue SE) to Village Center with this application so that the entire southeast corner will have the same Plan designation. The zoning of the property would stay CC, Community Commercial. (Site 2)

The staff analysis concluded the following:

- The requested Village Center Plan designation for this site is consistent with the Statewide Planning Goals.
- The proposed Village Center designation is proportional to and accessible to the surrounding area. The proposed Plan map amendments would result in more efficient land use and travel patterns, reducing travel time to accommodate frequent needs.
- Site 1 is an infill site. Infill development is encouraged by the Plan goals and policies.
- Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.
- The National Wetland Inventory shows a wetland on Site 1; however it is not on the City's Local Wetland Inventory. There are no other natural features on the site. The proposed Plan amendment to Village Center would add more opportunities to accommodate the demand for medium density land.
- The MUC 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 intent and purpose of the proposed Village Center Plan designation and the MUC zoning district best satisfy the goals and policies of the Comprehensive Plan.

In summary, the proposals 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 staff recommended approval of the Proposed Comprehensive Plan and Zoning Map amendments and the Tentative Replat WITH ONE CONDITION:

- The applicant shall provide a Petition for Improvement/Waver of Remonstrance for proportionate participation in the construction of a traffic signal at the 34<sup>th</sup> Avenue/Ferry Street intersection.

Planning Commission Recommendation. After reviewing the staff report and hearing testimony at their October 15, 2012, public hearing, the Planning Commission recommended approval, with the one staff recommended condition, of the concurrent Zoning Map and Comprehensive Plan Map amendments and the Tentative Replat.

**GENERAL INFORMATION**

DATE OF REPORT: October 5, 2012

STAFF REPORT PREPARED BY: Anne Catlin, Project Planner

REVIEW BODIES: Planning Commission and City Council

PROPERTY OWNERS: Site 1: WSS Properties LLC; PO Box 1209; Dallas, OR 97338  
Site 2: Lal Sidhu 7501 35th Ave NE, Salem, OR 97303

APPLICANTS: Site 1: Mark Grenz Multi/Tech Engineering Services, Inc.; 1155 13<sup>th</sup> Street SE; Salem, OR 97302  
Site 2: City of Albany

ADDRESS/LOCATIONS: Site 1: Near southeast corner of 34th Avenue and Hill Street  
Site 2: 1012 34th Avenue SE

MAP/TAX LOTS: Site 1: Linn County Assessor's Map No. 11S-03W-18DD; Tax Lots 400, 500, 600, 800 & 900  
Site 2: Linn County Assessor's Map No. 11S-03W-18DD; Tax Lot 401

ZONING: Site 1: RS-5 (Residential Single Family)  
Site 2: CC (Community Commercial)

COMPREHENSIVE PLAN: Site 1: LDR (Low Density Residential)  
Site 2: GC (General Commercial)

TOTAL LAND AREA: Site 1: 6.25 acres  
Site 2: 0.63 acres

EXISTING LAND USES: Site 1: Vacant land  
Site 2: Vacant building (formerly a credit union)

SURROUNDING COMP. PLAN: North: LDR (Low Density Residential)  
South: LDR  
East: MDR (Medium Density Residential)  
West: LDR, MDR

SURROUNDING ZONING: North: RS-6.5 (Residential Single Family)  
South: RS-6.5  
East: RMA (Residential Medium Density Attached)  
West: RS-6.5

SURROUNDING USES: North: Single-family houses across 34th Avenue  
South: Single-family houses  
East: Vacant land (wetland mitigation site) and senior apartments  
West: Single-family houses across Hill Street

PRIOR HISTORY: Sites 1 & 2 were zoned C-1 in the 1970s and were C-2/CC-Community Commercial by 1984. In 2006 the 6.25 acre vacant site was rezoned RS-5 and the Plan designation changed to Low Density Residential. (Planning Files CP-04-05 and ZC-03-05 and SD-17-15 – subdivision never built)

**NOTICE INFORMATION AND PUBLIC TESTIMONY**

A Notice of Public Hearing was mailed to surrounding property owners on October 5, 2012. The site was posted on October 5, 2012, with a sign that advertised the public hearing.

The Planning Commission public hearing on the applications was held October 14, 2012. Two people testified at the hearing. The applicant, Mark Grenz, spoke in favor of the application. A neighbor, David Michael, spoke against the application. The testimony is summarized below.

Applicant Mark Grenz explained the timing for the zoning of the property has been out of sequence. There was no demand for commercial in the location when it was zoned commercial, and after rezoning the property to residential, they missed the market window. He noted there is demand for medium density housing and neighborhood services and the community suffers from a lack of medium density residential and neighborhood commercial. The applicant's goal is to come back with an application for some commercial and medium density housing types on 34<sup>th</sup> Avenue. A neighborhood meeting would be held first and they hope to have the commercial uses solidified by then. He explained the development would comply with the design standards and the goal is to have higher density up along 34<sup>th</sup> Avenue and transition to lower density in the back. Regarding the wetland on the property, Grenz said they have been working with the state regarding former mitigation credits.

David Michael of 3480 Hill Street SE lives across the street from the vacant site. He is concerned about what types of businesses would be allowed with the proposed zoning. He noted there are already several vacant within a small radius. The area is 1.5 miles away from two grocery stores. He is concerned that vacant commercial buildings would become blighted as they have in other areas of the city. He also noted concerns about increased traffic on Hill Street. He is not opposed to residential development.

## APPEALS

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

## STAFF ANALYSIS

### **Comprehensive Plan Map Amendment File CP-03-12**

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 - Site 1: The current Comprehensive Plan Map designation of the properties is Low Density Residential (LDR). The LDR designation "identifies areas predominantly suited for detached single-family development on lots ranging from 5,000 to 10,000 square feet. Attached housing with smaller lot sizes is permitted in the RS-5 zone and in planned or cluster developments." This designation is used to provide neighborhoods for Albany residents.

Site 2: The corner property is designated General Commercial (GC) and zoned Community Commercial (CC). The GC 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."

1.2 Requested Designation: The request is to change the designation of the southeast corner of 34th Avenue and Hill Street (Site 1 - 6.25 acres, and Site 2 - 0.63 acres) of land to Village Center (VC). The VC Comprehensive Plan designation "provides for a mix of uses to serve nearby neighborhoods. These uses

must include retail and residential uses and may include offices, community and personal services, and live-work units. Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods.”

- 1.3 The proposed Comprehensive Plan map amendment to change land from LDR and GC to VC must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies. In order for additional land to be designated Village Center, applicants must demonstrate the need for the Village Center in a particular location and what residential populations it is intended to serve.
- 1.4 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed Village Center designation is more supportive of the Comprehensive Plan, on balance, than the current Low Density Residential designation.

**Note:** The applicable Comprehensive Plan goals and policies are identified in *italic type* followed by findings of fact and conclusions.

#### GOAL 1: CITIZEN INVOLVEMENT (Chapter 9)

- 1.5 *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 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 provide requirements for citizen involvement in the decision-making process for Comprehensive Plan Amendments. Comprehensive Plan 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 hearing is mailed to surrounding property owners and posted on the subject property.

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.

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

The City has included the public when updates to the Albany Comprehensive Plan or Development Code are proposed - typically in the form of committees, open houses, mailings to affected or interested parties, city newsletters and on the City’s Web site. Albany’s Comprehensive Plan and Development Code, and updates to them, have been acknowledged by the Land Conservation and Development Commission as consistent with statewide planning goals.

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

1.7 *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.*

The proposal would amend the Comprehensive Plan Map to create a Village Center on the southeast corner of 34<sup>th</sup> Avenue and Hill Streets. The subject site has remained vacant despite development around it. The proposed Plan amendment and concurrent zone change to a mixed use zone, Mixed-Use Commercial (MUC), will ensure the site can develop to respond to community needs and provide long-range reliability for planning purposes.

1.8 *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.

1.9 (b) *Citizen review and comment.*

As noted under Finding 1.5 earlier, the City follows a public input process as required by the Albany Development Code and in conformance with state law. The City mailed notice of public hearings to property owners within 300 feet of the subject property on October 5, 2012 and the property was posted in two locations: 34<sup>th</sup> Avenue and also on Hill Street on October 5, 2012.

1.10 (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).

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

- a. 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.
- b. Oregon Department of Transportation (ODOT). 34<sup>th</sup> Avenue is classified as an arterial street. It connects to Pacific Boulevard (Highway 99E) which is a State highway under the jurisdiction of ODOT. ODOT submitted comments for the proposal that are included under Review Criterion (2) of the Zoning Map amendment review that follows on pages 15-17 of this staff report.
- c. Division of State Lands (DSL). DSL regulates wetlands in Oregon. The U.S Department of Interior, Fish and Wildlife Service National Wetlands Inventory map shows that a large area of the property has wetlands on it. Notification of the wetland was sent to DSL. Development on the property will require permits from DSL. The applicants will be required to comply with DSL regulations and permit requirements when the property is developed. More findings can be found later under the Goal 5 heading in Comprehensive Plan Finding 1.13 under this review criterion.
- d. Oregon Department of Land Conservation and Development (DLCD). ORS 197.610 requires the City to notify the DLCD of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice was provided to DLCD. No comments have been received.

1.12 (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.*

The short and long-term impacts of the proposed Comprehensive Plan Map changes and the demonstrated need for the change will be centered on Site 1 (6.25 acres) the loss of Low Density Residential (LDR) land in exchange Village Center (mixed-use) land. The evaluation will look at compatibility with adjacent uses, capacity of existing services and compatibility with the Comprehensive Plan, Albany's planning policy document. The short and long term implications and demonstrated need are discussed in the findings found under statewide planning Goal 9, Economy, and Goal 10, Housing, under this review criterion.

The alternatives to the proposed application are to either keep the current LDR Plan designation or request a different Comprehensive Plan designation than the proposed Village Center. Both Site 1 and Site 2 were designated General Commercial for decades but there was no interest in Site 1 for commercial development. The Plan designation for Site 1 was changed to LDR, the site was zoned Residential Single Family (RS-5), and a single-family subdivision was approved in 2006. However, the demand for new housing dropped off and the subdivision was never platted and built. Keeping the LDR Plan designation on Site 1 may cause the site to remain vacant until there is demand for single-family development.

The application (attached as Exhibit A) states "the Village Center designation along with the MUC zoning designation offers a broad mix of employment uses and housing opportunities, including retail, restaurants, and multi-family housing. The map amendment would put the property back into the City's inventory of commercial land. This would allow the City to encourage development of businesses on the site to serve the area."

The Village Center Plan designation would allow for the vacant site to develop with market demand for both commercial and residential uses.

#### GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES

- 1.13 *Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.*

*Comprehensive Plan Plate 6: Wetland Sites*, Sites 1 and 2 do not appear on the Local Wetland Inventory. However the U.S Department of Interior, Fish and Wildlife Service National Wetlands Inventory map shows a large wetland on Site 1.

The applicants did not submit wetland delineation with the concurrent applications. The Division of State Lands (DSL) was notified of the application. They noted the wetland on the National Wetland Inventory and the county soil survey shows hydric (wet) soils are also on Site 1 - an indication that there may be wetlands. A state permit will be required for 50 cubic yards or more of removal and/or fill in wetlands.

The owners of Site 1, WSS Properties LLC, received a Removal-Fill permit from DSL for work the wetlands (#37470-RF) for the subdivision that was never developed (SD-17-05). The fill permit is not valid for a different proposal. When a development application is submitted, a new permit will be needed in addition to new wetland delineation.

#### GOAL 9: ECONOMY (Chapter 3)

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

*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.*

The current Low Density Residential (LDR) designation of Site 1 provides the opportunity for single-family development. The General Commercial designation of Site 2 provides the opportunity for a variety of commercial uses. The proposed map amendments would remove 6.25 acres (Site 1) from the residential land inventory and add 6.25 acres of land designated for mixed uses. The Site 1 applicants submitted a concurrent Zoning Map amendment application to change the zoning of Site 1 to MUC (Mixed Use Commercial).

The MUC purpose statement states that the district is intended, “primarily to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences.” The uses allowed in the MUC zone would allow for a range of commercial uses intended to serve the residents in the area.

#### 1.15 Demand for Commercial Land in Albany – the Economic Opportunities Analysis

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.

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 350 acres of land for retail, services, and government uses. It is estimated that commercial and government uses will need 20 to 25 sites ranging from 2 to 5 acres. The majority of the smallest sites (2 acres and less) will be used for other employment, such as retail, services, government, and institutional uses.

#### 1.16 Supply of Suitable Commercial 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 108 acres considered to be suitable commercial land (vacant or partially developed) within the City limits (designated General Commercial, Light Commercial or Village Center on the Plan map). Of those, 95 acres (34 sites) are considered available and serviceable in the short-term (0-2 years). There are 21 sites less than 2 acres and 7 sites between 2 and 5 acres. The EOA concludes that Albany has an adequate supply of small to medium commercial sites in the 2 to 5 acre size.

The analysis assumed that 50 percent of the MUC zone would be developed with commercial uses and the other half with residential uses. This implies that the 6.25-acre Site 1 would add about 3 acres of commercial land to the inventory. The subject site’s location will distinguish it from the other available sites as discussed in upcoming findings.

#### 1.17 *Land Use 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 sites are bordered by 34<sup>th</sup> Avenue and Hill Streets. The two sites are surrounded by existing residential development, a school, and a vacant commercial building (formerly a credit-union). The sites are centrally located in close proximity to numerous multi-family and single-family dwellings and numerous employment sites are within one mile from the subject site.

- 1.18 The closest grocery store is about 1.5 miles away. The nearest commercial center is 1.63 miles away (intersection of 14<sup>th</sup> Avenue and Geary Street). Personal services and restaurants on Pacific Boulevard are more than one mile away. Residents in the neighborhood have to use vehicles to travel to meet daily or frequent needs and personal services.

The proposed Village Center plan designation and MUC zoning district are, “intended to be easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.” The MUC zone also allows for residential development so long as it provides a minimum of 10 units an acre. The additional density would help support commercial services.

The proposed Village Commercial Plan designation and concurrent request for MUC zoning would allow for a variety commercial uses and services intended to serve the nearby residents in an area that does not have any commercial services within one to two miles. This location would allow residents of the surrounding residential neighborhoods access to commercial services without traveling to the more congested commercial district to the northwest. The proposed Plan and Zoning map amendments would result in a more efficient land use and travel patterns, reduce travel time to accommodate frequent needs.

- 1.19 Site 1 is on a City transit route. The mixed use development may increase the ridership on Albany transit.
- 1.20 *Policy 3, General: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.*

The location of the proposed Plan and Zoning map amendments is near the southeast corner of the intersections of 34<sup>th</sup> Avenue and Hill Streets. The vacant Site 1 is 6.25 acres. There is no Village Center plan designation south and east of Pacific Boulevard. The nearest grocery store is almost 2 miles away. There are personal/professional services and a few restaurants a little over a mile away on Pacific Boulevard, but nothing within walking distance.

The proposed Village Center Plan designation and concurrent zone change to MUC would designate mixed-use land in an area that, aside from the small commercial site at the corner of 34<sup>th</sup> and Hill, does not have any land designated or zoned for mixed-uses or commercial uses within at least a mile. The total size of the Village Center designation would be almost 7 acres. Staff estimates that roughly 2 acres of the Site 1 will develop with commercial uses. The small size of the Village Center would allow for a few businesses to cater to the residents within a small radius of the Village Center. The remaining area would be developed with residential units with a minimum density of 10 units an acre.

- 1.21 *Land Use 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.” Site 1 meets this definition. It is vacant and public services are available.

Site 1 has never been developed despite its central location. Site 2 was the only portion of the subject sites that developed when the land was designated for commercial uses. The MUC zone would encourage redevelopment of the site to either commercial or residential uses.

- 1.22 *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 existing transportation facilities in 34th Avenue and Hill Streets. There are crosswalks at the intersection and there is an existing bus route on 34th Avenue. Development of this long vacant site would support the existing facilities and transit system.

- 1.23 Site 1 is relatively small and street frontage is limited to a few hundred feet on each street. The configuration of Site 1 will avoid creating a "strip" of commercial development along 34th Avenue.

The location on 34<sup>th</sup> Avenue, a minor arterial street, would avoid creating traffic through existing neighborhoods. The types of commercial uses that would be allowed in the proposed MUC zone, would not draw from the region and would be expected to serve residents in the area.

- 1.24 The concurrent request for MUC zoning would allow for a variety commercial uses and medium density residential development. The property abutting Site 1 to the east is an assisted living facility. Apartments are further east. To the south is an elementary school and single-family dwellings. Single-family development is across the street on both the west and north sides of the development. There are other multi-family developments in close proximity along 34th Avenue and Hill Streets.

When the properties are developed, buffering and screening between different uses would be required. In addition, the Development Code requires multi-family and commercial buildings to be setback one foot for each foot in height.

- 1.25 *Public Infrastructure 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.*

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

Site 1 is an infill development. Both sites are located on improved streets. Findings regarding the impact of the mixed use plan and zoning designations on the transportation system is included under Criterion 2 of the Zoning Map amendment review that follows on pages 15-17 of this staff report.

Findings for public water, sewer and storm drainage are located under the Zoning Map amendment analysis, Criterion 3. They are incorporated here by reference.

- 1.26 *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.*

Mixed use development encourages walking and biking. This area is not served by any commercial uses within one mile. Allowing commercial uses on Site 1 would provide a land use pattern that encourages walking and biking. There are sidewalks and designated bike lanes along both sides of 34th Avenue.

34<sup>th</sup> Avenue is on one of the Albany's transit system routes. A mixed use development would bring employees and residences to Site 1, and would likely support and increase ridership on the transit system.

## GOAL 10 HOUSING

- 1.27 *Goal: Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.*

*Goal: Create a city of diverse neighborhoods where residents can find and afford the values they seek.*

*Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.*

The proposed Comprehensive Plan Map amendment application would change the map designations of 6.25 acres of land (Site 1) from Low Density Residential and 0.63 acres of General Commercial land (Site 2) to Village Center. A concurrent application proposes to change the Zoning Map designation of Site 1 from RS-5 (Residential Single Family) to MUC (Mixed Use Commercial). The zoning of the property (Site 2) would stay CC, Community Commercial.

### 1.28 Residential Land Demand and Supply

The Housing Needs Analysis data in the Comprehensive Plan estimated there was about 1,700 acres of developable residential land in the city limits, with over 1,450 acres designated/zoned for single-family development and roughly 150 acres for medium density development. The analysis projects residential land need between 2005 and 2025 will be roughly 650 acres. The analysis concludes that there will be a surplus of low-density land, including 162 acres of land zoned RS-5. There will be a shortage of medium density land, with an estimated need of about 70 additional acres.

As noted earlier in Goal 9 findings, the MUC zoning district is expected to develop with a 50 percent mix of commercial and 50 percent mix of residential. Residential developments must have a minimum density of 10 units an acre. The zone allows for a variety of housing types and price ranges. Mixed use development would add more diversity to the types of development in this area of the City.

- 1.29 The subject sites are centrally located with access to a minor arterial and is located close to some industries, a school and is within 2 miles of Albany's commercial hub anchored by the mall. The site is accessible by public transit and bike lanes.

- 1.30 *Policy 3: Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives. Examples include:*

*c. Mixed housing types and price ranges at a minimum of ten units per acre in Village Center Comprehensive Plan districts.*

The proposed Village Center Plan designation supports innovation in housing types and a variety of densities.

- 1.31 *Policy 4: Encourage residential development that conserves energy and water; uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services.*

Mixed use developments promote the efficient use of land. The Village Center Plan designation would allow for neighborhood commercial uses and medium density housing on infill site already serviced with infrastructure, including access to transit.

- 1.32 *Policy 6: Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.*

The site is an infill lot already serviced with City utilities and services. The Village Center Plan designation allows residential development. Findings regarding the City utilities are located in the Zoning Map analysis under Review Criterion 3 (pages 17-18), and are adopted here by reference.

GOAL 11: PUBLIC FACILITIES AND SERVICES (Chapter 6)

- 1.33 The public facilities and services findings under the concurrent Zoning Map amendment evaluation, Criterion 3 on pages 17-18 of this staff report are incorporated here by reference. The discussion concludes that the existing public facilities, services, and utilities are adequate for Mixed Use Commercial zoning uses.

GOAL 12: TRANSPORTATION (Chapter 5)

- 1.34 *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.*

*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.*

See the findings of fact under Zoning Map Amendment Criterion 2 on pages 15-17. 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 MUC zoning. In addition, the Plan map change from LDR to VC and zone change to MUC would have no significant effect on the transportation system serving the site.

GOAL 14: URBANIZATION (Chapter 8)

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

*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.*

The area surrounding the proposed Village Center is composed of single-family and multi-family dwellings and a school. Commercial development is more than one mile away resulting in an efficient land use pattern.

The proposed Village Center would be centrally located between Pacific Boulevard and Waverly Drive and would be easily accessible to residents within a one-mile radius.

- 1.36 The commercial component of the development would be oriented to 34th Avenue. The location on 34th would not trigger “through” traffic in neighborhoods and on local residential streets.

The standards in the Development Code would require any new development to have limited off-site impacts on adjacent properties.

- 1.37 The proposed Village Center would be roughly 7 acres. Since the Plan designation allows for both neighborhood commercial uses and residential uses, it is expected that the commercial component will not exceed half the Center acreage (3.5 acres). There are no vacant sites with access to an arterial street in the near vicinity that could support neighborhood commercial needs.

#### 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 7 acre Village Center would be designated for mixed uses. The Village Center Comprehensive Plan designation and the concurrent zoning map amendment to the MUC (Mixed Use Commercial) zoning district for Site 1 would allow for more variety in uses and allow the site to develop with market demand. The VC Plan designation would allow for neighborhood commercial uses to serve the adjacent neighborhoods and reduce their travel distance and support alternative modes of transportation.
- 1.3 Goal 5, Natural Resources. The National Wetland Inventory shows a wetland on Site 1, however it is not on the City’s Local Wetland Inventory. There are no other natural features on the site. The proposed Plan change would have no impact on Goal 5 resources. A removal/fill permit would be needed at the time of development.
- 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 proposed map amendments to mixed use 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 10, Housing. The proposed Plan amendment to Village Center would add more opportunities to accommodate the demand for medium density housing.
- 1.7 Goal 11, Public Facilities and Goal 12, Transportation. The site has adequate public utilities and services to accommodate the Plan change to Village Center.
- 1.8 Goal 14, Urbanization. The proposed Village Center designation is proportional to and accessible to the surrounding area. The proposed Plan map amendments would result in more efficient land use and travel patterns, reducing travel time to accommodate frequent needs.
- 1.9 Site 1 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 Village Center Comprehensive Plan Map designation for Site 1 and Site 2 has been evaluated against relevant Comprehensive Plan goals and policies. Overall, the proposed Village Center Plan designation is on balance more supportive of the Plan the existing Plan designations.
- 1.11 This review criterion is met.

***Criterion 2: The requested designation is consistent with any relevant area plans adopted by the City Council. [ADC 2.220(3.b)]***

**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.

**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. [ADC 2.220(3.c)]***

**FINDINGS OF FACT**

- 3.1 The subject site is located on the corner of 34<sup>th</sup> Avenue and Hill Street. The Plan map amendment would change the map designation of Site 1, 6.25 acres, from Low Density Residential, and Site 2, 0.63 acres, of General Commercial to Village Center. The applicant submitted a concurrent Zoning Map amendment to change the zoning of Site 1 from Residential Single Family (RS-5) to Mixed Use Commercial (MUC).

- 3.2 The area is composed of a small site at the corner designated General Commercial, then both Low Density Residential and Medium Density designations surround the property. The properties to the north across 34<sup>th</sup> Avenue are zoned RS-6.5 and contain single-family residential.

- 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 12 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 Within the Village Center plan designation there are supposed to be at least two zones - one is a mixed-use commercial zone; the other is a medium- to high-density residential zone that provides a mix of housing choices. This medium density residential housing would support the commercial uses and vice versa. The proposal does not include a residential zoning district. There is Residential Medium Density Attached (RMA) zoned-land abutting the proposed Village Center on the east side that satisfies this requirement.
- 3.5 The proposed Village Center plan designation and Mixed-Use Commercial (MUC) zoning district are, “intended to be easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.” The MUC zone also allows for residential development so long as it provides a minimum of 10 units an acre. The additional density would help support commercial services.
- 3.6 In order to have a consistent Comprehensive Plan map pattern and avoid leaving a small General Commercial site, staff is proposing to add the small General Commercial site (Site 2) at the corner to the Plan Map amendments to Village Center. The Village Center designation is more consistent with the

small commercial center proposed in this application than the General Commercial designation which is intended for community wide and regional commercial uses.

- 3.7 The proposed Village Center is located at the intersection of a minor arterial street and a local street. The center would be centrally located among a mix of low-density and medium-density residential land. The corner location along a busy street supports the Comprehensive Plan map pattern and efficient layout of land uses.

#### CONCLUSIONS

- 3.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
- 3.2 The Village Center is proposed on a minor arterial street in the middle of residentially designated land so it is located to serve the nearby residences.
- 3.3 The proposed map amendment would create a Village Center that would allow both commercial and residential uses. The diversity of allowed uses fits with the general development pattern of the city to allow commercial and/or mixed uses spaced at least a half mile apart.
- 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. [ADC 2.220(3.d)]***

#### 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 Village Center Plan designation for Site 1 and Site 2 is consistent with the Statewide Planning Goals.
- 4.2 This criterion is met.

#### STAFF ANALYSIS

##### **Zoning Map Amendment, File ZC-04-12 – SITE 1 ONLY**

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. [ADC 2.740(1)]***

#### FINDINGS OF FACT

- 1.1 The applicant proposes to change the zoning of 6.25 acres from RS-5 (Residential Single Family) to MUC (Mixed Use Commercial).

- 1.2 The current Comprehensive Plan map designation of the subject site is General Commercial (GC). The proposed MUC zoning is not consistent with the GC Plan designation of the site.
- 1.3 The applicant has applied to change the Comprehensive Plan Map designation from Low Density Residential to Village Center.
- 1.4 The proposed MUC zoning district is consistent with the concurrent proposed Village Center designation of the property.

### CONCLUSIONS

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map amendment to Village Center. The proposed MUC zone is consistent with the Village Center 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. [ADC 2.740(2)]*

### FINDINGS OF FACT

- 2.1 The site is located on the south side of 34<sup>th</sup> Avenue and east side of Hill Street. The site is currently vacant.
- 2.2 The zone change would change the designation of 6.25 acres of property from RS-5 (Residential Single Family) to MUC (Mixed Use Commercial). The proposed zone change includes a concurrent Comprehensive Plan Map amendment that would change the designation of 6.25 acres from Low Density Residential to Village Center.
- 2.3 34<sup>th</sup> Avenue is classified as a minor arterial street. It is constructed to City standards and includes curb, gutter, bike lanes and sidewalk on the both sides. Hill Street is a residential local street. It has curb and gutter on both sides and sidewalk on the west side. There is no sidewalk abutting the subject properties on the east side of the street.
- 2.4 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant affect" occurs if a proposed zone change would result in an existing or planned transportation facility either fail to meet an adopted performance standard or degrade the performance of an already failing facility.
- 2.5 A Trip Impact Analysis (TIA) was submitted with the application. The TIA was performed by Associated Transportation Engineering & Planning, Inc., and is dated August 30, 2012.
- 2.6 The study estimated the number of new vehicle trips the site could be expected to generate if developed under both the current and requested zone designations, and analyzed the impact of those trips on the street system. The TIA analyzed the performance of the following intersections:
  - Hwy99E/34<sup>th</sup> Avenue (traffic signal)
  - 34<sup>th</sup> Avenue/Hill Street (two way stop control)
  - 34<sup>th</sup> Avenue/Geary Street (traffic signal)
  - 34<sup>th</sup> Avenue/Waverly Drive (traffic signal)
  - 34<sup>th</sup> Avenue/Marion Street (two way stop control)
  - 34<sup>th</sup> Avenue/Ferry Street (two way stop control)

- 2.7 All listed intersections are under City jurisdiction. The intersections controlled by a traffic signal have a performance standard of level of service (LOS) D. The two way stop controlled intersections have a performance standard of a v/c of 0.85 for the worst case movement. The TIA found that all study area

intersections currently operate within applicable performance standards.

- 2.8 The TIA concluded that the reasonable worst case use that could occur under the current RS-5 zone designation is 40 single family homes. Based on ITE trip generation rates 40 homes would generate 385 average week day trips, of which 40 would occur during the peak PM traffic hour.
- 2.9 The study assumed that the most intense use that would be reasonably likely to occur on the site under the requested zone MUC zone designation would be a mixed use development composed of commercial, restaurant, and apartment uses. The analysis assumes 7,000 square feet of shopping center, 6,000 square feet of fast food restaurants with drive-thru, and 155 apartment units. Based on ITE trip generation rates those used would generate 235 net new vehicle trips during the peak PM traffic hour.
- 2.10 The TPR requires that an analysis be performed that looks at the impact on the transportation system of the incremental difference between development that could occur under the existing versus the requested zone designation.
- 2.11 The TIA used a horizon year of 2032, and assumed traffic signals had been constructed at the 34<sup>th</sup> Avenue/Hill Street and 34<sup>th</sup> Avenue/Marion Street intersections. Both traffic signals are included as projects in Albany's TSP, and are funded 100% by TSDC funds.
- 2.12 At year 2032 with no development on the subject site all study intersection were found to operate within performance standards with the exception of the 34<sup>th</sup>/Ferry Street intersection. That is a two-way stop controlled intersection, and southbound left turn movement was projected to operate with a v/c ratio of 0.969. Albany's performance standard for the worst case movement at two-way stop controlled intersections is a v/c of 0.85. If the subject site were developed under the current zone designation the v/c ratio for the southbound left movement would be 1.000. If the site were developed under the proposed zone designation the v/c ratio for the movement would be 1.119.
- 2.13 The southbound left movement from Ferry Street onto 34<sup>th</sup> Avenue will exceed city performance standards with or without the zone change. There are three options for addressing the issue, and they are unaffected by whether or not the proposed zone change occurs:
  - Allow the left turn movement to exceed the performance standard. Southbound left movements would experience long delays during peak hour periods, and the heavier east/west through movements on 34<sup>th</sup> Avenue would continue to be unobstructed.
  - Install a traffic signal at the intersection. A signal would resolve the delays experienced by southbound drivers wanting to turn left, but would do so by forcing the heavier east/west movement to stop. Traffic signal installation warrants may or may not be met at year 2032 for the intersection.
  - Restrict the southbound left movement. The restriction could be in place all day, or only during peak hour periods.
- 2.14 After review of the TIA, the Oregon Department of Transportation (ODOT) Planner concluded that proposed Zoning and Plan Map amendments would not have a significant effect on the intersection of 34<sup>th</sup> and OR99E.

## CONCLUSIONS

- 2.1 The proposed zone change from RS-5 to MUC includes a concurrent Comprehensive Plan Map amendment that would change the designation of 6.25 acres from Low Density Residential to Village Center.
- 2.2 The TIA submitted with the application concluded that with one exception that all study intersections would meet Albany's performance standards at year 2032 with development of the site under the

requested zone designation.

- 2.3 The 34<sup>th</sup> Avenue/Ferry Street intersection was projected to not meet city performance standards in year 2032 in scenarios where there was no development on the site, the site was developed under the current zone designation, and if the site was developed under the requested zone designation.
- 2.4 The 34<sup>th</sup> Avenue/Ferry Street intersection is a two-way stop controlled intersection, and the City's options for addressing future delays at the intersection would be unchanged by approval of the requested zone designation. Traffic signal warrants may or may not be met at the intersection at year 2032. If they are met, the traffic that would result from the requested zone designation would be a small percentage of trips through the intersection.
- 2.5 When a transportation facility would not meet performance standards with or without a project, the TPR requires that a development, at a minimum, avoid further degradation to the performance of the facility by the time of the development. In this case, there is no certainty regarding the timing of the site's development. It's also not possible to verify which of the three options to address the future v/c issue at the 34<sup>th</sup> Avenue/Ferry Street intersection will be chosen by the city. Two of the options have no cost, and one involves construction of a traffic signal.
- 2.6 Requiring the developer to provide a Petition for Improvement/Waiver of Remonstrance for installation of a traffic signal at the 34<sup>th</sup> Avenue/Ferry Street intersection would ensure that the City could require this site participate financially proportionate to its impact on the intersection should a decision be made in the future to install a traffic signal.
- 2.7 This criterion can be met with the following condition of approval.

#### CONDITION OF APPROVAL

- 2.1 The applicant shall provide a Petition for Improvement/Waiver of Remonstrance for proportionate participation in the construction of a traffic signal at the 34<sup>th</sup> Avenue/Ferry Street intersection.

***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. [ADC 2.740(3)]***

- 3.1 Water. City utility maps show an 8-inch public water main in Hill Street and a 16-inch main in 34th Avenue.

Water system adequacy is typically dictated by the fire flow needs within an area or zone. The City's water system modeling software indicates that the fire flows available near 34th Avenue and Hill Street is greater than 7500 gallons per minute. This flow would provide adequate fire flows for any development allowed in the MUC zone.

- 3.2 Sanitary Sewer. City utility maps show an 8-inch public sanitary sewer main in Hill Street, an 8-inch main running north-south through the west portion of the property, an 8-inch main that runs along the site's south boundary, an 8-inch main that lies within the northeast corner of the site, and a 18-inch pressure main in 34th Avenue..

This proposed zone change would turn 6.25 acres of RS-5 (Single-Family Residential) into 6.25 acres of MUC (Mixed-Use Commercial). Engineering studies have shown that on average residential development produces more wastewater than typical commercial development.

The City's Wastewater Facility Plan shows the need for a larger sewer main within a portion of the system that runs between 28th and 29th Avenues. The City's wastewater system modeling software indicates that this line may need to be replaced sometime between 2030 and 2074, depending on peak wet

weather flows in the system. The Engineering Division interprets this data to mean that the proposed change of potential uses (from residential to a mix of residential and commercial) does not accelerate the timing for replacement of this main.

- 3.3 Storm Drainage. City utility maps show a 21-inch public storm drainage main in Hill Street, a 24-inch main in 34th Avenue, and 24-inch and 18-inch mains within the northeast corner of the site.

The Development Code specifies maximum lot coverage (building, parking, etc.) for development in different zones. For the zones pertaining to this proposal, the lot coverage allowance for RS-5 is 60%, while the lot coverage allowance in the MUC zone is 80%. What this means, in general, is that more of the acreage could be covered with impervious surfaces under a MUC zone than would be expected under an RS-5 zone. Therefore, it would follow that the amount of stormwater runoff for development in the proposed MUC zone would likely be greater than for a development in the RS-5 zone. Any future development on the site would likely be required to provide on-site detention facilities to limit the rapid urban runoff from impervious surfaces.

- 3.4 Schools. The proposed MUC zone would allow for residential development. The applicants have indicated they plan to construct apartments on a portion of the property. Any students that would live on the subject site would attend Oak Elementary, Calapooia Middle School or South Albany High School. The school district did not provide any comments on the proposal. When the property was rezoned from CC to RS-5 in 2006, the school district anticipated it had capacity to accommodate any students in the short and medium-term.
- 3.5 Police and Fire Protection. The Albany Police Department and Fire Department provide services to all development in Albany regardless of the zoning or types of uses.

## CONCLUSIONS

- 3.1 The public water system has the capacity to adequately serve a development in an MUC zone on the subject property.
- 3.2 The Engineering Division has concluded that the existing sanitary sewer system can accommodate the proposed zone change from RS-5 to MUC. Even though the Wastewater Facility Plan shows a sewer main downstream of this site as being undersized for ultimate build out, it is not expected to reach its capacity until sometime between 2030 and 2074. Ultimately, replacement of this line will be done by the City using System Development Charges (SDC) funds.
- 3.3 The proposed change from RS-5 to MUC would be expected to result in a development that produced more stormwater runoff from the subject properties. This additional runoff could be minimized by providing on-site stormwater detention facilities for new development on the subject properties.
- 3.4 Changing the zoning designation of the property from RS-5 to MUC will likely result in new dwelling units and students. The school district did not provide input on capacity of the schools that serve this area.
- 3.5 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. [ADC 2.740(4)]***

**FINDINGS OF FACT**

- 4.1 The proposal is to rezone the subject site from RS-5 to Mixed Use Commercial (MUC).
- 4.2 This purpose of the MUC zoning district is, “to provide a mix of convenience commercial, personal services, offices and medium density residential uses. The district would typically be anchored by a grocery store, and may include a mix of smaller retailers, offices, live-work units and residences. The MUC district is easily accessible to nearby residences, and commercial uses are compatible in scale and design with adjacent neighborhoods. Uses in the MUC zone will serve area residents and should not draw from the region.”
- 4.3 The purpose of the RS-5 district is, “for low- to moderate-density residential single-family development. The average minimum lot size is 5,000 square feet.”
- 4.4 The MUC zone is intended to provide mixed uses to serve nearby residences and should be designed to be compatible with adjacent neighborhoods.
- 4.4 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. In summary, The Comprehensive Plan supports commercial development on infill sites, in locations that take advantage of density. The Plan includes data that indicate there is a surplus of RS-5 land and a need for medium-density land, which the MUC zone allows.

**CONCLUSIONS**

- 4.1 The intent and purpose of the proposed MUC zoning district best satisfies the goals and policies of the Comprehensive Plan and in particular future housing needs.
- 4.2 This criterion has been met.

***Criterion 5: The land use and transportation pattern recommended in any applicable City land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study. [ADC 2.740(5)]***

**FINDINGS OF FACT**

- 5.1 The Plan and Development Code do not prescribe a specific development pattern. However, the City’s land use plans and Comprehensive Plan support developing “village centers” to serve nearby residents and reduce travel distances.
- 5.2 Albany’s Transportation System Plan (TSP) includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems associated with the proposed Zoning Map amendment.

**CONCLUSIONS**

- 5.1 The proposed MUC zone supports the Albany Comprehensive Plan land use patterns, goals and policies.
- 5.2 The proposal will not conflict with the transportation systems patterns as shown in Albany’s Transportation System Plan.
- 5.3 This criterion is met.

## **STAFF ANALYSIS**

### **Tentative Replat, File RL-04-12, SITE 1 ONLY**

The Albany Development Code (ADC) includes the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

***Criterion 1: Development of any remainder of property under the same ownership can be accomplished in accordance with this Code. [ADC 11.180(1)]***

#### **FINDINGS OF FACT**

- 1.1 The proposed subdivision replat will reconfigure five lots owned by WSS Properties LLC into four lots and remove old utility easements in block 20 of the Rogersdale Addition. (Tax Lots 00, 500, 600, 800 & 900 on Linn County Assessor's Map No. 11S-03W-18DD.)
- 1.2 The replat will result in four lots in the following sizes: 56,765 square feet abutting 34<sup>th</sup> Avenue to the north, two lots along Hill Street 29,966 square feet and 12,422 square feet, and the remainder would be 173,029 square feet.
- 1.3 The replat will allow for development of the newly configured lots. The large "remainder" lot, and the other lots can be developed in accordance with the Albany Development Code.

#### **CONCLUSION**

- 1.1 The newly reconfigured lots can be developed in accordance with the Albany Development Code.
- 1.2 This criterion is satisfied.

***Criterion 2: Adjoining land can be developed or is provided access that will allow its development in accordance with this Code. [ADC 11.180(2)]***

#### **FINDINGS OF FACT**

- 2.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 2.2 The subject lots will have frontage on and access to either 34<sup>th</sup> Avenue or Hill Street.
- 2.3 The adjoining properties all have access to public streets as follows:  
North and West: The subject lots abut public streets on these sides. There is a small commercial development in the northwest corner adjacent to the areas subject to the replat that has access to both Hill Street and 34<sup>th</sup> Avenue.  
Property to the east: The adjoining property to the east has access to 34<sup>th</sup> Avenue.  
Property to the south: The adjoining property to the south fronts Tudor Way and has access to Hill Street via Tudor Way.

#### **CONCLUSIONS**

- 2.1 All of the adjoining land has access to public streets.
- 2.2 This criterion is met.

***Criterion 3: The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances. [ADC 11.180(3)]***

**FINDINGS OF FACT**

- 3.1 The vacant site is located on the south side of 34<sup>th</sup> Avenue and east side of Hill Street. Thirty-fourth Avenue is classified as a minor arterial street. It is constructed to City standards. The improvements include curb, gutter, bike lanes and sidewalk on the both sides. Hill Street is a residential local street. It has curb and gutter on both sides and sidewalk on the west side. There is no sidewalk abutting the subject properties on the east side of the street.
- 3.2 The proposed replat would reduce the number of parcels on the site from five to four.
- 3.3 No new streets are proposed with the Tentative Replat. The site has access to 34<sup>th</sup> Avenue.
- 3.4 The replat will have no impact on the potential intensity of development that could occur on the site, and as a result, no impact on the transportation system.

**CONCLUSIONS**

- 3.1 There are no sidewalks abutting the subject properties on the west side of Hill Street. The sidewalks will be required when the site is developed with Building permits.
- 3.2 The replat will not increase the intensity of the development that could occur on the site, and as a result has no impact on the transportation system.
- 3.3 This review criterion is met.

***Criterion 4: The location and design allows development to be conveniently served by various public utilities. [ADC 11.180(4)]***

**FINDINGS OF FACT**

**Sanitary Sewer, Water and Storm Drainage**

- 4.1 The findings under the Zoning Map amendment Review Criterion (3) are incorporated by reference.

**Easements**

- 4.2 The subject property was initially part of the Rodgersdale Addition subdivision. The plat for the Rodgersdale Addition subdivision included the dedication of public street rights-of-way and utility easements. In addition, other public utility easements have been granted over the years for utilities that have been installed within the property boundaries.
- 4.3 The City approved the vacation of certain street rights-of-way in 1965 (Ord. No. 3225), but maintained public utility easements over all of those areas that were platted as streets.
- 4.4 The applicant is proposing to eliminate many of the public utility easements that exist on the site that are not needed for existing utilities within the property boundaries. The replat will extinguish some of the easements that were maintained when public rights-of-way were vacated, or were dedicated as part of the original subdivision plat. Any existing unnecessary easements that were dedicated after the subdivision was platted will need to be eliminated or quitclaimed by separate document.
- 4.5 The applicant's preliminary replat map does not show the public utility easement that was platted with the subdivision that runs east-west through the center of what was Block 20. The final plat must identify all the easements that will be eliminated or maintained.

- 4.6 The applicant's preliminary replat map shows an easement along the eastern boundary of the site (identified by V.261, P. 689). It is unclear what this easement is for. There are indications that the easement was initially granted to PP&L. The applicant must further identify this easement to assure that it may be eliminated. It is unlikely that it can be extinguished with the replat, and if it is not needed, and the grantee approves, it would need to be quitclaimed by separate document.

### CONCLUSIONS

(These conclusions are based in part on utility findings from Zoning Map Amendment analysis.)

- 4.1 Each of the reconfigured parcels will have access to public sanitary sewer, water, and storm drainage from 34th Avenue or Hill Street.
- 4.2 The applicant must clearly identify all public utility easements within the boundaries of the site, and show if they are to remain or be eliminated. If they are to be eliminated, identify which of the easements will be eliminated with the replat and which must be eliminated by separate document.
- 4.3 This review criterion is met.

***Criterion 5: Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable. [ADC 11.180(5)]***

### FINDINGS OF FACT

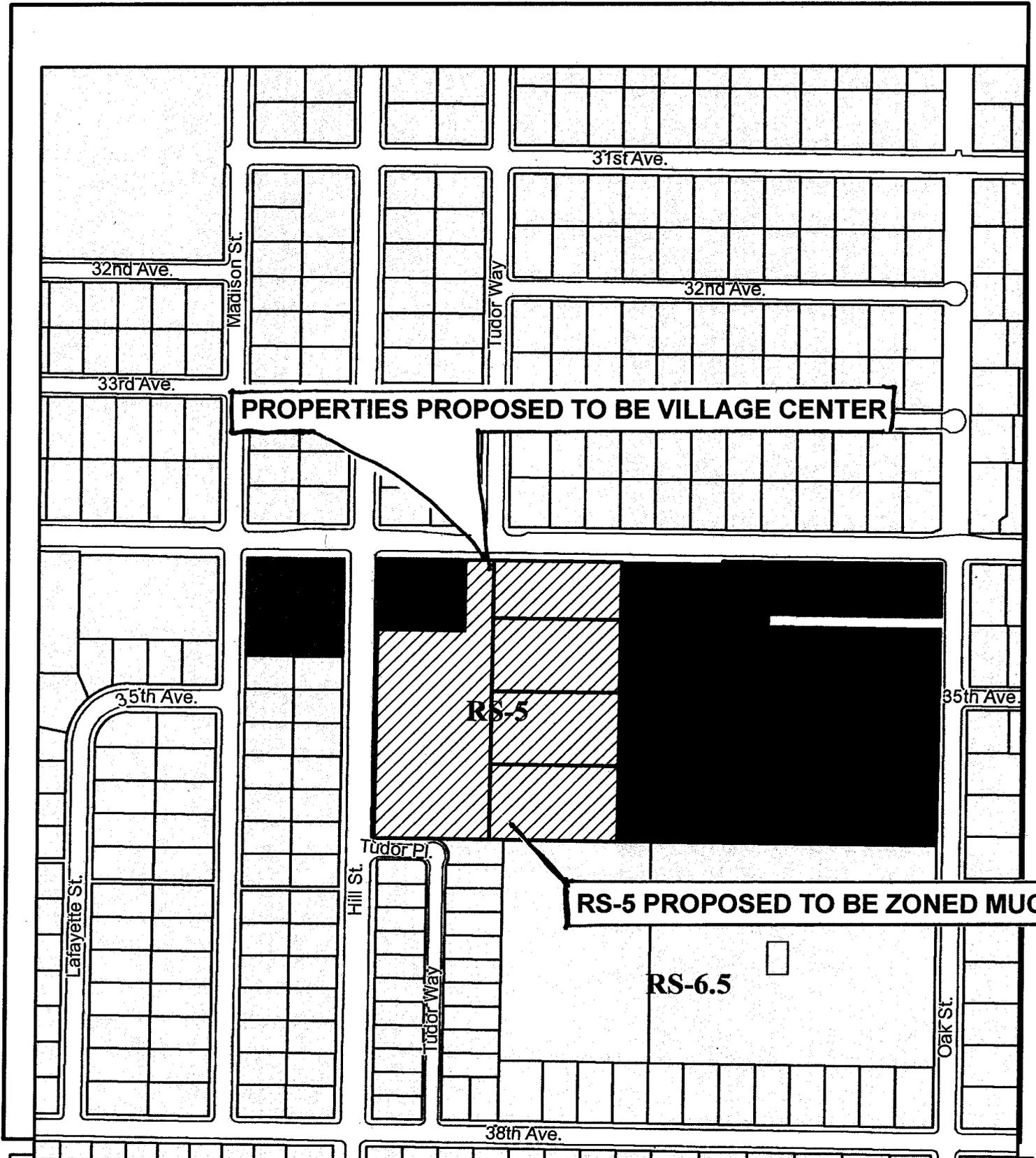
- 5.1 *Article 4 Airport Approach district:* shows that the subject properties are not located in the Airport Approach district.
- 5.2 *Article 6 Steep Slopes, Comprehensive Plan Plate 7:* shows that there are no areas of steep slopes on the subject properties. City contours show that the elevation of the property is 226 feet.
- 5.3 *Article 6 Floodplains, Comprehensive Plan Plate 5:* does not show this subject site in a 100-year floodplain. FEMA/FIRM Community Panel No. 41043C0527G, dated September, 2010, shows that this property is in Zone X, an area determined to be outside any 500-year floodplain.
- 5.4 *Article 6 Wetlands, Comprehensive Plan Plate 6:* does not show any wetlands on the subject site. The U.S. Department of Interior, Fish and Wildlife Service National Wetland Inventory Map dated 1994, shows a wetland in the middle of the subject site. The Local Wetlands Inventory does not show any wetlands on the property. The Division of State Lands was notified of the proposed map amendments and replat. A wetland delineation and removal and fill permit for more than 50 cubic yards will be required prior to development.
- 5.6 *Article 7 Historic Districts, Comprehensive Plan Plate 9:* shows the subject property is not in any historic district. There are no known archaeological sites on the property.
- 5.7 *Article 9, On-site Development; Tree Protection:* there are few trees on the properties. The replat application does not propose to remove any trees.

### CONCLUSIONS

- 5.1 The sites are not located in any of the City's special purpose districts.
- 5.2 Albany's Local Wetland Inventory shows no wetlands on the site, however the National Wetland Inventory Map shows a wetland. The state has noted a wetland delineation and removal and fill permit for more than 50 cubic yards will be required prior to development of the site.
- 5.3 This criterion is met.

## STAFF REPORT ATTACHMENTS

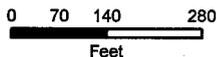
- MAP OF SUBJECT PROPERTIES
- TENTATIVE REPLAT
- APPLICANT'S COMP PLAN & ZONE CHANGE FINDINGS
- APPLICANT'S REPLAT FINDINGS



**11S-03W-18 DD; TAX LOTS 400, 401, 500, 600, 800 \* 900**



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 this material provided, it is specifically advised that you independently field verify the



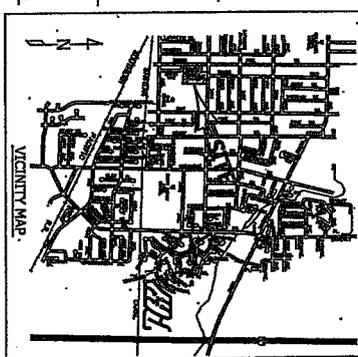
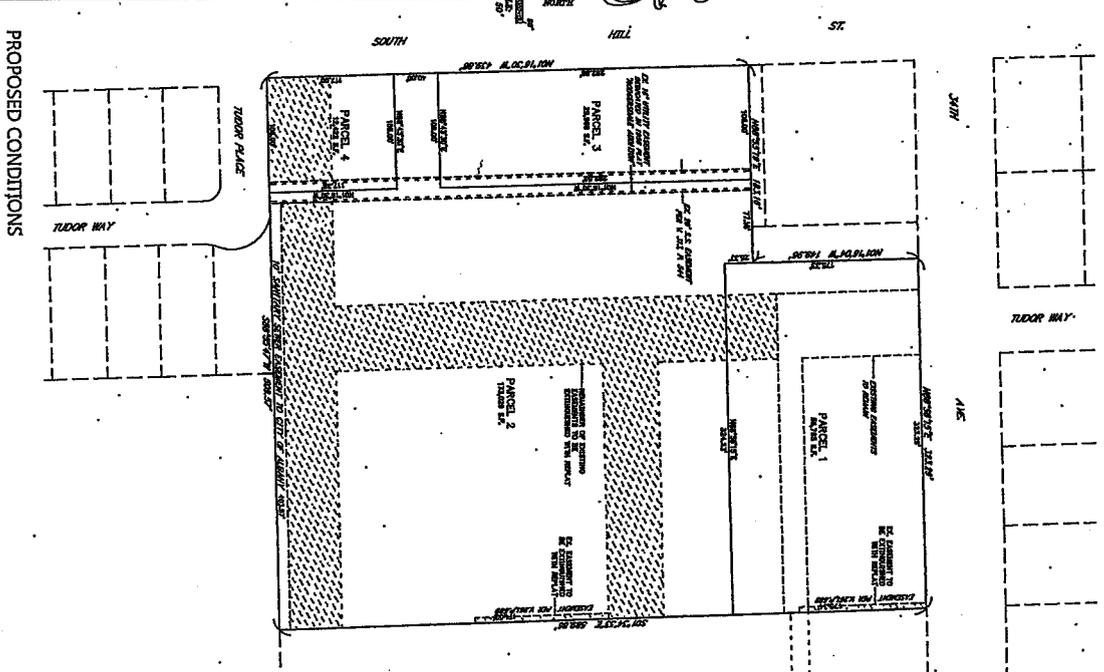
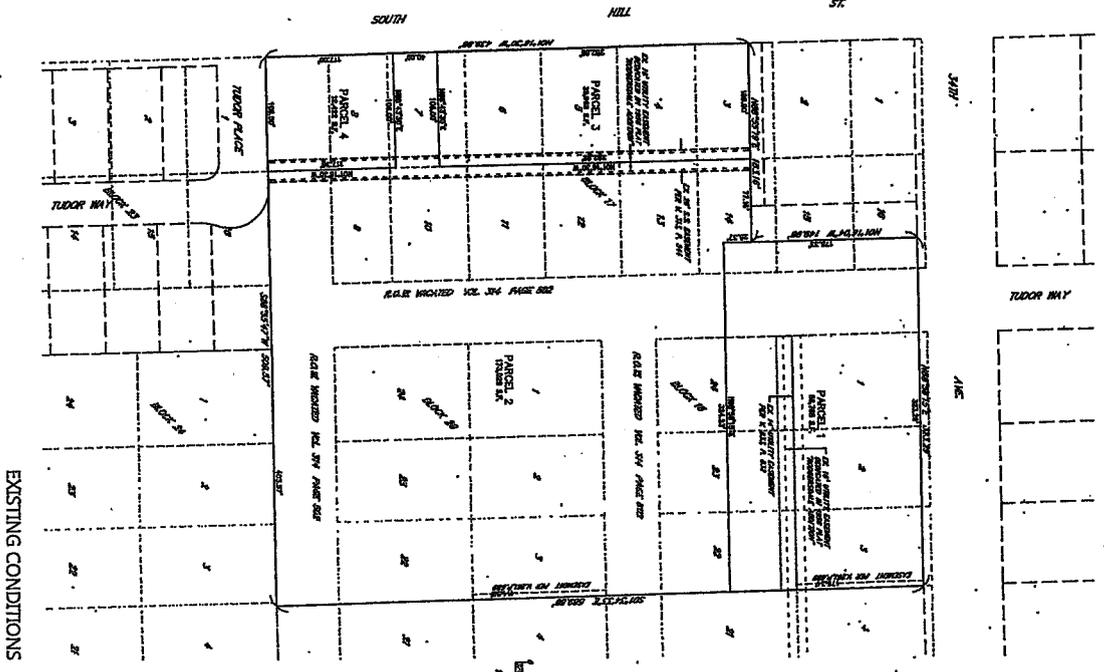
October 5, 2012

Proposed Comprehensive Plan Amendments

City of Albany - 333 Broad Street, Albany, Oregon 97204 (541) 847-7878

**LOCATION MAP - ORDINANCE EXHIBIT A**

**PLUM TREE VILLAGE**  
 SEC. 17 & 18, T. 11 S., R. 3 W., W.M.  
 CITY OF ALBANY  
 LINN COUNTY, OREGON



Owner/Developer:  
**NW MED-EV, LLC**  
 P.O. BOX 70165  
 EUGENE, OREGON 97401

NOTES:  
 1. PROPERTY IN BLOCK 30 OF INDEPENDENCE  
 2. ADJUTIVE VULNERABLE FOR THE P.L. 111  
 3. VULNERABLE WITH INTERVENTIVE ORDER  
 4. HAZARDOUS STREET FOR UTILITY EXEMPTIONS

1 of 1  
 DESIGNER'S SEAL  
 DESIGN: M.D.S.  
 DRAWN: P.H.S.  
 CHECKED: M.D.S.  
 DATE: JULY 2012  
 SCALE: AS SHOWN  
 AS-BUILT:

NO CHANGES, MODIFICATIONS OR  
 REVISIONS TO BE MADE TO  
 THESE DRAWINGS WITHOUT WRITTEN  
 AUTHORIZATION FROM THE DESIGN  
 ENGINEER.  
 DIMENSIONS & NOTES TAKE  
 PRECEDENCE OVER GRAPHICAL  
 REPRESENTATION.

**PLUM TREE VILLAGE**

**REPLAT MAP**



# ***Plum Tree Village (34<sup>th</sup> Avenue): Compressive Plan Change and Zone Change***

## **BACKGROUND/PROPOSAL**

The subject property is located along 34<sup>th</sup> Avenue and Hill Street. The proposal is to change the zoning for approximately 6.25 acres from RS-5 to Mix-Use Commercial and to change the Comprehensive Plan map designation from "Low Density Residential" to "Village Center".

On June 21, 2006, the subject property was approved a Comprehensive Plan Change/Zone Change under CP-04-05, ZC-03-05, and SR-17-05. This approval rezoned the property from CC to RS-5. However, due to the lack of demand for single family housing, the property has never been developed.

The City held a preapplication conference with the applicant on April 4, 2012 for the purpose of discussing development of the subject property.

## **EXISTING SITE CONDITIONS**

The site consists of five tax lots of approximately 6.25 acres in size. According to staff, a vacated 1965 subdivision resulted in creation of property lines and utility easements. Therefore, a replat is necessary to remove remaining property lines. The applicant is requesting a concurrent replat. The property has street frontage on and access to Hill Street to the west and 34<sup>th</sup> Avenue to the north. The subject property is currently vacant.

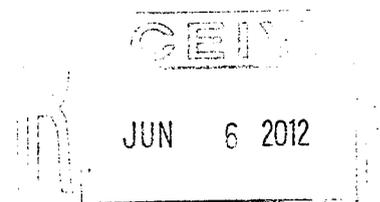
## **COMPREHENSIVE PLAN CHANGE CRITERIA**

ADC 2.220 Review Criteria. Amendments to the Comprehensive Plan will be approved if the Council finds that the application meets the following applicable criteria:

***"The requested designation for a quasi-judicial map amendment meets all of the following tests:***

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

The current zoning of the property is RS-5. The applicant is requesting a zone change from RS-5 to MUC, along with a comprehensive plan change request from "low residential density" to "village center".



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

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

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal and Policy 2. The City of Albany's Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. The Comprehensive Plan Amendment is processed as a Type IV land use decision. This proposal is made under the goals, policies and procedures of the Comprehensive Plan and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, the zone change considerations is part of this review. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal and Policies.

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

**Ensure vegetation is and remains an integral part of Albany's environment.**

According to the City's April 4, 2012, preapplication letter, there are wetlands on this site, but they are not on the Local Wetland Inventory. Notice of the land use application and future development would be to any agency with jurisdiction for review to determine if additional delineation, mitigation, and permits are required. The applicants will be required to comply with DSL regulations when the property is developed.

**Goal 8 – Recreational Needs:**

**Provide a high quality and diversified system of safe and attractive parks, open space, recreation programs, and facilities to:**

- 1. Facilitate community access to leisure, recreation, open space, and cultural opportunities.**
- 2. Meet the varied recreation and leisure needs of Albany's citizens for self-expression, creativity, achievement, imagination, relaxation, and enjoyment.**
- 3. Enhance the beauty, livability, and positive image of Albany.**

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. The City's needs for leisure areas and open space areas have been identified in its adopted plans. The proposal provides improved public pedestrian connections via hard-surfaced sidewalks that are planned to further the City's planned connections to identified park sites. Therefore, the proposal complies with this Goal and Policies.

**Goal 9 – Economy of the State:**

- 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.**
- 2. Achieve stable land-use growth that results in a desirable and efficient land-use pattern.**
- 3. Create village centers that offer housing and employment choices.**
- 4. Promote infill development and redevelopment throughout the City.**
- 5. Improve community appearance and establish attractive gateways into Albany and visually appealing highway corridors.**

**Policies:**

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

5. **Provide opportunities for small neighborhood commercial facilities to be located in neighborhoods and Village Centers to be located close to the areas they are intended to serve. Neighborhood convenience and Village Center commercial uses must:**
- 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 Neighborhood Commercial sites will be less than an acre.**
  - d. **The commercial component of Village Center zoning districts should be sized to meet the neighborhood needs. Village Centers are generally located at least one mile in travel distance from any other commercial site that serves or is available to serve similar commercial needs.**
  - e. **Zone change applications for new neighborhood and Village Center 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.**

Goal 9 ((Economy) (Land Use)) Policy 3 (Commercial) states, "Designate new mixed use Village Centers that provide a mix of commercial, office, entertainment and medium-to high density residential uses that are integrated in the desired character of the neighborhood." The applicant's proposal will designate the property to "Village Center", where the current Comprehensive Designation is "Residential Low-Density". The Village Center designation will allow the site meet Policy 3 and 5 (Commercial) by developing commercial and residential uses within the subject property.

The proposal complies with the Goals and Policies by creating an area that promotes commercial services which strengthens the economic base by providing employment, goods, services, and multiple-family housing. The proposed redesignation and concurrent re-zoning will result in a coordinated Comprehensive Plan designation and zoning district as is required by the Plan and Code Coordination Policy. The proposal is therefore, consistent with the goals and policies of the Comprehensive Plan.

The applicant has indicated that several major food chains have contacted them regarding leasing space within the commercial building proposed on the northern end of the site. From these communications, it would appear that the demand for commercial space is there.

The mixed-use development will provide commercial uses and senior apartments on the northern portion of the site. The southern portion of the site will be development with multiple-family apartments. This development meets the intent of Policy 5, by providing a development for people to live near activity centers, and their place of employment. The rezoning of the property to MUC will help to meet the Economic and Housing Statewide Planning Goals and Comprehensive Plan Policies, where the current zoning does not have the ability to provide the needed economic opportunities.

#### **Goal 10 – Housing:**

**Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens.**

**Create a city of diverse neighborhoods where residents can find and afford the values they seek.**

#### **Policies:**

1. **Ensure an adequate supply of residentially-zoned land in areas accessible to employment and public services.**

*"Another 14 acres of mixed-use land is also projected, and could accommodate with development or redevelopment in the MUC....."*

*"Land needs to be designated for multiple-family and medium-density development and policies adopted to provide land for multi-family development in order to reach projected 2025 needs."*

*"The need for medium-density and multiple-family housing could be accommodated in the UGB on land currently designated URR or by rezoning land within the City limits."*

The applicant's proposal to rezone the site from RS-5 to MUC will allow a higher density to be built on the site while allowing the development of commercial uses as well. The proposal not only will help to meet housing needs but will also help meet economic needs by providing a mixed-use development with employment opportunities.

The applicant proposes to develop the site with multiple-family dwellings on the southern portion of the site, along multiple-family housing above the commercial development on the northern portion of the site. Therefore, helping in meeting the housing needs of the City of Albany.

The re-designation of this site does not eliminate the ability of the site to be developed as residential because single and multi-family are allowed in the MUC zone. This zone allows the site to provide commercial and residential uses. Both of which are needed in Albany.

The subject property will be constructed with 60 apartments units located above the commercial uses on the northern portion of the site, and about 80 apartments units on the southern portion of the site. This development will add 140 units into the City of Albany's rental housing inventory. Therefore, helping to meet the housing needs of Albany and provide a needed housing type in this neighborhood.

Goal 10 (Housing) Policy 1, 6, and 8 (General), encourages an adequate supply of residentially-zoned land in areas accessible to employment and public services; encourages residential development on already serviced vacant residential lots...; and encourages the development of great neighborhoods. The rezoning of the submit property to MUC will allow the property to be developed with mix-use, commercial and residential housing. Therefore, adding to the residential supply, while providing a great neighborhood with easy access to commercial uses. The residents can live in and work in the same neighborhood. Whereas the current RS-5 zone would only allow the site to provide residential housing.

The proposal fosters the maintenance and development of an adequate quantity and variety of housing types to satisfy the desired lifestyles and financial capabilities of the community's population. The project provides adequate and healthful living conditions and does not threaten the continued desirability of adjoining residential areas.

The medium density residential uses allowed within the MUC zone, helps meet the housing needs as outlined within the Comprehensive Plan, more than the low density residential uses allowed within the current RS-5 zone.

#### **Goal 11 - Public Facilities and Services:**

The City's adopted Comprehensive Plan Public Facilities and Services Goal and Policies implements the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for a development on land in an area where there are existing services and where future extensions of those services can be provided in the most feasible, efficient and economical manner.

The City of Albany provides and maintains services and facilities for the health, safety and welfare of residents within the community, including park facilities, police and fire services. Water and sewer connections can be made to the property without any significant extensions because the facilities are adjacent to the subject property. Storm drain plans are required to be submitted to and approved by the

**Goal 14 – Urbanization:**

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

The City's adopted Comprehensive Plan Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City. The subject property is within the City of Albany and located within the UGB.

The subject property is within a developed area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

Therefore, the proposed zone change is more supportive of the Housing Goals and Policies than the current zone.

***“(b) The requested designation is consistent with any relevant area plans adopted by the City Council.”***

There are no relevant area plans for this area. Therefore, this criterion is not applicable.

***“(c) The requested designation is consistent with the Comprehensive Plan Map pattern.”***

The Comprehensive Plan maps and Goals and Policies give guidance to the type of land-patterns that are desirable in an area. The Goals are implemented by the Statewide Planning Goals and help to encourage appropriate land-use patterns.

The surrounding properties have Comprehensive Plan designations as follows:

Northwest: “Commercial”  
North: Across 34<sup>th</sup> Avenue, “Residential Medium-Density”  
East: “Residential Medium-Density”  
South: “Residential Low-Density” and “Public and Semi Public”  
West: “Residential Low-Density” and “Residential Medium-Density”

The applicant's request is to rezone the subject property to MUC and change the Comp. Plan Designation to “Village Center”. The requested designation is consistent with the Plan Map pattern, since MUC allows both commercial and residential uses within the zone. The intent of the Comprehensive Plan is to have consistent and compatible neighborhoods that are built to code and meet the Goals and Policies of the Comp. Plan. Therefore, the mix-use zone and mix-use development will be consistent with the existing surrounding uses, while meeting the intent of the Goals and Policies of the Comprehensive Plan as stated above.

***“(d) The requested designation is consistent with the statewide planning goals.”***

The following statewide planning goals are relevant and have been addressed above:

Goal 1- Citizen Involvement  
Goal 2- Land-Use Planning  
Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces  
Goal 8 – Recreational Needs  
Goal 9 – Economy of the State  
Goal 10- Housing

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

The criteria addressed above under No. 1 with the concurrent Comprehensive Plan Change are also applicable to the Zone Change. Therefore, this criterion has been addressed under Criterion No. 1 under the Comprehensive Plan Change Criteria.

***(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.***

Thirty-Fourth Avenue is a Minor Arterial and is fully improved to City Standards. Hill Street is a local street and is fully improved to City Standards. The development will have access onto 34<sup>th</sup> Avenue and Hill Street via internal driveways and a shared access way along the east property line. The applicant is not proposing any new public or private streets within the development.

The applicant's Traffic Engineer is in the process of preparing a Traffic Impact Analysis for the development.

# Plum Tree Village

## **Replat**

### **BACKGROUND/PROPOSAL**

The subject property is located along 34<sup>th</sup> Avenue and Hill Street. On June 21, 2006, the subject property was approved a Comprehensive Plan Change/Zone Change under CP-04-05, ZC-03-05, and SR-17-05. This approval rezoned the property from CC to RS-5. However, due to the lack of demand for single family housing, the property has never been developed.

The City held a preapplication conference with the applicant on April 4, 2012 for the purpose of discussing development of the subject property. The applicant is requesting a concurrent Comprehensive Plan Change/Zone Change to change the zoning for approximately 6.25 acres from RS-5 to Mix-Use Commercial and to change the Comprehensive Plan map designation from "Low Density Residential" to "Village Center".

**The applicant's replat proposal is to reconfigure the existing parcels into four parcels as shown on the site plan. Parcel 1 will consist of 1.30 acres, Parcel 2 will consist of 3.98 acres, Parcel 3 will consist of 0.69 acres, and Parcel 4 will consist of 0.29 acres.**

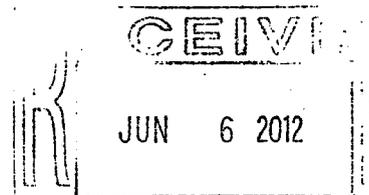
### **EXISTING SITE CONDITIONS**

The existing site consists of five tax lots of approximately 6.25 acres in size. According to staff, a vacated 1965 subdivision resulted in creation of property lines and utility easements. Therefore, a replat is necessary to remove remaining property lines.

### **REPLAT CRITERIA**

- "1. Development of any remainder of property under the same ownership can be accomplished in accordance with the Code."***

The subject property consists of 6.25 acres. The replat is to reconfigure the existing parcels into four parcels. Parcel 1 will consist of 1.30 acres, Parcel 2 will consist of 3.98 acres, Parcel 3 will consist of 0.69 acres, and Parcel 4 will consist of 0.29 acres. The parcels will all be under the same ownership and fully developed as a mix-use development. The applicant is requesting a rezone to change the zoning of the property to MUC. This will allow the property to be developed with multiple family and commercial development. The site will be fully developed; therefore, there will not be any remainder.



corner of the property, and an 18 inch pressure main in 34<sup>th</sup> Avenue. The needed services are available for the development of the site.

The School District will be notified of this proposal through the land-use process. It appears that students within the residential uses would attend Oak Elementary, Calapooia Middle, and South Albany High Schools.

There is a school located to the south of the subject property. The school district provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

The City of Albany has adopted codes regulating installation, extension and development of public facilities for streets, water, sewer and storm drainage facilities, and public utility easements. The developer is responsible for the cost of extension of improved facilities necessary to serve the site. Internal development of public or private facilities necessary to serve individual units will occur at the building permit stage. Compliance with building code requirements satisfies this criterion.

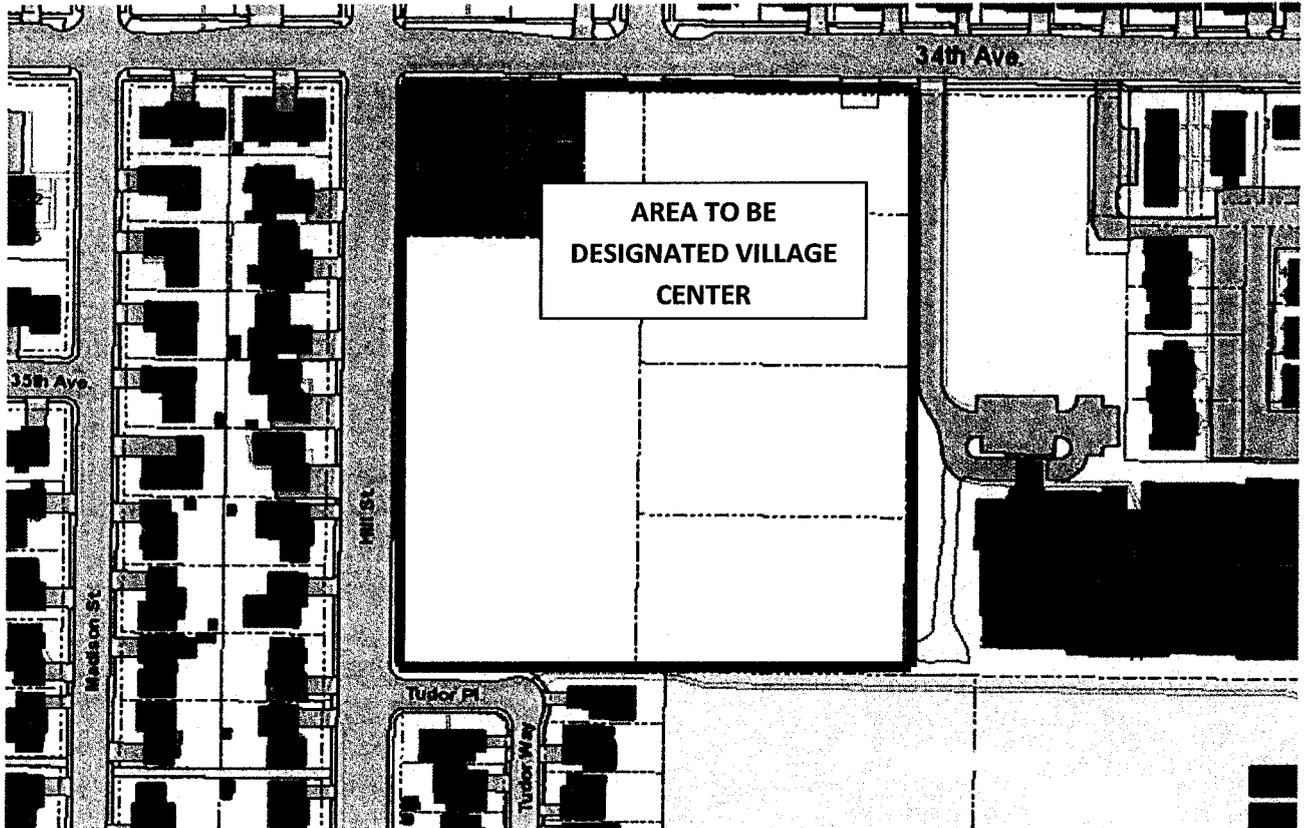
***"5. Activities and developments with special purpose districts must comply with the regulations described in Article 4 (Airport Approach), 6 (Natural Resources), 7 (Historic), as applicable. "***

This property is not within a special purpose district; therefore, this criterion does not apply. The consolidation of the property lines into four parcels does not have a negative effect on the subject property or adjacent properties. The applicant is proposing the development of a mixed-use development on the site, which will go through the City of Albany's Site Plan Review. The layouts of the proposed apartment buildings, commercial building, parking lots, driveways, recreation and play areas, the turnaround, landscaping and open spaces areas, their sizes and dimensions take into account topography and any significant physical features of the site. The layout does not require variances from the Albany zoning code. Minimal disruption of the site, topography, and vegetation will result from the development. The City Replat and Site Plan review process serves as the method to satisfy this criterion.

## CP-03-12, Comprehensive Plan Map Amendment

The Comprehensive Plan Map amendment will change the designation of 7 acres of land from Low Density Residential, LDR, and General Commercial, GC, to Village Center as shown for the properties identified in the map below.

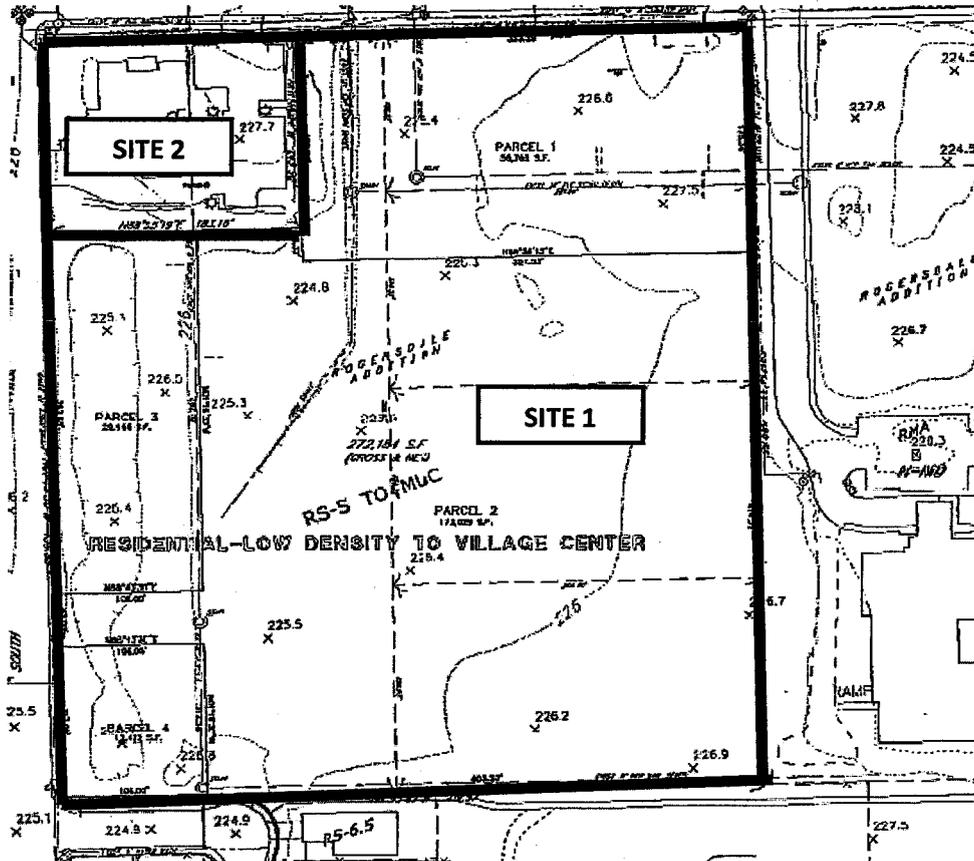
The subject properties include Linn County Assessor's Map No. 11S-03W-18DD; Tax Lots 400, 401, 500, 600, 800 & 900.





## LEGAL DESCRIPTIONS

The Zoning Map and Comprehensive Plan Map amendments will change the designation of 6.25 acres of land from Residential Single Family RS-5 to Mixed Use Commercial, MUC, as shown on the map below.



**Site 1:** The legal description for Linn County Assessor's Map No. 11S-03W-18DD; Tax Lots 400, 500, 600, 800 & 900 is as follows.

### WSS LEGAL

An area of land in the Southeast ¼ of the Southeast ¼ of Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a 2" iron pipe being the Northeast corner of Hillcreek Addition, point also being on the centerline of vacated 36<sup>th</sup> Avenue as dedicated on Rogerdale Addition in Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 88°55'47" West 271.96 feet along said centerline of vacated street to the existing East right-of-way of Hill Street; thence North 01°16'30" West along said right-of-way 439.88 feet to a point; thence leaving said right-of-way North 88°55'19" East 183.16 feet to a 5/8" iron rod; thence North 01°16'04" West 149.96 feet to a 5/8" iron rod on the existing South right-of-way of 34<sup>th</sup> Avenue; thence along said 34<sup>th</sup> Avenue North 88°56'15" East 323.29 feet to a point on the East line of Lot 3 Block 18 of Rogersdale addition; thence South 01°34'33" East 589.86 feet to a point marking the centerline of vacated 36<sup>th</sup> Avenue; thence South 88°55'47" West 237.61 feet to the point of beginning.

**Site 2:** The legal description for 1012 34<sup>th</sup> Avenue SE, Linn County Assessor's Map No. 11S-03W-18DD; Tax Lot 401 is as follows.

That property described in Linn County Oregon Deed Records 2010-18098, being the western 183 feet of the northern 150 feet of the block South of 34<sup>th</sup> Avenue and East of Hill Street in Albany, Linn County, Oregon. As shown on Linn County, Oregon Survey Number 21971.