

ORDINANCE NO. 5899

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR AN UNADDRESSED PARCEL; LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-08DB; TAX LOT 100.

WHEREAS, on August 7, 2017, the Albany Community Development Department received an application for a Zoning Map Amendment for an unaddressed parcel that is located east of 2135 Queen Avenue SE (City of Albany Planning File ZC-03-17); and

WHEREAS, a zoning district map and legal description for the subject property are provided in Ordinance Exhibits A and B, respectively; and

WHEREAS, the application request is to amend the Zoning District Map from Residential Medium Density (RM) to Residential Medium Density Attached (RMA) for the same property; and

WHEREAS, on September 5, 2017, the application for a Zoning Map Amendment was deemed complete; and

WHEREAS, on November 6, 2017, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendment, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, on December 6, 2017, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and conclusions included in the staff report 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 Zoning Map designation of the area, attached as Ordinance Exhibit A, is hereby amended from Residential Medium Density (RM) to Residential Medium Density Attached (RMA).

Section 2: A copy of the map showing the amendment to the Zoning Map shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 3: A copy of the legal description of the affected property, attached as Ordinance Exhibit B, shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

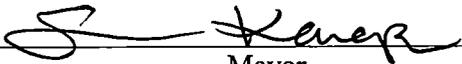
Section 4: The Findings of Fact and Conclusions included in the Staff Report (Exhibit C) are hereby adopted in support of this decision.

Section 5: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: Dec 6, 2017

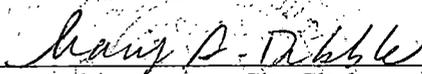
Approved by the Mayor: Dec 6, 2017

Effective Date: Jan 5, 2018

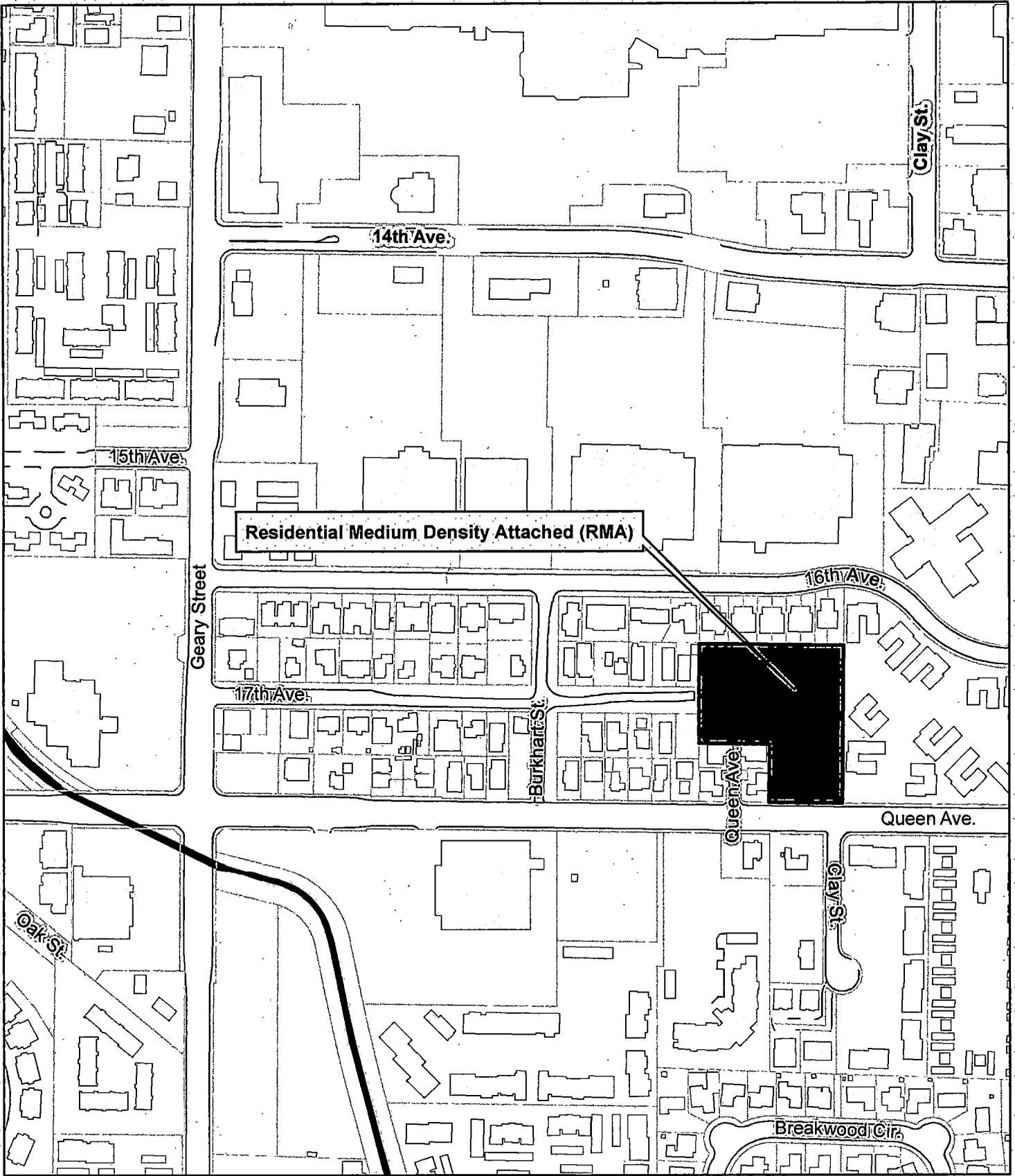


Mayor

ATTEST:

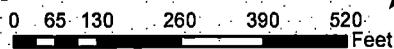
City Clerk



Proposed Zoning Designation - Anjum, Inc.



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



September 20, 2017

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917-7550

Legal Description:

Beginning at a point on the East line of Fairdale Addition to the City of Albany which is North 88° 30' 00" East, 1,129.36 feet and North 1° 50' 00" West 165.00 feet from the Northeast corner of the C.D. Burkhart DLC No. 52 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 01° 50' 00" West along the East line of said addition a distance of 330.00 feet; thence North 88° 25' 00" East 163.56 feet; thence 110.82 feet along a 425.00 foot radius curve left (the long chord of which bears North 80° 56' 45" East 110.51 feet); thence 52.37 feet along a 200.00 foot radius curve right (the long chord of which bears North 80° 58' 40" East 52.22 feet); thence South 1° 50' 00" East 481.13 feet to the North right of way of Queen Avenue; thence South 88° 25' 00" West 165.00 feet along said right of way; thence North 01° 50' 00" West 130.00 feet; thence South 88° 25' 00" West 160.00 feet to the place of beginning.



Community Development Department

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

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

STAFF REPORT Zoning Map Amendment (ZC-03-17) Anjum, Inc.

<u>HEARING BODY</u>	PLANNING COMMISSION	CITY COUNCIL
<u>HEARING DATE</u>	Monday, November 6, 2017	Wednesday, December 6, 2017
<u>HEARING TIME</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW	

EXECUTIVE SUMMARY

This application is a request to rezone an existing 2.15-acre parcel from Residential Medium Density (RM) to Residential Medium Density Attached (RMA). The reason for the zone change request is to allow a proposed residential apartment complex to develop under densities permitted in the RMA zone that are not permitted in the RM zone. Without the zone change, the applicant would be limited to 42 apartment units before applying any residential density bonuses. If the zone change is approved, however, the applicant can construct 56 units before applying any residential density bonuses. The applicant believes that the additional units can be built on site in a way that maintains consistency with Development Code requirements for landscaping, buffering, setbacks, and parking while providing much-needed multifamily housing in Albany.

The Comprehensive Plan designation for the property is Medium Density Residential (MDR). According to the Plan Designation Zoning Matrix in Albany Development Code (ADC) 2.760, both RM and RMA can implement the MDR designation.

The applicant is Anjum Inc., represented by Architect Geoffrey C. James, of Salem, Oregon, and the location of the subject property is an unaddressed parcel adjacent to 2135 Queen Avenue SE (Attachment A). This Zoning Map Amendment application was deemed complete on September 5, 2017 (Attachment B). The criteria for amending the zoning map are found in Albany Development Code (ADC) 2.740 and are addressed in detail in the staff report below.

In summary, the proposed amendment satisfies applicable review criteria, will remain consistent with the City's Comprehensive Plan goals and policies, and will not affect implementation of the Statewide Planning Goals. Therefore, the staff recommendation is APPROVAL of the proposed zoning map amendment.

GENERAL INFORMATION

DATE OF REPORT:	October 30, 2017
FILE:	ZC-03-17
TYPE OF APPLICATION:	Zone Change (Type IV-Q) to change one parcel from Residential Medium Density (RM) to Residential Medium Density Attached (RMA) to accommodate future multifamily development
REVIEW BODY:	Planning Commission and City Council
STAFF REPORT PREPARED BY:	David Martineau, Project Planner

Exhibit C.2

PROPERTY OWNER: Anjum Inc; 5382 Galloway Drive; Hoffman Estates, IL 60192; 818-903-3311; maliniazee1@earthlink.net

APPLICANT: Mubeen Aliniazee; 8083 E. Michelle Drive; Scottsdale, AZ 85255; (602) 850-2022; mubeen@principalmgmtsolutions.com

APPLICANT REPRESENTATIVE: Geoffrey C. James, A.I. A.; 4676 Commercial Street SE, Ste. 8; Salem, OR 97302; 503-931-4120; gjamesarchitect@gmail.com

PROPERTY LOCATION: Unaddressed; east of 2135 Queen Avenue SE

MAP/TAX LOT: Linn County Assessor's Map No. 11S-03W-08DB; Tax Lot 100

TOTAL LAND AREA: 2.15 acres

CURRENT ZONING: Residential Medium Density (RM)

CP DESIGNATION: Residential Medium Density

EXISTING LAND USE: Vacant, undeveloped land

SURROUNDING ZONING: North: Residential Medium Density (RM)
South: RM
East: RM
West: RM

SURROUNDING USES: The subject property is bordered on the north by two-story, single-family attached (zero lot line) homes; on the east by single-story four-plex units; on the south by Queen Avenue SE, a minor arterial, and four single-story single-family homes; and on the west by single-family manufactured homes.

PRIOR HISTORY: The subject property was part of a larger annexation that took place on December 28, 1977 (Ordinance No. 4081). The property was subsequently zoned PUD/R-2 (Limited Multiple Family). On June 12, 1991, the R-2 zoning district was changed to RM-5 citywide (Ordinance No. 4958). A two-phased subdivision creating 17 duplex and single-family lots (file M1-02-95; Anjum Subdivision) was approved on May 16, 1995. Phase 1 zero lot line duplex lots along the south side of 16th Avenue SE were approved. Phase 2, the subject property, was never finalized. On June 27, 2007, the RM-5 zone, together with RM-3, was changed to simply RM (Ordinance No. 5673).

NOTICE INFORMATION

A Notice of Public Hearing was mailed to property owners located within 300 feet of the subject property on October 17, 2017. The Notice of Public Hearing was posted on the subject property at two locations by October 30, 2017. The Zoning Map Amendment staff report was posted on the City's website October 30, 2017. At the time this staff report was completed, no comments had been received.

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

Zoning Map Amendment File ZC-03-17

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 and conclusions. Note: Findings and conclusions submitted by the applicant can be found in Attachment E.

- (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 2.15 acres from Residential Medium Density (RM) to Residential Medium Density Attached (RMA) District.
- 1.2 The current Comprehensive Plan map designation of the subject site is Medium Density Residential (MDR). According to the Plan Designation Zoning Matrix table found in ADC 2.760, both the current RM zoning and proposed RMA zoning is consistent with the MDR Plan designation of the site (see Attachments C and D).

CONCLUSIONS

- 1.1 The existing zone, Residential Medium Density, and the proposed zone, Residential Medium Density Attached are both compatible with the Comprehensive Plan designation of Medium Density Residential.
- 1.2 This criterion is satisfied.
- (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 north side of Queen Avenue about 1,190 feet west of Waverly Drive. The zone change would change the designation of a 2.15-acre parcel of property from RM to RMA.
- 2.2 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant effect" occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.3 The application includes a Traffic Impact Analysis (TIA). The analysis was performed by Greenlight Engineering and is dated October 8, 2017 (see Attachment F). The analysis evaluated the incremental PM peak hour impact of site development under the current RM zone designation with development under the requested RMA designation. Study intersections included the Queen Avenue/Geary Street intersection and the Queen Avenue/Waverly Drive intersection.
- 2.4 The reasonable most intensive use assumed by the TIA for site development under the existing RM zone designation was 48 apartment units. Based on ITE trip generation rates for apartments, 48 apartments would generate 30 PM peak hour trips.
- 2.5 The reasonable most intensive use assumed by the TIA for site development under the requested RMA zone designation was 66 apartment units. Based on ITE trip generation rates for apartments, 66 apartments would generate 41 PM peak hour trips.

- 2.6 Based on the study results, development of the site under the requested RMA zone designation would result in 11 more PM peak hour trips than would development under the existing zone designation.
- 2.7 The TPR requires that the impact of a zone change be evaluated at the horizon year of the jurisdiction's TSP. Albany's TSP has a horizon year of 2030. The TIA evaluated the performance of the Queen Avenue/Geary Street and the Queen Avenue/Waverly Drive intersections at year 2030 both with and without the requested zone designation. Albany's performance standard for non-highway intersections controlled by a traffic signal is LOS D.
- 2.8 The TIA found that the Queen Avenue/Geary Street intersection would operate at LOS C both with and without the requested zone designation.
- 2.9 The TIA found that the Queen Avenue/Waverly Drive intersection will operate at LOS F both with and without the requested zone designation. While LOS F does not meet Albany's performance standard, the operation of the intersection is not further degraded by the requested zone designation and actually improves slightly. Average driver delay under the current site's current RM zone designation is 140.2 seconds and is 139.5 seconds under the requested RMA designation.
- 2.10 Albany's TSP does include a project (I18) that would add capacity to the Queen Avenue/Waverly Drive intersection by adding an eastbound right turn lane and a westbound through lane. When constructed those improvements will allow the intersection to operate at LOS C in year 2030. The improvement was not assumed to be in place for the TPR analysis because construction funding has not yet been assigned to the project and its construction is not financially assured.

CONCLUSIONS

- 2.1 The proposed zone change would change the designation of the 2.15-acre parcel from RM to RMA.
- 2.2 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation and if so, if the additional trips would result in a "significant effect".
- 2.3 A Traffic Impact Analysis submitted by the applicant estimated that a reasonable most intensive development under the requested zone designation would generate up to 11 more PM peak hour trips than would development under the current zone designation. The TIA evaluated the performance of the Queen Avenue/Geary Street and the Queen Avenue/Waverly Drive intersections at year 2030 both with and without the requested zone designation.
- 2.4 The TIA found that the Queen Avenue/Geary Street intersection would operate at LOS C during the PM peak traffic hour and meet Albany's performance standards under both the current and requested zone designation.
- 2.5 The TIA found that the Queen Avenue/Waverly Drive intersection will operate at LOS F both with and without the requested zone designation. While LOS F does not meet Albany's performance standard, the operation of the intersection is not further degraded by the requested zone.
- 2.6 The proposed zone change has the potential to add 11 PM peak hour trips to the public street system, but the addition of those trips will not have a significant effect on the operation of the system or degrade the performance of an already failing facility.
- 2.7 This criterion is satisfied without conditions.

Exhibit C.5

- (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)).*

Sanitary Sewer

- 3.1 City utility maps show a 48-inch public sanitary sewer main along the east boundary of the subject parcel, and an eight-inch main in 17th Avenue.
- 3.2 The City's Wastewater Facility Plan shows no downstream deficiencies that would inhibit development on the site under the RMA zoning designation.

Water

- 3.3 City utility maps show a 12-inch public water main in Queen Avenue, and an eight-inch main in 17th Avenue.
- 3.4 The City's Water Facility Plan shows no deficiencies that would inhibit development on the site under the RMA zoning designation.

Storm Drainage

- 3.5 City utility maps show a 72-inch public storm drainage main in Queen Avenue and a 21-inch main along the east boundary of the subject parcel.
- 3.6 The City's Stormwater Facility Plan shows no deficiencies that would inhibit development on the site under the RMA zoning designation. On-site stormwater detention and stormwater quality facilities will likely be required for any future development on the site under any zoning designation.

Schools

- 3.7 The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published.

Police and Fire Protection

- 3.8 The City of Albany Police Department and Fire Department serve the property.
- 3.9 There are no adverse impacts on the affected service area that are anticipated with this zoning map amendment request.

CONCLUSIONS

- 3.1 Public utilities (sanitary sewer, water, and storm drainage) are available and adequate to serve development on the subject parcel under the proposed RMA zoning designation.
- 3.2 This criterion is satisfied without conditions.
- (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 current zoning designation of the property where the Zoning Map amendment is proposed is RM (Residential Medium Density) District. The proposed zoning is RMA (Residential Medium Density Attached) District.
- 4.2 The subject property was part of a larger annexation that took place on December 28, 1977 (Ordinance No. 4081). The property was subsequently zoned PUD/R-2 (Limited Multiple Family). On June 12, 1991, the R-2 zoning district was changed to RM-5 citywide (Ordinance No. 4958). A two-phased subdivision creating 17 duplex and single-family lots (file M1-02-95; Anjum Subdivision) was approved on May 16, 1995. Phase 1 zero lot line duplex lots along the south side of 16th Avenue SE were approved. Phase 2, the subject property, was never finalized. On June 27, 2007, the RM-5 zone, together with RM-3, was changed to RM or RMA, respectively, city-wide (Ordinance No. 5673). The Comprehensive Plan designation has consistently been Medium Density Residential from the 1980s through today. The subject property has remained vacant throughout this time.

Zoning District Intent and Purposes

- 4.3 According to Section 3.020(5) of the Albany Development Code (ADC), the Residential Medium Density (RM) district is intended primarily for medium-density residential urban development. The RM District should be located on collector or arterial streets.
- 4.4 Single-family residences and duplexes are allowed outright in the RM zone. Child, adult, residential, or group homes are generally allowed outright as well. Multifamily development, both attached and detached, is allowed in the RM through Site Plan Review approval along with manufactured home parks. Conditional uses in the RM include assisted living, bed and breakfasts, most institutional uses, and indoor/outdoor entertainment and recreation (see Attachment I). Residential densities greater than 25 units per gross acre are not allowed in the RM District, except through approved density bonus provisions. In no instance shall the combined total of all bonus provisions applied to a development result in an overall reduction of more than 30 percent in the standard site size or lot area per unit requirements, or result in a density that exceeds the allowed density in the zone by more than 20 percent (ADC 3.220). The maximum allowable height in the RM zone is 45 feet.
- 4.5 According to Section 3.020(6) of the ADC, the Residential Medium Density Attached (RMA) District "is intended primarily for medium- to high-density urban residential development. All units, whether single- or multiple-family, shall be attached. New RMA districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 35 units per gross acre." Queen Avenue is considered a minor arterial. The maximum allowable height in the RMA zone is 60 feet (the applicant erroneously stated 70 feet in his submittal).
- 4.6 The uses that may be allowed in the RMA zoning district outright include single-family attached units, duplexes and primary residences with one accessory unit. Multifamily dwellings, rooming or boarding houses, daycare facilities, bed and breakfasts, and manufactured home parks are allowed through an approved Site Plan Review. Conditional uses include RV parks, assisted living facilities, community services, and indoor/outdoor entertainment and recreation (see Attachment I).
- 4.7 The applicant is requesting the zone change to allow a proposed 66-unit residential apartment building to develop under densities permitted in the RMA zone that are not permitted in the RM zone. By way of comparison, the RM zone caps density at 25 units per acre; the RMA zone allows 35 units per acre. The subject property is 2.15 acres; therefore the number of units would be limited to 53 under the existing RM zoning, and 75 units in the proposed RMA zone.

However, the actual density of any site depends on the ability to satisfy other development standards such as parking, landscaping, and for multifamily development, land requirement by unit standards. This later standard imposes minimum land area requirements based on the number of bedrooms per unit. Under the current RM zoning, each one bedroom apartment unit requires 2,000 square feet of land area. For each 2-3 bedroom unit, the land requirement jumps to 2,400 square feet of land area per unit. In the RMA zone, one-bedroom units require 1,500 square feet, and 2-3 bedroom units require 1,800 square feet of land area, respectively (see Table 1a, below). Where there is a conflict, the stricter of the two standards applies.

Table 1: Density and Land Requirement by Unit Standards

Density Standard	RM Zone	RMA Zone
1) Maximum Units Allowed per Gross Acre	25 units per gross acre <i>53 units max. allowed on 2.15 acres of land</i>	35 units per gross acre <i>75 units max. allowed on 2.15 acres of land</i>
2) Minimum Land Requirement by Unit Type	2,000 sq. ft. per 1 bedroom unit, 2,400 sq. ft. per 2-3 bedroom unit <i>46 one-bed units on 2.15 acres, or 39 two/three bed units on 2.15 acres</i>	1,500 sq. ft. per 1 bedroom unit, 1,800 sq. ft. per 2-3 bedroom unit <i>62 one-bed units on 2.15 acres, or 52 two/three bed units on 2.15 acres</i>

Source: Sections 3.020 and 3.190 of the Albany Development Code, 2017.

Under the current RM zone, the base maximum density standard would allow 53 units. In the RMA zone, 75 units could be built. However, applying the Minimum Land Requirement by Unit Type standard reduces the number of allowable units. If all the apartment units were one-bedroom, the 2.15-acre site could accommodate 46 units under the existing RM zone, and 62 units under the proposed RMA zone (see Table 1, above). If all units were two-bedroom, the 2.15-acre site could accommodate 39 units under the existing RM zone, and 52 units under the proposed RMA zone. The actual number of units could go up or down depending on the number of one-bedroom and two or three-bedroom units and how they are split.

- 4.8 As described below, at the time of development, the applicant could apply for various density bonuses, which would increase the number of possible units permitted on the site. Density bonuses may be granted for proximity to designated arterials, solar access easements, provision of moderate-cost housing, and protection of significant natural resource areas. When combined, they would allow an increase in density of up to 30 percent of what would be permitted considering the Minimum Land Requirement by Unit Type standards. However, in no case can the density bonuses be used to exceed the maximum density of the zone (25 units per acre in the RM zone and 35 units per acre in the RMA zone). Therefore, the absolute maximum number of units that could occur on the site if it were zoned RMA would be 75, but likely less.

By way of example, the applicant has expressed interest in developing a total of 66 units composed of 30 one-bedroom apartments and 36 two-bedroom apartments. To achieve this number and mix of units, the applicant would need to apply for density bonuses totaling at least 17 percent in the RMA zone. Under the existing zone, the number of units, assuming density bonuses totaling 17 percent, would be 49. As noted above, the combination of all density bonuses cannot exceed the maximum number of units under the zoning density cap.

- 4.9 The site is bordered by Residential-Medium Density (RM) zoning on three sides and by Queen Avenue along the south. Properties on the south side of Queen Avenue are also zoned RM. The subject property is bordered on the north by two-story, single-family attached (zero lot line) homes; on the east by single-story four-plex units; on the south by Queen Avenue SE, a minor arterial, and four single-story, single-family homes; and on the west by single-family, mainly double-wide, manufactured homes.

Comprehensive Plan Goals and Policies Relevant to the Request

4.10 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RMA zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies is listed below in ***bold italic*** print.

4.11 **Goal 2: Land Use Planning-Land Use Designations (Chapter 9)**

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix.’ This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix shows what zoning districts are compatible with each Plan designation,” (p. 9-12).

The Medium Density Residential designation includes the following compatible zoning districts: Residential Single Family (RS-5); Residential Medium Density (RM); Residential Medium Density Attached (RMA); Mixed Use Residential (MUR); Office Professional (OP); and Neighborhood Commercial (NC). Which zone should be used in a particular area depends on the location and characteristics of the site and the need for the uses allowed in that zone.

4.12 **Goal 10: Housing (Chapter 4)**

To provide for the housing needs of citizens of the state.

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

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

The proposed zone change will improve the utilization of residentially-zoned land through the modest increase in the number of allowable dwelling units between the RM and RMA zoning districts. The subject property has close access to nearby employment, public services, and shopping. There are regional shopping centers within ½ mile of the subject property that include Heritage Mall and Heritage Plaza Shopping Center. There are several other offices and small retail establishments in the area as well as senior assisted living units and the Albany Public Library. Accessibility to employment and services is further enhanced by Albany Transit System, which serves Queen Avenue directly adjacent to the subject property.

Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

The RMA district is intended primarily for medium to high density residential urban development. Allowable uses include a range of residential dwellings from single-family to multifamily apartments or condominiums, however, units must be attached. RMA-zoned districts are located in several areas of Albany in order to provide a variety of higher density housing choices for residents in places that have available and adequate public services. Due to its proximity to commercial areas around town, it is a zone which provides residents easy access to employment sites, shopping, and community services.

The Housing Needs Analysis data in the Comprehensive Plan estimated there were 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 projected residential land need between 2005 and 2025 to be about 656 acres. The analysis concluded that there would be a surplus of low-density land, including 162 acres of land zoned RS-5, 321 acres zoned RS-6.5, and 598 acres zoned either RS-10 or RR. There will be a shortage of medium density land, with an estimated need of about 68 additional acres, of which 14 acres needed to accommodate future RM development, 44 acres specifically needed for RMA development, and the remainder for medium density housing in the Hackleman-Monteith (HM), Mixed-Use Residential (MUR) and Waterfront (WF) zones. Since the 2005-2025 Housing Needs Analysis was completed, only 40,500 square feet, or 0.93 acres, was added to the RMA zone. Like this zone change application presently under review, that transfer shifted land away from RM-zoned land.

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.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

The applicant notes that the proposed multifamily development will be compact and an efficient use of land. The property has access to public transit and is within walking distance of parks, shopping centers and other amenities including Albany's main public library. Public utilities are available at the property line, which facilitates residential development.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

The proposed infill development is located on an arterial and can be fully serviced by existing public utilities.

Policy 8: Encourage the development of great neighborhoods by:

- a. Supporting neighborhood identity.***
- b. Locating parks, trails, schools, daycare and churches in close proximity to residences.***
- c. Incorporating natural features and spaces into developments.***
- d. Connecting and orienting new neighborhoods to Village Centers.***

Neighborhood identity in higher density zoning districts such as the RM or RMA district can be characterized by the mix of allowable housing types from single-family detached to multistory apartments or condominiums. Even in the case of single-family detached, where permitted, it tends to occur at higher levels of density as compared to the lower density single-family residential districts. This range of housing types is apparent in the vicinity of Queen Avenue SE, between Geary Street and Waverly Drive. The subject property is bordered on the north by two-story, single-family attached (zero lot line) homes; on the east by single-story four-plex units; on the south by Queen Avenue SE, a minor arterial, and four single-story, single-family homes; and on the west by single-story, single-family manufactured homes. Brookdale Senior Living is a three-story building located northeast of the subject property. More broadly, the existing development pattern of interspersed residential units ranging from single-family detached to multifamily residential is a consistent theme in this area. Lot sizes in the vicinity range from 4,500 to 5,500 square feet for single-family detached dwellings, 3,500 square feet for single-family attached dwellings to the north. There are two existing neighborhood parks, churches, and a daycare in close proximity to the proposed development. The Albany Public Library and regional shopping centers are located within walking distance from this site. Future multifamily residential development must satisfy applicable development standards and review criteria. Evaluation of development against review criteria would consider potential negative impacts to surrounding uses, and measures to mitigate for those impacts such as landscaping, buffering and screening, building setbacks,

controlled points of access and height restrictions. There are no known natural features present on the site; however, new landscaping, trees, and open space will be provided at the time of development.

Policy 15: Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings, and overgrown vegetation.

Presently, the 2.15-acre lot is vacant. Changing the zone as proposed is expected to facilitate development of the lot, likely with multifamily units.

CONCLUSIONS

- 4.1 Goal 2, Land Use Planning. The Medium Density Residential Comprehensive Plan designation lists both the RM and RMA as compatible zoning districts.
 - 4.2 Goal 10, Housing. The RM district is intended primarily for medium density residential urban development. Rezoning the subject property from RM to RMA will make the proposed use consistent with the intent of the Goal 10-Housing updates in 2007 (see Ordinance No. 5673).
 - 4.3 The subject property abuts RM-zoned land to the west, north, and east as well as land to the south across Queen Avenue. The proposed use of the site is multifamily residential development.
 - 4.4 Density standards in the Development Code impose an upper limit on the number of dwelling units that can be constructed in both the RM and RMA districts. Factoring applicable density bonuses, based on the applicant's proposed unit split, the RM zone would limit development to 49 units on the subject property and 66 units in the RMA zone.
 - 4.5 The subject property is located within ½ mile of regional shopping centers, offices, other retail establishments, and public services, all of which is served by public transit. Due to its proximity to commercial areas around town and along collector streets or arterials, the RMA zone provides residents easy access to employment sites, shopping and community services.
 - 4.6 Both the RM and RMA zoning designations satisfy the applicable goals and policies of the Albany Comprehensive Plan, however higher density development is best accommodated in the RMA zone. The Plan projected 747 residential units on 44 acres would be needed in the RMA zoning district to the year 2025. Accommodation of higher density development through the RMA zone helps offset density pressures in the other residential zones that allow multifamily development. Therefore, on balance, the RMA zoning designation best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
 - 4.7 This criterion has been met.
- (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 (ADC 2.740 (5)).***

FINDINGS OF FACT

- 5.1 Albany's Transportation System Plan (TSP) outlines the City's planned transportation system through year 2030 and is based on development occurring in conformance with the Comprehensive Plan.
- 5.2 The Comprehensive Plan currently envisions this parcel being developed for multifamily housing. The proposed zone change will not change that assumption.
- 5.3 The TSP does not identify any transportation system improvements occurring within or along the frontage of this site.

CONCLUSIONS

- 5.1 The land use proposed with this zone change is consistent with the land use assumptions incorporated within the TSP.
- 5.2 The proposed zone change will not modify the transportation pattern envisioned by the TSP.
- 5.3 This criterion is satisfied without conditions.

OVERALL CONCLUSIONS AND RECOMMENDATION

The staff analysis concluded that the availability of utilities, infrastructure and transit make the 2.15-acre property an ideal candidate for infill development within the City. The requested zoning designation is consistent with the site's Comprehensive Plan designation of "Residential – Medium Density." It is most likely that the site would be developed with multifamily residential units, which would be required to satisfy applicable development standards and review criteria through evaluation of a Site Plan Review Permit and building permits. Evaluation of development against review criteria would consider potential negative impacts to surrounding uses, and measures to mitigate for those impacts. On balance, the evidence supports changing the zoning designation of the subject property from RM to RMA.

OPTIONS FOR THE PLANNING COMMISSION

The Planning Commission has three options with respect to the proposed zone change request:

- Option 1: Recommend the City Council approve the request as proposed;
- Option 2: Recommend the City Council approve the request with conditions; or
- Option 3: Deny the request. The City Council will only consider the proposal on appeal by the applicants.

MOTION

Based on findings and conclusions presented in this report, staff recommends the Planning Commission choose Option 1 and recommend approval of the zone change request. If the Planning Commission follows this recommendation, the following motion is suggested:

Motion

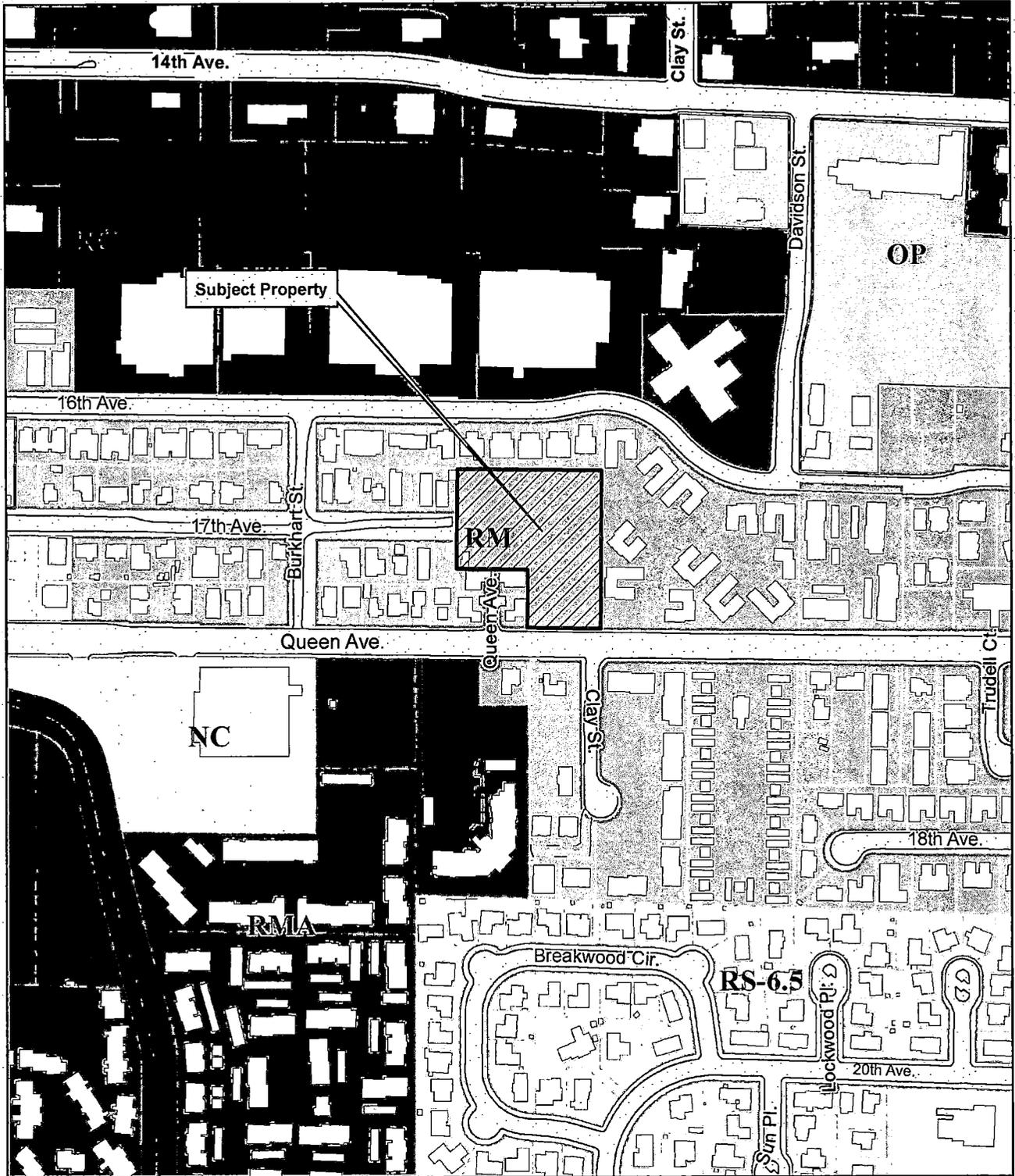
I move that the Planning Commission recommend that the City Council approve land use application ZC-03-17, as described in the October 25, 2017, staff report to the Planning Commission. This motion is based on the findings and conclusions in the staff report, and the findings in support of the application made by the Planning Commission during deliberations on this matter.

ATTACHMENTS

- A Location Map
- B Determination of Completeness Letter
- C Current Comprehensive Plan & Zoning Designation
- D Proposed Comprehensive Plan & Zoning Designation
- E Application and Narrative from the Applicant
 - E.1 – E.26 Applicant’s Findings
 - E.27 – E.29 Neighborhood Meeting Summary
- F Traffic Study
 - F.1 – F.21 Traffic Impact Analysis prepared by Greenlight Engineering, October 8, 2017
- G Legal Description
- H Assessor’s Map
- I Excerpts from Article 3 of the Albany Development Code
 - I.1 – I.6 Schedule of Permitted Uses – RM and RMA zones
 - I.7 – I.8 Development Standards – RM and RMA zones

ACRONYMS

- AASHTO American Association of State Highway and Transportation Officials
- ADC Albany Development Code
- ADT Average Daily Traffic
- AMC Albany Municipal Code
- DSL Oregon Department of State Lands
- HM Hackleman Monteith Zoning District
- ITE Institute of Transportation Engineers
- LOS Level of Service
- LUBA Oregon Land Use Board of Appeals
- MDR Medium Density Residential Comprehensive Plan Designation
- MUR Mixed-Use Residential Zoning District
- OAR Oregon Administrative Rule
- ODOT Oregon Department of Transportation
- PUD Planned Unit Development
- RM Residential Medium Density Zoning District
- RMA Residential Medium Density Attached Zoning District
- ROW Right of Way
- RR Residential Reserve Zoning District
- RS-5 Residential Single-Family Zoning District (Minimum Average Lot Size 5,000 sq. ft.)
- RS-6.5 Residential Single-Family Zoning District (Minimum Average Lot Size 6,500 sq. ft.)
- RS-10 Residential Single-Family Zoning District (Minimum Average Lot Size 10,000 sq. ft.)
- TIA Traffic Impact Analysis
- TPR Transportation Planning Rule
- TSP Transportation Systems Plan
- USACE U.S. Army Corps of Engineers
- V/C Volume to Capacity
- WF Waterfront Zoning District
- ZC Zoning Map Amendment File Designation



Location Map: Vicinity of Queen Avenue and 17th



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, but its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently verify the

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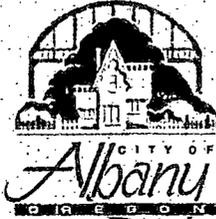


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Feet

July 31, 2017

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550



September 11, 2017

Determination of Completeness

CITY HALL
333 Broadalbin Street SW
P.O. Box 490
Albany, OR 97321-0144
www.cityofalbany.net

541-917-7500

CITY MANAGER/
ECONOMIC DEVELOPMENT/
URBAN RENEWAL
541-917-7500
FAX 541-917-7511

FINANCE
Finance/Recorder
541-917-7532
FAX 541-917-7748

Municipal Court
541-917-7740
FAX 541-917-7748

COMMUNITY
DEVELOPMENT
Planning
541-917-7550
FAX 541-917-7598

Building Division
541-917-7753
FAX 541-917-7598

FIRE ADMINISTRATION
541-917-7700
FAX 541-917-7716

HUMAN RESOURCES
541-917-7515
FAX 541-704-2324

INFORMATION TECHNOLOGY
223 Third Avenue SW
541-917-7599
FAX 541-791-0075

PUBLIC WORKS
Engineering
541-917-7676
FAX 541-917-7573

Water/Sewer Billing
541-917-7547
FAX 541-917-7794

Operations
310 Waverly Drive NE
Albany, OR 97321
541-917-7600
FAX 541-917-7615

Call-A-Ride
112 Tenth Avenue SW
Albany, OR 97321
541-917-7770
FAX 541-812-2571
TTD 541-917-7762

Transit
112 Tenth Avenue SW
Albany, OR 97321
541-917-7667
FAX 541-812-2571

Geoffrey C. James, A.I.A.
4676 Commercial Street SE, Ste. 8
Salem, OR 97302

Dear Geoffrey:

**CITY OF ALBANY FILE ZC-03-17
APPLICATION FOR A ZONING MAP AMENDMENT
LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-08DB; TAX LOT 100**

As of September 5, 2017, application ZC-03-17 has been deemed complete. By state law, the City has 120 days from the date the application is deemed complete to issue a final decision, including all appeals.

Now that the application is deemed complete, the City will process it with the information submitted. If at any time you submit revised materials, the 120-day processing time may reset to a new date. If additional applications or plan revisions are submitted after the date of this letter, additional fees and public notice may be necessary.

Please understand that nothing in this letter constitutes an approval of your application or a finding of compliance with any city policy or standard. With this letter, Staff is declaring only that the application materials are sufficient for the city to begin review of the application for compliance.

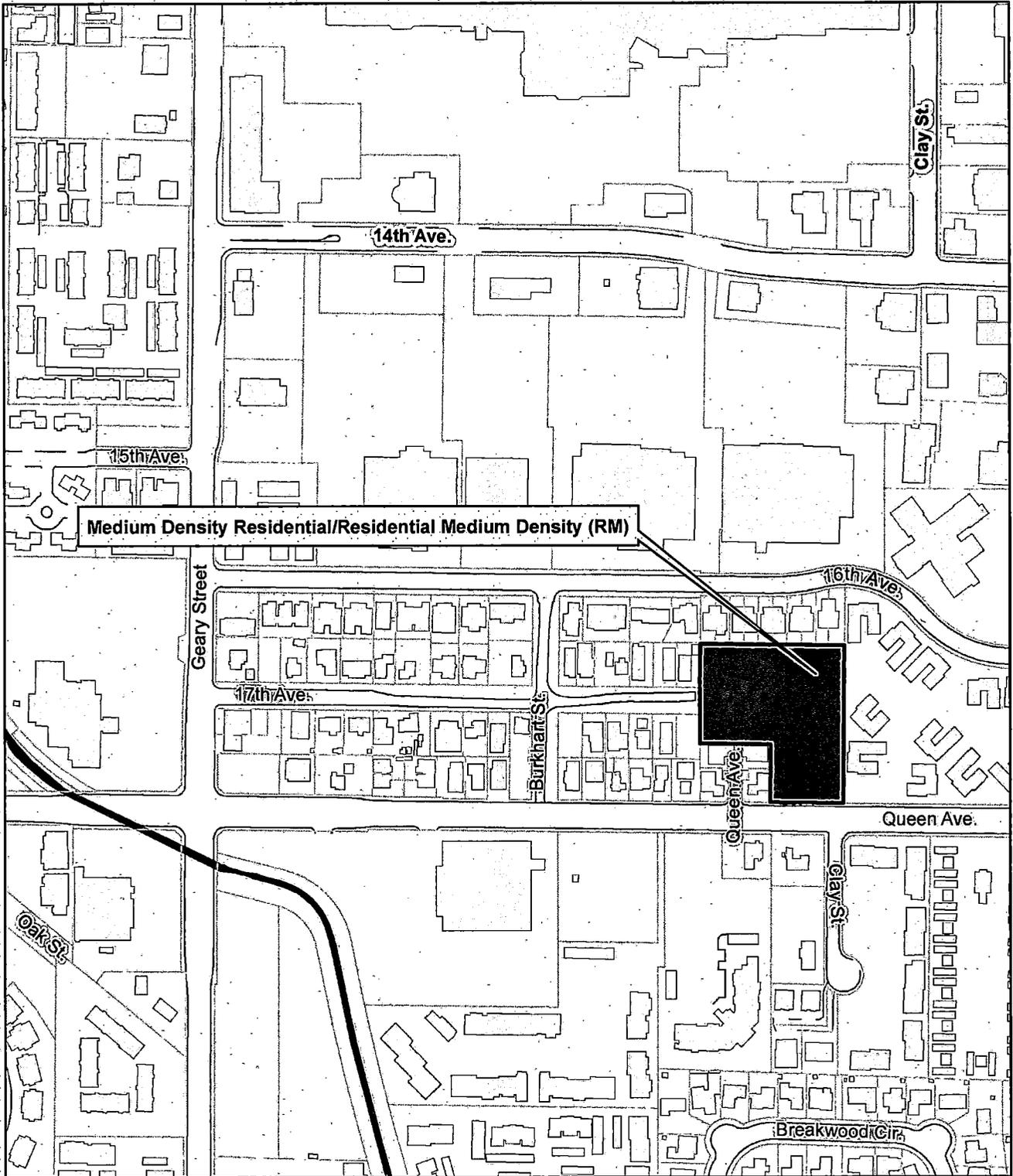
If you have any questions, please contact me at (541) 917-7561.

Sincerely,

David Martineau, AICP, CFM
Project Planner

DM:eo

c: Anjum Inc.
Mubeen Aliniaze
File ZC-03-17



Medium Density Residential/Residential Medium Density (RM)

Current Comprehensive Plan and Zoning Designation - Anjum, Inc.

 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 ready 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 purchase or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

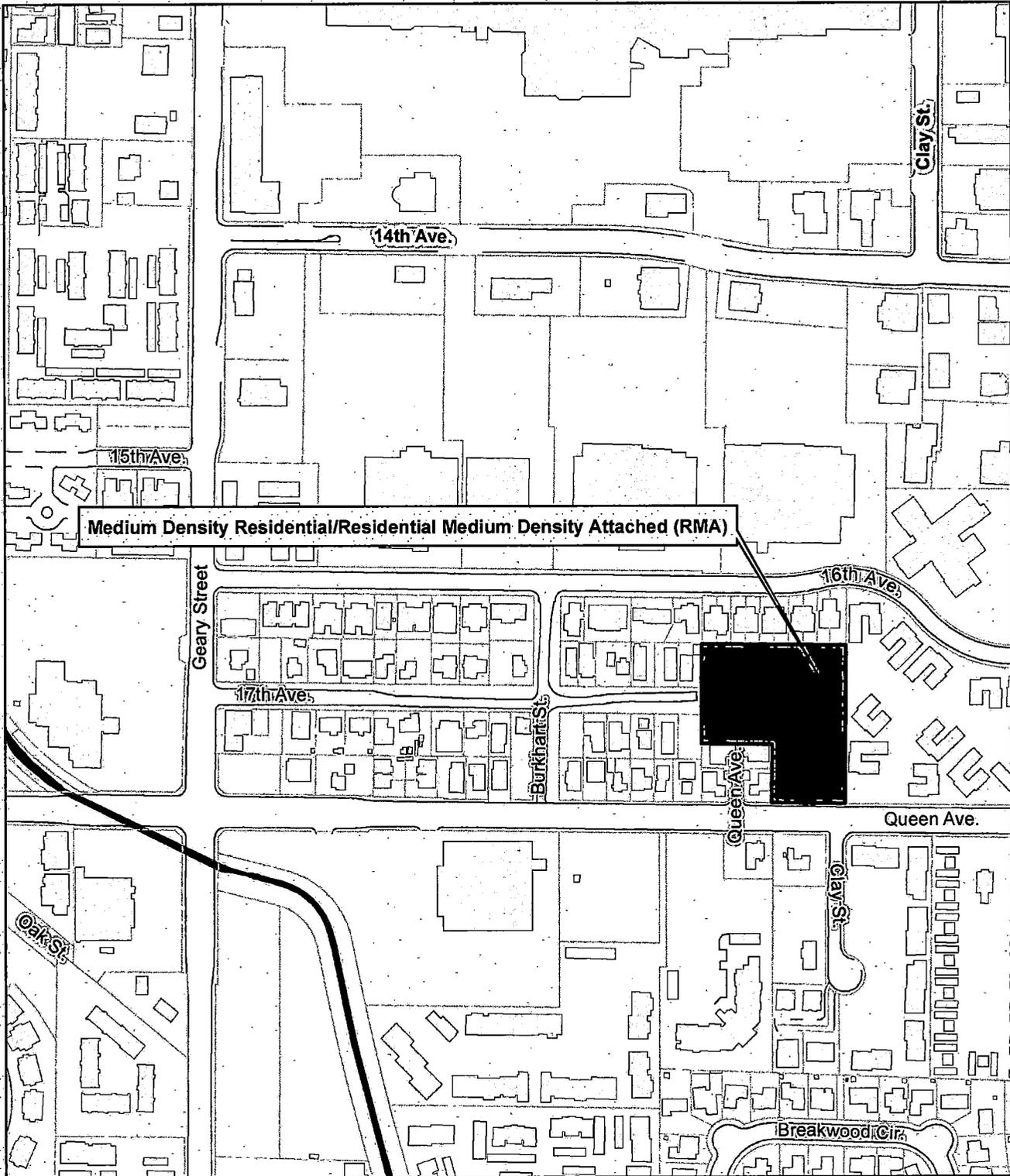
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September 20, 2017

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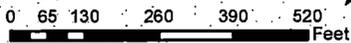


Proposed Comprehensive Plan and Zoning Designation - Anjum, Inc.



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, its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field verify the

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September 20, 2017

Planning Division

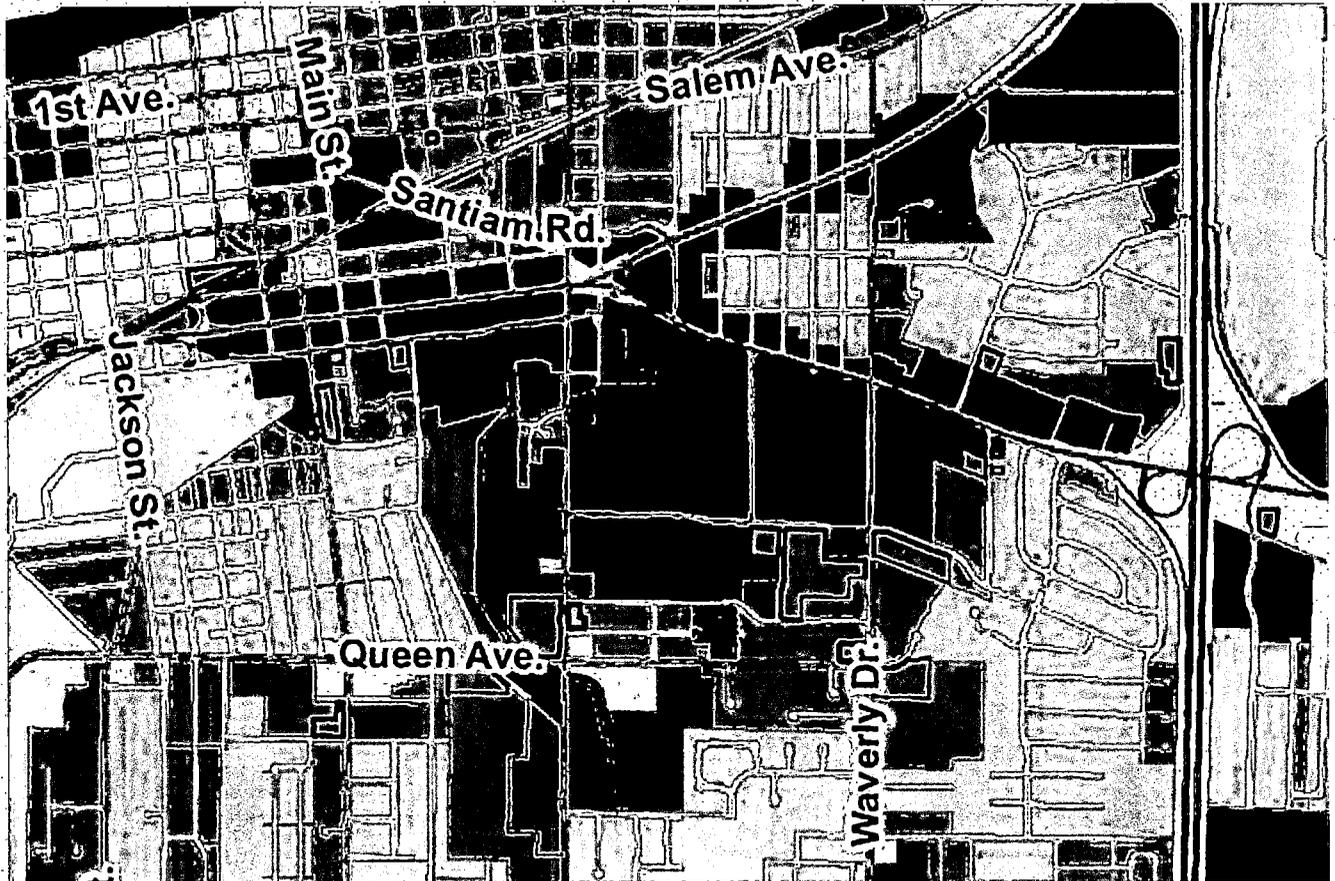
City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

FINDINGS OF FACT

LOCATION

The subject property is 2.15 acres that is RM zoned and is located on Queen Ave.



VICINITY MAP AND ZONING DESIGNATIONS

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

REVIEW CRITERIA

The proposed Zoning Map Amendment complies with each of the following review criteria. The findings of fact and conclusion statements demonstrate complete compliance with the Review Criteria.

THE CHANGE IN ZONING DESIGNATION FROM RM TO RMA

2.740 Review Criteria. Zoning Map amendments will be approved if the Council finds that the applicant has shown that all the following criteria are met:

- 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.**

The proposed base zone is indeed consistent with the Comprehensive Plan map designation for the entire subject area.

- 2. Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.**

The existing transportation facilities are entirely adequate for these multi-family uses permitted under the proposed zone designation. The submitted and attached TIA Transportation Impact Analysis demonstrates this in detail. There is an existing bus stop nearby on Queen Ave. and frequent bus service to serve the residents.

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

The applicant met with all City departments for a pre-application conference during which it was confirmed that all required and needed services (water, sanitary sewers, storm sewers, and fire protection) can accommodate this proposed development in the subject area without any adverse impact on the affected service area.

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

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

The applicant has provided a detailed analysis of how this proposed development, and specifically this change in zoning designation, satisfies the goals and policies of the Comprehensive Plan.

- 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. [Ord. 5635, 1/11/06, Ord. 5764, 12/1/11]**

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has indeed been followed completely.

ZONE CHANGE FACTORS

The following factors may also be relevant to evaluate this zone change request.

A change in the social, economic or demographic patterns of the neighborhood or of the community.

The social and economic patterns of the community have not changed a great deal because of previously unforeseen and significant changes to the local, state, and national economies since the time the property was designated for multi-family residential use. These changes are evidenced by a decline in the market for single family housing, and the increased demand for multifamily housing, which is resulting in very low vacancy rates and increasing rents. These factors affect the affordability and adequacy of housing in the community. These changes in the social and economic patterns of the neighborhood and the community warrant the reconsideration of this vacant site for a slight increase in density of housing. These factors make it appropriate for rezoning to allow the RMA multifamily residential use, as proposed.

The character of the neighborhood in which the use or development is proposed.

Rather than based on a change in conditions, the proposal is completely consistent with the character of the neighborhood in the greater area, with regards to the land use pattern that includes multifamily housing dispersed at various locations.

The effect on the proposal on the neighborhood, the physical characteristics of the property, and public facilities and services.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

The effect of the proposal on the neighborhood will be to infill vacant land. The location of the site is a transition between existing or proposed high density multifamily and a busy arterial street. The proposal will only slightly increase the housing density of the neighborhood, and only slightly increase the volume of traffic on Queen Ave. See the submitted Traffic Report for an analysis and findings on this. However, the increased traffic volume can be accommodated by the existing arterial street and there are no issues regarding capacity or level of service.

The effect on the physical characteristics of the property.

The effect on the physical characteristics of the property will be to develop vacant land. This is expected on serviceable land within the urban area. The site has no identified physical features or characteristics that require special consideration, other than a wetlands permit application that will be processed by the Division of State Lands and the Corps of Engineers. All required public services can be provided at adequate levels to support development as proposed. Development at a multifamily density will make efficient use of the services provided in this area. Overall, the effect of the proposal will be to provide some transition in the residential development pattern between single family housing and the major arterial street.

Factors relating to the public health, safety and general welfare.

The proposed development will be provided with all public services and facilities that are necessary for the public health, safety and welfare. Sewage disposal, water supply, and storm drainage services will be provided. Street and sidewalk improvements will be built to City standards along the property frontage. The appropriate points of access to the existing street system will be approved by the City, and have been discussed at pre-application conference and traffic meetings. The traffic impact will be accommodated by the existing streets. The proposal will improve the public welfare by providing additional, new housing choices close to employment locations.

SUMMARY

Based on the facts and evidence presented and the circumstances that apply, the proposal considers these relevant review issues and qualifies for the proposed Zone Change.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

WHAT WOULD PREVENT SOMEONE ELSE BUILDING SOMETHING TALLER?

The Applicant proposes this change of zoning designation from RM to RMA. The intent is to build 3 story walk-up apartments per the Albany Development Code and the Oregon Building Code.

The basic reason for the request of zone change to RMA is to permit the efficient density and number of apartment units on this property. The effect of the change will be effectively to add a modest number of about 10 apartment units (compared to the number allowed in RM) that would be allowed, while meeting the limitation formula in the RMA code, that determines the number of apartment units by assigning a factor or sq.ft. size per unit, to be divided into the site area in sq.ft. This results in a very conservative and limiting number of units. In addition, of course, the development also has to meet all landscaped setbacks and buffers, provide the required number of parking spaces, accessible spaces, visitor spaces, and include landscaped setbacks from sidewalks and parking.

COULD THESE BUILDINGS BE 70 FT. HIGH?

Yes, the RMA code theoretically allows apartment buildings up to 70 ft. in height, i.e. perhaps six or seven stories, or twice the height of this proposal. However, there are safeguards that prevent or preclude this from happening. The first is the limiting formula in the Albany Development Code, that mathematically arrives at about the number of apartment units that are proposed. The second is that six story buildings are significantly more expensive to construct than three story buildings. First, the ADA Americans With Disabilities Act, and the Oregon Code, will require elevators. The Structural Specialty Code also requires a non-combustible construction type for the lower floors. For example, for a four-story building the building code requires the lowest level (first floor) to be incombustible construction like concrete or block. Going higher than that increases the number of masonry or concrete floors. With the elevator access requirement, the interior circulation also changes to add expensive interior corridors and hallways, with fire exit stairs at the ends. That has a dramatic effect on the construction costs, and with the added circulation the overall floor area increases by 20%. Given a choice between economical wood framed three-story apartment buildings, with a simple stair between pairs of units, and a taller but hybrid structure, with concrete lower floors and expensive horizontal circulation spaces, any developer is going to immediately decide to keep the construction affordable, so that they do not

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

have to inflate the rents to absorb the additional construction costs, and the additional hallway and corridor cost. With the limiting formula in the RMA zone that controls the number of units, there is no reason and no incentive for a developer to decide to go higher. Yes, it would leave more open space on the ground, because the building will be less spread out, but the parking requirements and count remains the same, because it is based on that same number of units. The hybrid concrete/wood construction is often used in Portland and other big cities, and that is where it is appropriate. Real estate is much more expensive. Rents are much higher in the larger cities, especially close in, and those high-rise buildings make sense there. They choose to build higher, and go up, therefore necessitating elevators, corridors, and more of a semi-high-rise approach. Sometimes they do not have room on site for required parking, so the lower floors, and even a basement floor, might be needed just for car parking. Such is not the case here. A semi-high rise building development would not be compatible in this neighborhood of Albany, where all residential development is low rise. So yes, the RMA zone artificially states that 70 ft. is the height limitation, but we know that the normal 35 ft. (as in the RM zone) is practical, both in terms of affordable development and construction, so that rents are not escalated to cover the additional cost, and such high-rise development would indeed not be compatible with the neighborhood.

THE KEY TO CONTROLLING THE HEIGHT AND INTENSITY

The City of Albany has the key method to control this, and the square foot formula per unit, as related to the site area in sq.ft. is the magic way to ensure that development will be sensible, compatible, and low rise. The number of units is capped by the adopted formula, and the market place simply dissuades a developer from over pricing the units and their required rents, to amortize the development and construction costs.

Both RM and RMA allow these 3 story buildings, under the permitted height of 70 ft.

This development is proposed to be the sensible and affordable three story walk up apartments, all wood framed, and handsome low-rise residential architecture that is compatible with the neighborhood. It is an efficient and affordable solution, that makes good use of this infill parcel, achieving a good number of needed apartments, while keeping the scale low, maximizing the setbacks from the neighboring homes, and keeping the rents low, i.e. in the normal affordable rent level for one and two bedroom apartments.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

THIS PROPOSAL IS CONSISTENT WITH THE COMPREHENSIVE PLAN

The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area.

Services

The City provided information at the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site. The needed services are available for the development of the site.

Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Albany and located within the UGB.

The subject property does not convert 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, resulting from new development. The proposal permits efficient, compact, and infill development, that helps to contain sprawl, and preserves the land by developing under the requirements of the Code.

Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the transportation plan. The proposal complies with the applicable intent statements of the comprehensive plan as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Albany. The City's Plan is acknowledged to be in-compliance with this Goal. A meeting has been held, at the Public Library, of all invited property owners near this property. There was a discussion about the proposal, and the proposed site plan, and neighbors had the opportunity to ask questions and state any concerns, to which the applicant's representative responded. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

IMPLEMENTATION METHODS

1. Providing advice and information to the public concerning ways to effectively participate in land use issues.
2. Ensure the following information concerning participation in land use issues is available to the public:

The public hearing process and the rights of those who desire to participate.

The role of the Albany Development Code and Comprehensive Plan in the land use decision-making process and the proper way to prepare findings.

3. Conduct informational meetings in advance of public hearings to enable affected persons to understand land use proposals and to prepare for testimony before the Planning Commission and City Council.

An informational public meeting was held, and all neighbors and property owners were invited, so that the proposal could be presented by the applicant and that the neighbors had a chance to express their views, ask questions, and make requests for changes. There are notes on that meeting at the end of this report.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Comprehensive Plan is acknowledged to be in-compliance with the Statewide Planning Goals. 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 annexation and comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided, that support and justify the proposed comprehensive plan/zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

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

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to a City map there are mapped wetlands on the subject property. Because a resource is identified, the land owner has engaged the services of a Wetlands consult to prepare a Wetlands Delineation, and the State Division of State Lands, and the US Corps of Engineers, also have jurisdiction, and the City's wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site. Therefore, a geological assessment is not required.

There are no significant historic buildings on the subject property.

The applicant has taken the opportunity to consider existing conditions and influences that enables the applicant to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal. Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate. The proposed site is outside the noise contours of the traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. Traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans effectively implement Goal 6.

Goal 10 – Housing:

The applicant's proposal helps the City re-designate land while helping meet the housing needs.

The development is in an area that is in close proximity to existing and proposed services. The Albany Public Library is two blocks away. Two city parks are within walking distance. A variety of commercial and professional services and a retail shopping center are currently available about two blocks to the north, i.e. within walking distance.

The existing neighborhood consists of some single-family housing and more multi-family housing, in RM and RMA zoned properties. To maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards through the Site Plan Review/Design Review process.

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Housing Goals, Policies & Implementation Methods

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. [Ord. 5667, 4/25/2007]

POLICIES

General

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

This proposal improves the supply by a modest increase in residences on this residentially zoned land by a change from RM to RMA to improve on the efficient use of land that has close access to nearby employment, public services, and shopping.

Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

This proposal helps to provide more variety of choices, and it intended to create three story walk up apartments of one and two bedroom types, that are in short supply and there is an identified need, demonstrated by rental vacancy rates.

Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives. Examples include:

Attached single-family housing and condominium ownership opportunities in the Waterfront zoning district. *Not applicable in this case.*

The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes. *Not applicable in this case.*

Mixed housing types and price ranges at a minimum of ten units per acre in Village Center Comprehensive Plan districts. *Not applicable in this case.*

Neighborhoods with a variety of lot and housing sizes and types. *This proposal does provide a needed alternative housing type and variety of sizes.*

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Accessory dwelling units. *Not applicable in this case.*

Other actions directed at reducing housing costs which conform to the Comprehensive Plan, including innovative Development Code regulations. [Ord. 5667, 4/25/2007]

This proposal provides a lower cost housing alternative to home ownership costs that are pricing out many people.

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. [Ord. 5667, 4/25/2007]

This compact development is planned to be an efficient use of land, with direct and easy access to public transit, and is within walking distance of parks and services, including the nearby Library.

Encourage the use of Cluster and Planned Unit Developments to:

Promote architecturally appealing and functional land use design.

Although not a Planned Unit Development this is proposed to be a Planned Development of Units, in an architecturally appealing and functional land use and aesthetic design, that is well set back from surrounding residences, and should be an enhancement of the neighborhood.

Allow flexibility in the placement and uses of buildings, recreation areas, open spaces, streets, utilities, and off-street parking areas.

Buildings, children's playground, off street parking, are intended to be well planned and attractively arranged, with all utilities.

Effectively utilize special site features including natural characteristics, location, view, topography, size or shape of parcels.

There are no special site features in this property, in that it is a flat and treeless vacant and unused tract. The landscaped development is likely to become an asset to the neighborhood.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Maintain a development pattern that is compatible with the surrounding area as determined by the Comprehensive Plan designation.

This proposal for another RMA parcel is entirely compatible with the surrounding areas that contains a mix of apartments, condominiums, and other housing.

Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

This infill development is already serviced to the lot line, with all services, and is ready to be developed as a residential development that is entirely compatible with surrounding residential development.

Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

This is a multifamily residentially zoned infill parcel on an arterial, that is fully serviced with all city utilities, and is on a transit route.

Encourage the development of great neighborhoods by:

Supporting neighborhood identity. *The architecture is intended to be entirely compatible with the existing neighborhood, and should be an enhancement.*

Locating parks, trails, schools, daycare and churches in close proximity to residences.

There are two existing neighborhood parks, churches, and daycare, in close proximity to these proposed residences.

Incorporating natural features and spaces into developments.

In this case, the site has no existing natural features. However, the proposed development is planned to add trees, landscaping and open space.

Connecting and orienting new neighborhoods to Village Centers. [Ord. 5667, 4/25/2007] *Not applicable in this case.*

Encourage new residential developments to provide housing choices that allow for persons to stay within their neighborhoods ("age in place") as their housing needs

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

change. [Ord. 5667, 4/25/2007]

These proposed 1 and 2-bedroom dwelling units provide the opportunity for persons to stay in this neighborhood even as their needs change. Empty nesters may prefer housing where the landscaping is maintained for them. This would accommodate the housing needs of busy young couples, and retired senior citizens. In addition, the accessible housing units provide wheelchair accessibility for those that need accessible housing and parking.

Preserve and enhance Albany's historic housing as a unique and valuable resource.
Not applicable in this case.

Promote the conservation of existing housing by supporting programs that rehabilitate and upgrade substandard and deteriorating units. *Not applicable in this case.*

Encourage the development of housing with quality craftsmanship and amenities to attract new business as well as keep local business executives within the community.

Certainly, quality construction and handsome architectural design is paramount here. Local business people may well find these dwelling units to be attractive, for their convenient proximity to businesses.

Allow the establishment of bed and breakfast accommodations in existing residential areas when it can be determined that the use will be compatible with the surrounding neighborhood in terms of traffic generation, parking, use intensity, and size of structure. *Not applicable in this case.*

Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform to the population and density projections adopted by the City of Albany and where infrastructure is available or can be made available. *Not applicable in this case.*

Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings, and overgrown vegetation. [Ord. 5667, 4/25/2007] Affordable and Special Needs Housing.

This vacant lot, with its overgrown vegetation that could attract undesirable activities, needs to be developed, with attractive architect-designed housing in a landscaping setting with a safe playground for children.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Encourage the development of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses. [Ord. 5667, 4/25/2007]

This development of affordable housing provides a needed housing type of three story apartments in a variety of sizes.

Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities. *This proposal to construct accessible housing units answers the need of the elderly and the handicapped.*

Encourage providers of transitional housing units, shelters and single-room occupancy housing to locate near Village Centers, employment centers, and public transportation. [Ord. 5667, 4/25/2007] *Not applicable in this case.*

Comply with federal, state, and local fair housing laws and policies that affirm access to housing opportunities for all persons in Albany. *This proposed development complies with all federal, state, and local fair housing laws and policies, to provide housing opportunities.*

Encourage senior housing developments and care facilities to be located in or near Village Centers for improved access to goods, services, and public transportation. [Ord. 5667, 4/25/2007] *Not applicable in this case.*

HOUSING NEEDS PROJECTIONS

The Oregon Housing Needs Model developed by the Oregon Housing and Community Services Department was used to calculate housing needs required by Goal 10. Using demographic variables, the model helps predict future housing needs at prices that can be supported by Albany's population.

The county-coordinated forecast adopted in 1999 was used to determine housing needs to 2025. The first table summarizes model results for all scenarios. The county-coordinated forecast is shaded.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Summary of Projected Housing Need 2005 to 2025: 4 Growth Scenarios

2025 Population Estimates	All Units Needed 2005-2025	Owner-Occupied Unites	Rental Units
Adopted Forecast: 57,030	4,302	3,058	1,249
1. 1.5% AAGR: 61,093	6,012	4,056	1,956
2. 1.9% AAGR: 66,093	8,098	5,275	2,823
3. 2.2% AAGR: 70,096	9,773	6,254	3,519

Source: Albany Planning Staff and Oregon Housing Needs Model

AAGR=average annual growth rate

Note: The model used the same projected household size of 2.43 for all scenarios in 2025 and a vacancy rate of 2% for owner-occupied units and 5% for rental units.

The next table shows an estimate of how the 4,300 new housing units might be distributed by zoning district.

Projected New Housing Units Needed by Type and Zoning District, 2025

	RM-3, RMA	RM-5, RM	RS-5	RS-6.5	RS-10, RR	URR	HM, MUR	WF, HD	MUC, Other	Total
Single Family Units	65	233	520	695	200	0	53	164	99	2,029
	3.2%	11.5%	25.6%	34.3%	9.9%	0.0%	2.6%	8.1%	4.9%	
Manufactured Dwelling Park Units	0	47	18	126	0	0	0	0	0	191
	0.0%	24.8%	9.5%	65.7%	0.0%	0.0%	0.0%	0.0%	0.0%	
Duplex Units	184	238	172	142	69	0	8	0	8	821
	19.9%	25.4%	22.4%	21.9%	8.4%	0.0%	1.0%	0.0%	1.0%	
Triplex and Quadplex Units	21	14	4	3	3	0	2	0	2	49
	42.3%	29.1%	8.5%	5.7%	5.8%	0.0%	4.5%	0.3%	3.8%	
5+ Multi-Family Units	478	455	10	10	0	0	0	83	177	1,213
	39.4%	37.5%	0.9%	0.9%	0.0%	0.0%	0.0%	6.8%	14.5%	
Total Units Needed	727	959	736	1,014	271	0	63	247	286	4,303

Source: Albany Housing Needs Analysis: 2005 to 2025

Residential Land Needs – Conclusions

Some of the surplus in the RS-5, RS-6.5 and RS-10 zones and land in the UGB designated URR can be rezoned to meet projected housing needs to 2025 by housing type and affordability and for public facilities.

In order to meet housing needs to 2025, there will be demand for at least 50 acres of land zoned to allow medium- density housing to include multiple-family and attached

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

single-family units (shown above in the RM-3/RMA and RM-5/RM zones). If the City averages higher densities than projected, such as 20 units an acre in the RM- 3/RMA zone instead of 15 units an acre, 12 fewer acres would be needed to 2025.

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

Housing Needs Conclusion:

The Albany Comprehensive Plan demonstrates a need for more multiple-family units. A moderate increase in housing density, e.g. from existing RM to a proposed RMA will address this documented demand for more multiple-family units within the Urban Growth Boundary.

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Polices and adopted Storm Water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks and pedestrian walks will be provided throughout the site to connect to the public sidewalk system. The location along a transportation corridor facilitates access to a transit route, bicycle and pedestrian access, and provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Albany urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

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

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

EXISTING SERVICES CAN ACCOMMODATE POTENTIAL DEVELOPMENT WITHIN THE SUBJECT AREA

The existing services can accommodate potential development within the subject area without adverse impact on the affected service area. Because all services are already in existence, i.e. infrastructure, sewer, water, storm, power, and the area already has police and fire service, and this proposal may only increase development by some 10 apartment units, above what is already zoned and planned for, it was determined at the Pre-Application Conference that the existing services can accommodate this proposed development.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Transportation System Plan (TSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located on the north side of Queen Avenue, which is an arterial street. The major streets are in place due to previous developments. The subject properties will continue to have direct access to Queen Avenue.

GOAL 12: TRANSPORTATION POLICIES

1. Encourage development design that emphasizes safety and does not create unnecessary conflicts.

The proposed design of this development emphasizes safety and livability. Apartments are set back and are grouped to create a central landscaped and safe area for children. The arrangement of parking areas at the perimeter increases the set-back distance from other uses, and avoids conflicts.

2. Improve the quality of available transit service as measured by coverage, hours of

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

service and frequency.

The transit service is provided on Queen Avenue, an arterial, and will provide convenient transportation for the residents.

3. Develop bicycle and pedestrian facilities that encourage non-vehicular travel to/from home, school, work, and other activity centers.

Residents will be able to walk or bicycle to nearby shops, parks, and employment opportunities. Within the proposed development, a pedestrian/bicycle path system provides a car-free amenity.

4. Provide direct off-roadway pedestrian and bicycle routes and connections.

The internal bicycle/pedestrian pathway system proposed here, connects directly to the public sidewalks and bike lanes to provide a safe access to shopping and employment, as well as parks and schools.

EXISTING TRANSPORTATION FACILITIES ARE ADEQUATE

The existing transportation facilities are adequate for uses that are permitted under the proposed zone designation of RMA. There is an existing bus service on Queen Ave. The sidewalk system is contiguous, and there are bicycle lanes on arterials and collectors.

TRAFFIC STUDY

Submitted with this application is the required Traffic Study. The detailed report concludes that the access and traffic design is good, that there are no traffic issues, and that the modest increase in apartment units, i.e. about 10, will only be a minor traffic effect.

THE LAND USE AND TRANSPORTATION PLAN HAS BEEN FOLLOWED

The land use and transportation pattern recommended in official land use and transportation plans and studies have been followed.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

The Public Interest: 64.025(e)(2)(E)

The public is benefitted by creating a well-located parcel of multi-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed change benefits the public.

THE INTENT AND PURPOSE BEST SATISFIES THE COMPREHENSIVE PLAN

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

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

NARRATIVE

LOCATION

The subject property is 2.15 acres that is RM zoned and is located on Queen Ave.

EXISTING LAND USES

The parcel is vacant, is located on a major arterial, and is surrounded by existing single family and multi-family housing. Areas of existing RMA zoning are to the SW, and also to the NE of this parcel.

ACCESS

A Pre-Application Conference was held, followed by a specific Traffic meeting of the Traffic Engineer consultant for the proposed development with the City Traffic Engineer. Access to the property is directly from Queen Avenue, an arterial, and from 17th. Ave. at the west, a local street.

PARKING

1 parking space per 1 BR unit is required, and 1.5 space per 2 BR units are required. Visitor parking at the ratio of 1 space for every 4 units is also required. 40% may be compact spaces.

TRAFFIC ANALYSIS

A Traffic Impact Analysis TIA with TPR has been completed, and is submitted with this application, and confirms these findings that this is a good traffic engineering solution and has minimal traffic impact, due to a modest increase in unit count from the existing RM zoning.

UTILITIES

All utilities are available, and are documented in the report of the Pre-Application Conference. The grade slopes gently to the north, and all utilities, sewer, water, storm, are available in Queen Ave. Storm drainage will be handled by a combination of rain

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

gardens, a retention pond, and discharge of treated water to the storm main.

ADJACENT DEVELOPMENTS & LAND USES

There are existing residential developments on all three sides, west, north and east of the property. Across Queen Ave. to the south is also existing residential development. There is existing RMA zoning to the SW and NE of the subject property.

CITIZEN INVOLVEMENT

The property is in the Santiam Neighborhood district, however there is currently no active neighborhood association. The applicant had a meeting with all immediate neighbors, and discussed this proposed zone change and received the neighbors input. See the Appendix for a report.

OPEN SPACE AND BUFFERS

The design of the Site Plan includes common open space, landscaped areas, and accessible pedestrian pathways. At the south and west the new apartment buildings will be set back about 31 ft. from the neighbors, as landscaped areas, including a perimeter fence. The site plan includes a Children's Playground.

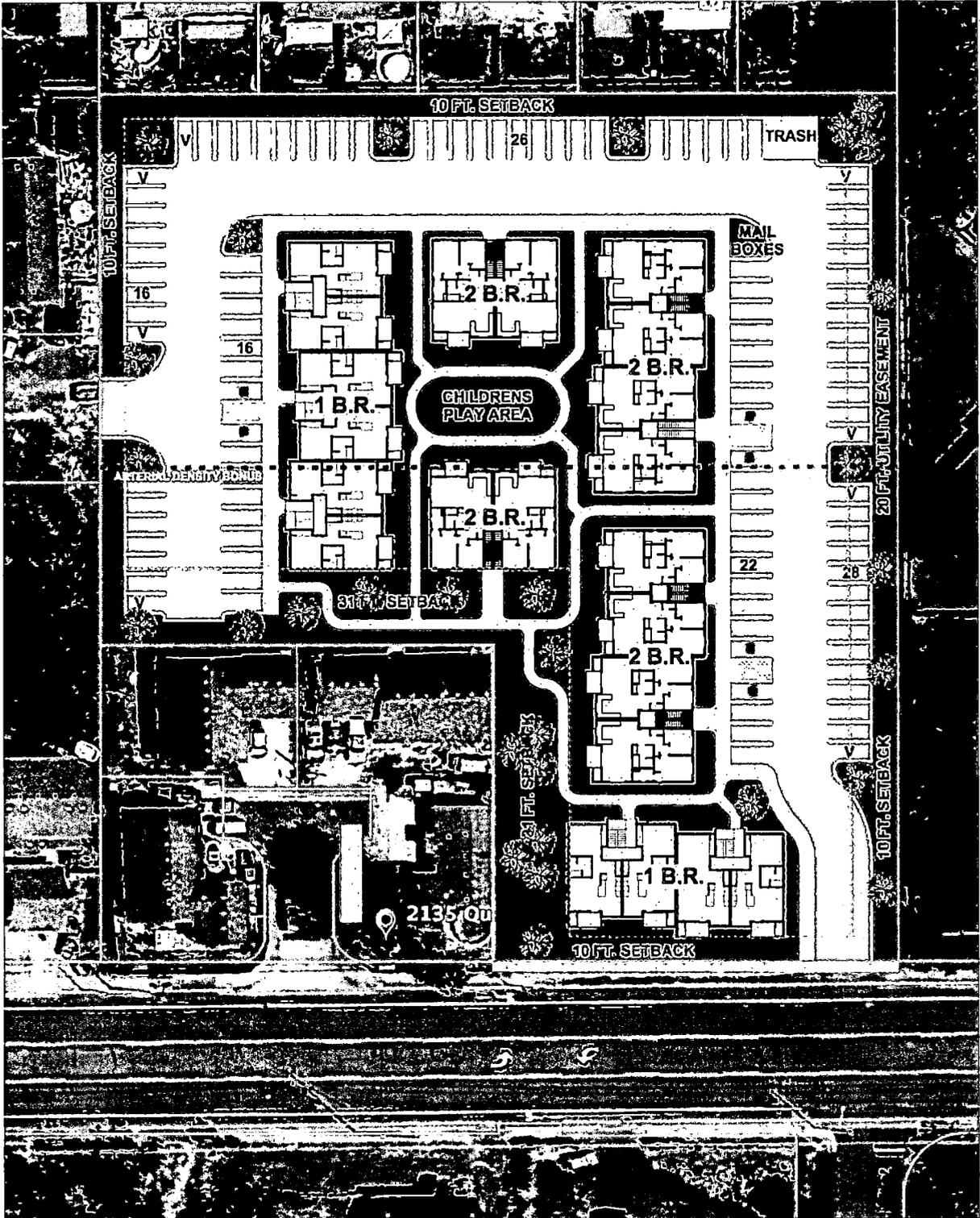
CHANGES IN CONDITIONS

There have not been many changes in conditions at the subject property. However, every year traffic tends to increase on the major arterial, and a slight increase in density to allow 3 story apartments is appropriate, and is compatible with surrounding land uses, especially with the large buffers and setbacks that are proposed here.

THE PROPOSAL

This proposal is for a change in zoning designation from RM to RMA. It was the subject of an earlier pre-application conference followed by a traffic planning meeting of the traffic engineers. Following that, the applicant invited all neighbors and property owners to come to an informational meeting at the Library.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE



PRELIMINARY SITE PLAN

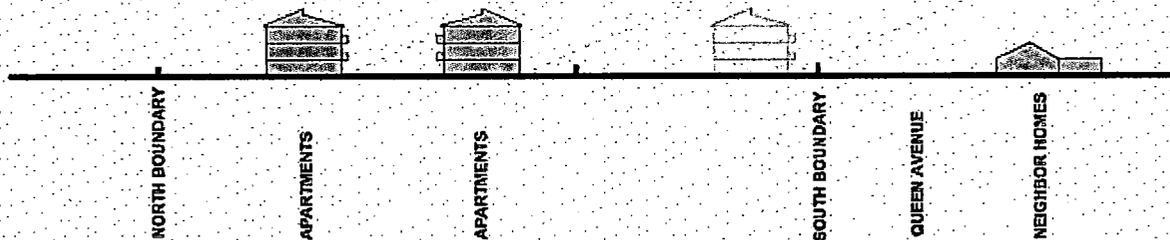
ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

SITE PLAN

A preliminary site plan has been prepared to demonstrate the proposed use of the site. The site plan accompanies this application. The site plan shows the layout of the proposed development including residential buildings (apartments), parking to code, extensive common open space and children’s playground, and large 30 ft. to 65 ft. setbacks from neighboring dwellings. The proposal represents a compact development that makes efficient use of the parcel in terms of its size, shape and features.

Based on the allowable density in the RMA zone the site is planned for 66 apartment units in multiple separate buildings, in a landscaped setting, set far back from property lines and neighboring homes. All buildings are planned to be three story walk-up buildings, with a height (as defined by code) of 31 ft.

CROSS SECTION THROUGH SITE SHOWING SOLAR EASEMENT CONCEPT AT WINTER SOLSTICE SUN ANGLE 23° AT NOON



TRANSPORTATION SYSTEM IMPACT AND TRAFFIC REPORT

A report has been prepared and submitted with the application to examine the impact of the proposal on the transportation system. The traffic report has determined that traffic generated by the slight increase in number of the proposed apartments will have no significant impact on the transportation system.

Submitted with this application is the required Traffic Study. The detailed report concludes that the access and traffic design is good, that there are no traffic issues, and that the modest increase in apartment units, i.e. about 10, will only be a minor traffic effect.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

RELATIONSHIP TO THE NEIGHBORHOOD

This is a residential neighborhood on Queen Avenue, which is composed of a mix of multi-family and single-family housing located on all four sides of the subject property.

The proposed use will offer an additional housing choice. Its location on Queen Ave. gives it convenient access to adjacent transit stops.

The development will be within walking and bicycling distance to nearby Heritage Mall (just to the north) with a variety of retail shops and restaurants.

The schools that serve the area of the subject property include South Shore Elementary to the east, and Periwinkle Elementary to the south.

The subject property is well situated as a location for multifamily housing. It is on a major arterial next to similar as well as lower intensity residential land uses. It is near employment, transportation, and services. Enhancing the site from RM to RMA multifamily housing now will allow 10 more needed housing units, without exceeding the planned three story buildings, and while providing large buffers and landscaped setbacks, and will offer the type of housing that is most needed in the community.

A meeting with the neighbors (within 300 feet) was held at the nearby Library. A report summary of that meeting is attached to this report in the Appendix.

Many of the neighbors who attended are residents of 17th Street to the west of the subject property. Currently the street dead ends into this currently vacant parcel and Public Works requires connectivity, i.e. that the proposed apartments driveway system connect to 17th Street. Fire Department require that this driveway be open, and that the apartment driveway system also be configured to allow a hammerhead turnaround where the development connects with 17th. Some neighbors stated they would prefer the development be gated.

Other neighbors at the Library meeting asked if the development could include a pedestrian route from these apartments to that Library. A review of the area around the north and east of this parcel shows that it is fully developed, with no public rights of way. It is unlikely that neighboring properties would want to give up side yards and back yards to incorporate a public walkway, so pedestrian travel would be by way of existing public streets and sidewalks.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

Summary

The proposal will make productive use of a vacant site for a type of housing that is needed in the community. The proposal carefully sites new apartments, in an appropriate density of development, in three story buildings, and creates extensive landscaped buffers and setbacks from the neighboring homes. The end-product will be an attractive and quality development, increasing livability and property values. The location provides an opportunity to live near employment, while minimizing the requirements for transportation, and affording transportation alternatives. The economic conditions for multi-family housing have changed substantially since the time the site was zoned RM, and justify a slight increase to RMA. The proposal conforms to the policies for residential development and for increased residential densities. The proposed use of the site will result in efficient use of the land and public utilities and services. For these reasons, the proposal is appropriate for the property, the neighborhood, and the location.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

APPENDIX

MEETING WITH NEIGHBORS AND PROPERTY OWNERS

**QUEEN AVENUE APARTMENTS PRE-APPLICATION MEETING WITH
NEIGHBORS MAY 23, 2017 5.30 P.M. AT THE LIBRARY**

BACKGROUND

The property owner of the subject 2.15-acre vacant parcel plans to construct apartments on this tax lot, which is already in zone RM, i.e. already allows 3 story apartments.

MEETING WITH NEIGHBORS

When an apartment development adjoins single family homes there is a meeting with the immediate neighbors before any application is submitted.

WHAT IS PROPOSED

The plan is to build the 3 story apartments, as already permitted by zone, but to change RM to RMA. The only difference is a few more units are permitted, and some setbacks are less. There are other RMA zoned apartments already on Queen Ave.

PRE-APPLICATION CONFERENCE

The owner's representative is the Architect, and a meeting was held with City departments to establish the requirements of the City.

1.

Entrance will be from Queen Ave. and the internal driveway shall connect to 17th. Fire Dept. wants that connection open and un-gated.

2.

All utilities are available: sewer, water, storm, etc.

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

3.

The applicant shall work with the State & the Federal Government on designated wetlands and how to mitigate this.

4.

The preliminary site plan seems to be in general conformance with the zone code standards. A 30 ft. + minimum setback is required from adjacent single family homes.

NEIGHBOR ISSUES OR CONCERNS

Most of the neighbors who attended the meeting on the 23rd. were concerned about 17th and the effect of these apartments on their street, if connected.

1. **Connection to 17th.** *The Fire Marshal requires this be left open, so that will be a condition of approval. Some neighbors prefer a gate, so they will request that.*

2. **Setbacks.** *Some neighbors appreciated that the apartments are shown to be setback between 31 ft. to 80 ft. from single family lots. One or two neighbors were still concerned that the buildings should be limited to 2 stories, but that is a zone code issue, and 3 stories are already permitted here, with the 31-ft. setback. That setback includes landscaping and a 6-ft. perimeter wood fence.*

3. **Pedestrian Connection to the North.** *There was an expressed desire to see a pedestrian walkway from this development to the Library. Unfortunately, the properties to the north and east are all fully developed and there is no easement or public right of way to permit that.*

4. **Parking.** *Some neighbors stated that some families have 3 cars these days, and where are they going to park, e.g. on 17th? The Architect responded that the zone code requires 1 space per one bedroom apartment, and 1.5 spaces per two bedroom apartments. This development site plan shows 66 apartments and 130 parking spaces,*

ZC-0003-17 QUEEN AVE. APTS. RMA ZONE CHANGE

so about 2 spaces per apartment (exceeds the code requirement).

5. Property Management Company. *There was concern about who will manage the completed apartments. When construction is completed (in 2018) the owner plans to have a local property management company manage the complex.*

6. Construction Impact on Neighbors. *The Site Plan shows all buildings located at the center of the property. The parking is around the perimeter, to keep the buildings the maximum distance away from existing homes. Around the outside perimeter is a landscaped strip 10 ft. minimum plus a 6-ft. wood fence. The infrastructure contractor and heavy equipment will generally be kept away from homes, but the project will be expertly engineered so that drainage, storm water, surface water, is a well- designed system that avoids impact on the neighbors. One neighbor is concerned about an existing well that is located within their yard, adjacent to this property, and that specific concern has been noted. This meeting was about zoning, and the proposed RMA. Detailed design will come later, and the next step will be Site Plan Review.*

Traffic Impact Analysis

Queen Avenue Rezone

Zone Change

City of Albany, OR

April 19, 2017
Updated October 8, 2017



EXPIRATION DATE: DEC. 31, 2018



GREENLIGHT ENGINEERING
TRAFFIC ENGINEERING/TRANSPORTATION PLANNING

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EXECUTIVE SUMMARY

- The applicant proposes a zone change from Residential Medium Density (RM) to Residential Medium Density Attached (RMA) on a vacant parcel of land approximately 2.15 acres in size.
- This traffic impact analysis considers the trip impacts between the existing zoning, which could possibly permit up to 48 apartments, and the proposed zoning, which could possibly permit up to 66 apartment units. However, no development is proposed at this time.
- In the RM zone and RMA zone, apartments both present the reasonable worst-case trip generation. This TIA analyzes the trip impacts of 48 apartment units as may be permissible in the RM zone versus the 66 apartment units that may be permissible in the RMA zone to determine the impact of the zone change.
- The intersection of Queen Avenue SE/Waverly Drive SE is anticipated to operate at level of service (LOS) F in the 2030 background weekday PM peak hour traffic and 2030 total weekday PM peak hour traffic scenarios under the existing lane configuration and signal timing. The intersection operates better with the approval of the zone change due to the addition of traffic to non-critical movements at the intersection, slightly improving operations. While the intersection is projected to fail in both the background and total traffic conditions in 2030, the proposed zone change meets the requirements of the Transportation Planning Rule without mitigation.
- The intersection of Queen Avenue SE/Geary Street SE operates adequately in the 2030 background weekday PM peak hour traffic and 2030 total weekday PM peak hour traffic scenarios under the existing lane configuration and signal timing.
- The Albany TSP envisions a future project that modifies the southbound Queen Avenue SE/Waverly Drive SE approach to include the addition of a separated right turn lane and conversion of the existing southbound right turn lane to a southbound through lane. However, given that the intersection operates better

If the zone change is approved, future development may allow for construction of up to 66 apartment units on the site. If developed under the existing zoning, future development may allow construction of up to 48 apartment units on the site.

Rezoning of the site requires compliance with Goal 12 of the Statewide Transportation Planning Goals (OAR 660-012-0060), otherwise known as the Transportation Planning Rule. The review of a zone change requires the evaluation of transportation impacts of the existing zoning compared with the proposed zoning.

A near term traffic analysis analysis at the build-out of the development is not required for this application. A subsequent application will be submitted to the City of Albany after the approval of the zone change. However, based upon a preliminary evaluation of City requirements and the development's impacts, it does appear that additional traffic analysis will be required with a future development application given the minimal impact of the proposal.

SITE DESCRIPTION, CRITICAL INTERSECTIONS, AND STREETS

Based on discussions with City of Albany staff, the following intersections were selected for analysis.

- Queen Avenue SE/Geary Street SE
- Queen Avenue SE/Waverly Drive SE

Queen Avenue SE is under the jurisdiction of the City of Albany and is classified as a minor arterial by the City of Albany Transportation System Plan. Queen Avenue SE is generally a three lane facility, with one eastbound lane, one westbound lane and a center left turn lane. However, at the Geary Street SE intersection, Queen Avenue SE widens out to a five lane facility. On-street parking is not allowed. Curbs, sidewalks and bike lanes are provided continuously on both sides of the street between the two study intersections.

Geary Street SE is under the jurisdiction of the City of Albany and is classified as a minor arterial by the City of Albany Transportation System Plan. Geary Street SE is generally a three lane facility, with one northbound lane, one southbound lane and a center left turn lane. On-street parking is not allowed. Curbs, sidewalks and bike lanes are provided continuously on both sides of the street in the study area.

Waverly Drive SE is under the jurisdiction of the City of Albany and is classified as a minor arterial by the City of Albany Transportation System Plan. Waverly Drive SE is generally a three lane facility, with one northbound lane, one southbound lane and a center left turn lane. On-street parking is not allowed. Curbs, sidewalks and bike lanes are provided continuously on both sides of the street in the study area.

The intersection of Queen Avenue SE/Geary Street SE is a four legged intersection controlled by a traffic signal. The westbound and eastbound approaches are comprised of an exclusive left turn lane, through lane, and shared through/right lane. The northbound and southbound approaches are comprised of an exclusive left turn lane, through lane, and exclusive right turn lane. Each approach is controlled with permissive/protected left turn phasing. During the protected portion of the eastbound/westbound left turn phases, there are northbound and southbound right turn overlapping phases.

The intersection of Queen Avenue SE/Waverly Drive SE is a four legged intersection controlled by a traffic signal. The westbound approach is comprised of a shared left/through/right lane. The eastbound approach is comprised of an exclusive left turn lane and shared through/right lane. The northbound approach is comprised of an exclusive left turn lane, through lane, and through/right lane. The southbound approach is comprised of an exclusive left turn lane, through lane and right turn lane. The northbound and southbound approaches are controlled with protected left turn phasing. The eastbound and westbound approaches are controlled with permissive phasing.

Figure 1 of Appendix A illustrates the existing traffic control and lane configuration of the study intersections.

BACKGROUND TRAFFIC VOLUMES

Since the application proposes a change in zoning, an estimate of long-term traffic operations is required per the Transportation Planning Rule OAR 660-012-0060. The City of Albany's Transportation System plan is based on a horizon year of 2030, therefore a planning horizon of 2030 was used for the analysis. City staff provided estimated 2030 traffic volumes taken from the City of Albany's Transportation System Plan (Figure 2 of Appendix A) for use in our analysis. These volumes represent estimated traffic conditions in 2030 under the existing zoning.

TRIP GENERATION

Because a change in zoning is proposed, it is generally required to compare the reasonable worst-case development scenario under the existing zoning to the reasonable worst-case development scenario under the proposed zoning. The net increase in trips associated with these two scenarios determines the amount of impact that the proposed zone change could have on the adjacent transportation system.

Based upon conversations with city staff, apartments present the reasonable worst-case trip generation in the existing RM and the proposed RMA zoning districts. The RMA zone allows for greater density than does the RM zone.

To estimate the number of trips that could be generated under the existing zoning, trip rates from the manual *TRIP GENERATION*, Ninth Edition, published by the Institute of Transportation Engineers (ITE), were used.

The following table shows the results of the trip generation analysis and compares the reasonable worst-case trip generation of the existing zone with the trip impacts of the proposed zone supplemented by the trip cap.

Table 1. Trip Generation Comparison (Existing RM Zoning vs. Proposed RMA Zoning)

ITE Land Use	Size (Units)	Weekday			
		Average Daily Traffic	PM Peak Hour		
			Total	Enter	Exit
Existing Zoning (RM)					
<i>Apartments</i>	48				
Total Driveway Trips		319	30	20	10
Proposed Zoning (RMA)					
<i>Apartments</i>	66				
Total Driveway Trips		439	41	27	14
Net New Driveway Trips		120	11	7	4

Source: ITE Trip Generation Manual, 9th Edition

TRIP DISTRIBUTION

Trip distribution in and out of the site is based on site and access orientation, street classifications, relative location of commercial and residential areas, major transportation corridors, traffic count data, traffic volumes projections and engineering judgment.

Figure 2 in Appendix A illustrates the site trip distribution for the project.

TOTAL TRAFFIC VOLUMES

Total traffic volumes are generally the result of the summation of background traffic and site generated traffic of the proposed project. In the case of this application, total traffic volumes represent the traffic conditions that can be expected in 2030 with the approval of the zone change. In other words, the 2030 traffic conditions are defined as the 2030 background traffic volumes plus the additional traffic generated by the increase in trip generation from the RM to RMA zoning.

Figure 2 in Appendix A illustrates the projected 2030 total traffic volumes.

INTERSECTION CAPACITY & LEVEL OF SERVICE

An intersection capacity analysis was conducted for 2030 background traffic conditions and 2030 total traffic conditions to determine the impact of the proposed zone change on the transportation system. The analysis was conducted using the Synchro 7 software. The existing traffic signal timing was utilized in the analysis.

Tables 2 and 3 below presents the results of this capacity analysis.

Table 2. Queen Avenue SE/Geary Street SE

Traffic Scenario	2000 HCM Methodology
	Weekday PM Peak Hour
	Intersection Delay/LOS
2030 Background Traffic	33.0/C
2030 Total Traffic	33.1/C

Note: 2000 Highway Capacity Manual methodology used in analysis.

Table 3. Queen Avenue SE/Waverly Drive SE

Traffic Scenario	2000 HCM Methodology
	Weekday PM Peak Hour
	Intersection Delay/LOS
2030 Background Traffic	140.2/F
2030 Total Traffic	139.5/F

Note: 2000 Highway Capacity Manual methodology used in analysis.

According to the City of Albany's Traffic Impact Study Guidelines, the adequacy standard for a signalized intersection is level of service D.

The results of the capacity analysis illustrate that the intersection of Queen Avenue SE/Geary Street SE operates adequately in the 2030 background traffic and 2030 total traffic scenario. The intersection of Queen Avenue SE/Waverly Drive SE is expected to operate at LOS F in both the 2030 background and total traffic scenarios. However, the intersection will operate better in the 2030 total traffic condition than the 2030 background condition. The reason for this anomaly is simply because of the way delay is calculated per the Highway Capacity Manual. The trip distribution generally adds trips to non-critical movements that aren't expected to experience a high level of delay.

Detailed calculations are included in Appendix C.

TRANSPORTATION PLANNING RULE ANALYSIS

The Transportation Planning Rule (TPR) is a statewide regulation that is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted directly below, with a response directly following:

660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- b) Change standards implementing a functional classification system; or*
- c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would*

demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

- A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In this case, subsections (a) and (b) are not applicable, since the proposed zone change and subsequent development is not expected to impact nor alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

The only subsection worthy of further analysis is (c). (A) is not triggered as the types of travel or access would not be inconsistent with the functional classification of any of the transportation facilities in the vicinity of the site. (B) and (C) are analyzed herein.

(B) is not triggered as the Queen Avenue SE/Geary Street SE intersection operates adequately in 2030 with or without the proposed zone change. (B) is also not triggered in that the Queen Avenue SE/Waverly Drive SE intersection is not forecast to operate adequately with or without the proposed zone change.

(C) is evaluated further as the Queen Avenue SE/Waverly Drive SE operates inadequately both in the 2030 background and 2030 total traffic conditions.

The proposed zone change does not further degrade the operations of the intersection as illustrated above in Table 3. While the proposed zone change does

slightly increase the traffic volume at the intersection, the intersection is anticipated to operate slightly better with the proposed zone change.

As a result of above evaluation, the proposed zone change is compliant with the Transportation Planning Rule and can be approved without the need for mitigation.

The City of Albany's Transportation System Plan does describe a project that will eventually be constructed in order to mitigate projected deficiencies at the intersection. The TSP illustrates a project that modifies the southbound Queen Avenue SE/Waverly Drive SE approach to include the addition of a separated right turn lane and conversion of the existing southbound right turn lane to a southbound through lane (see Appendix B). While this project is planned in the TSP, it is not funded, and therefore cannot be assumed to be in place in 2030 for the purpose of our analysis. However, as noted above, the proposed zone change does not require any mitigation for approval.

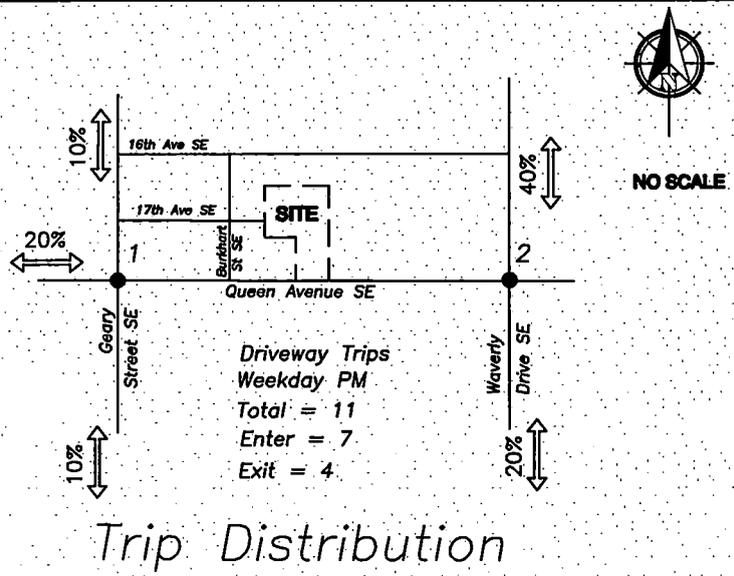
CONCLUSIONS & RECOMMENDATIONS

The proposed zone change meets the requirements of the Transportation Planning Rule. While the Queen Avenue SE/Waverly Drive SE intersection fails to operate per the City of Albany's LOS D, it is anticipated to fail with or without the approval of the proposed zone change. Additionally, the intersection operations improve slightly with the approval of the zone change with the imposition of a trip cap. No mitigation or improvements to the transportation system are necessary or recommended.

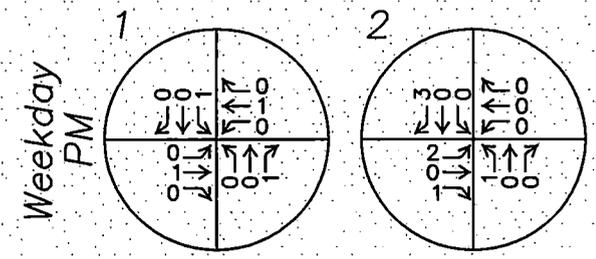
Attachment F.12

Appendix A

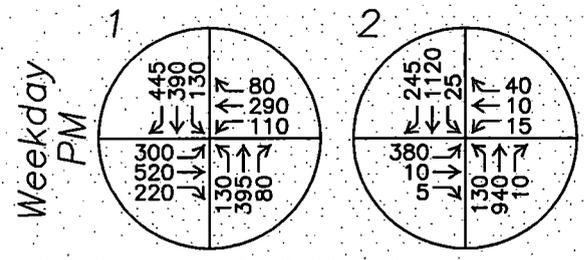
Traffic Flow Figures



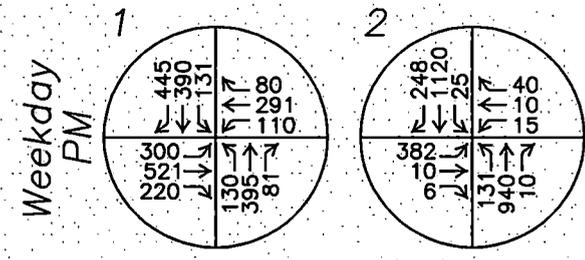
Site Generated Traffic



2030 Background Traffic



2030 Total Traffic



Attachment F.14

Appendix B

***City of Albany
Transportation System Plan
2030 Projected Volumes***

Albany TSP
February 2010

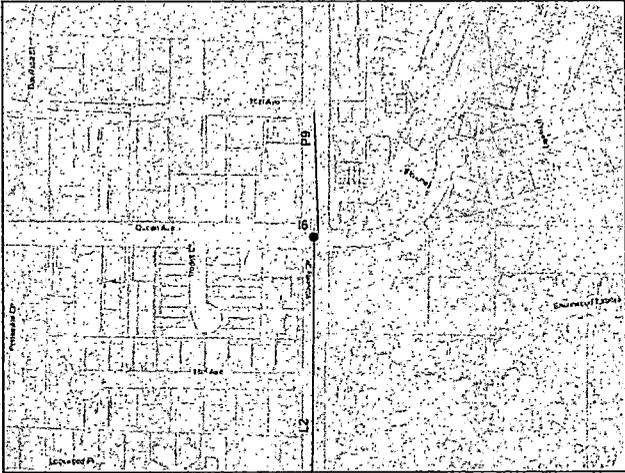
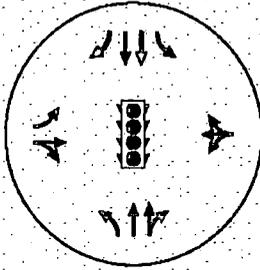
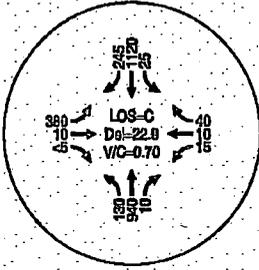
Project #: 6497.0
Page 39

Project #: I18		Queen Avenue/Geary Street				
Description: Widen receiving lanes on Queen Avenue beyond intersection and install a 150-foot eastbound right-turn lane on Queen Avenue. Install flashing yellow arrow protected-permissive left-turn phasing.						
Category: Intersection Add Lane(s)		Classification: Minor Arterial / Minor Arterial		Agency Coordination: Long-term		
Project Costs:		Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
		\$813,000	\$563,000	\$525,000	\$1,901,000	100%
Project Goals Met:						
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input checked="" type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>	
Project Location:			Related Projects: L9, M1			
Illustrative Section:						

Exhibit C.61
Attachment F.16

Albany TSP
February 2010

Project #: 6497.0
Page 27

Project #: I6		Waverly Avenue/Queen Avenue				
Description: Convert current southbound right-turn lane on Waverly Drive to a second through lane, then install 150-foot southbound right-turn lane. Also implement eastbound protected-permitted and westbound permitted left-turn phasing. (This project is closely related to the Waverly Drive link project # L2.)						
Category: Intersection Add Lane(s)		Classification: Minor Arterial / Minor Arterial		Agency Coordination: Long-term		
Project Costs:		Const./Eng.	ROW	Other	Total Cost	SDC Eligible:
		\$66,000	\$6,000	\$0	\$72,000	100%
Project Goals Met:						
Efficiency <input type="checkbox"/>	Capacity <input checked="" type="checkbox"/>	Safety <input type="checkbox"/>	Transit <input type="checkbox"/>	Ped/Bike <input type="checkbox"/>	Livability <input type="checkbox"/>	
Project Location:			Related Projects: P9, L2			
						
Illustrative Section:						
						

Attachment F.17

Appendix C

Synchro Traffic Operational Analysis Results

HCM Signalized Intersection Capacity Analysis
3: Queen Ave SE & Geary St SE

4/9/2017

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↖↗		↖	↖↗		↖	↑	↖	↖	↑	↖
Volume (vph)	300	520	220	110	290	80	130	395	80	130	390	445
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	11	11	11	11	11	11	11	12	12	12
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00	1.00	1.00	1.00	1.00
Frbp, ped/bikes	1.00	0.99		1.00	0.99		1.00	1.00	1.00	1.00	1.00	1.00
Flpb, ped/bikes	1.00	1.00		1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.96		1.00	0.97		1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1709	3248		1710	3283		1710	1801	1531	1769	1863	1583
Flt Permitted	0.31	1.00		0.27	1.00		0.24	1.00	1.00	0.21	1.00	1.00
Satd. Flow (perm)	554	3248		489	3283		433	1801	1531	395	1863	1583
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	316	547	232	116	305	84	137	416	84	137	411	468
RTOR Reduction (vph)	0	32	0	0	20	0	0	0	65	0	0	220
Lane Group Flow (vph)	316	747	0	116	369	0	137	416	19	137	411	248
Confl. Peds. (#/hr)	5		5	5		5	5		5	5		5
Confl. Bikes (#/hr)			5			5			5			5
Turn Type	pm+pt			pm+pt			pm+pt		Over	pm+pt		Over
Protected Phases	1	6		5	2		3	8	5	7	4	1
Permitted Phases	6			2			8			4		
Actuated Green, G (s)	45.7	31.0		30.9	20.2		39.1	28.7	10.7	40.5	29.4	21.5
Effective Green, g (s)	45.7	31.0		30.9	20.2		39.1	28.7	10.7	40.5	29.4	21.5
Actuated g/C Ratio	0.47	0.32		0.32	0.21		0.40	0.29	0.11	0.42	0.30	0.22
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	514	1033		289	680		310	530	168	321	562	349
v/s Ratio Prot	0.14	c0.23		0.04	0.11		0.05	c0.23	0.01	c0.05	0.22	c0.16
v/s Ratio Perm	0.15			0.08			0.13			0.13		
v/c Ratio	0.61	0.72		0.40	0.54		0.44	0.78	0.11	0.43	0.73	0.71
Uniform Delay, d1	17.6	29.4		24.5	34.5		20.4	31.6	39.1	19.9	30.5	35.1
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	2.2	2.5		0.9	0.9		1.0	7.5	0.3	0.9	4.9	6.7
Delay (s)	19.8	32.0		25.5	35.4		21.5	39.1	39.4	20.8	35.4	41.8
Level of Service	B	C		C	D		C	D	D	C	D	D
Approach Delay (s)		28.5			33.1			35.3			36.4	
Approach LOS		C			C			D			D	

Intersection Summary			
HCM Average Control Delay	33.0	HCM Level of Service	C
HCM Volume to Capacity ratio	0.69		
Actuated Cycle Length (s)	97.5	Sum of lost time (s)	12.0
Intersection Capacity Utilization	70.5%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
6: Queen Ave SE & Waverly Dr SE

4/9/2017



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↙	↘		↙	↘	↔	↙	↘		↙	↘	↔
Volume (vph)	380	10	5	15	10	40	130	940	10	25	1120	245
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	14	14	14	13	13	13	11	11	11	13	11	11
Total Lost time (s)	5.0	5.0			5.0		5.0	6.0		5.0	6.0	6.0
Lane Util. Factor	1.00	1.00			1.00		1.00	0.95		1.00	1.00	1.00
Frbp, ped/bikes	1.00	0.99			0.99		1.00	1.00		1.00	1.00	0.97
Flpb, ped/bikes	1.00	1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt	1.00	0.95			0.92		1.00	1.00		1.00	1.00	0.85
Flt Protected	0.95	1.00			0.99		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1880	1882			1723		1711	3414		1829	1801	1481
Flt Permitted	0.71	1.00			0.95		0.95	1.00		0.95	1.00	1.00
Satd. Flow (perm)	1409	1882			1656		1711	3414		1829	1801	1481
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	400	11	5	16	11	42	137	989	11	26	1179	258
RTOR Reduction (vph)	0	4	0	0	30	0	0	1	0	0	0	102
Lane Group Flow (vph)	400	12	0	0	39	0	137	999	0	26	1179	156
Confl. Peds. (#/hr)	5		5	5		5	5		5	5		5
Confl. Bikes (#/hr)			5			5			5			5
Turn Type	Perm		Perm			Prot		Prot		Prot		Perm
Protected Phases		4			8		5	2		1	6	
Permitted Phases	4			8								6
Actuated Green, G (s)	21.7	21.7			21.7		9.3	37.8		2.9	31.4	31.4
Effective Green, g (s)	21.7	21.7			21.7		9.3	37.8		2.9	31.4	31.4
Actuated g/C Ratio	0.28	0.28			0.28		0.12	0.48		0.04	0.40	0.40
Clearance Time (s)	5.0	5.0			5.0		5.0	6.0		5.0	6.0	6.0
Vehicle Extension (s)	3.0	3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	390	521			458		203	1646		68	721	593
v/s Ratio Prot		0.01					c0.08	0.29		0.01	c0.65	
v/s Ratio Perm	c0.28				0.02							0.11
v/c Ratio	1.03	0.02			0.08		0.67	0.61		0.38	1.64	0.26
Uniform Delay, d1	28.4	20.6			21.0		33.1	14.9		36.9	23.5	15.7
Progression Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	52.3	0.0			0.1		8.6	0.6		3.6	292.1	0.2
Delay (s)	80.6	20.7			21.1		41.7	15.5		40.4	315.6	16.0
Level of Service	F	C			C		D	B		D	F	B
Approach Delay (s)		78.3			21.1			18.7			257.9	
Approach LOS		E			C			B			F	

Intersection Summary

HCM Average Control Delay	140.2	HCM Level of Service	F
HCM Volume to Capacity ratio	1.28		
Actuated Cycle Length (s)	78.4	Sum of lost time (s)	16.0
Intersection Capacity Utilization	107.2%	ICU Level of Service	G
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
3: Queen Ave SE & Geary St SE

4/9/2017



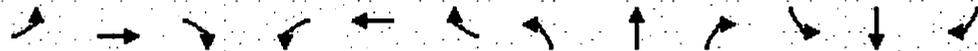
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NEL	NBT	NBR	SEL	SBT	SBR
Lane Configurations	↖	↗		↖	↗		↖	↗	↖	↗	↖	↗
Volume (vph)	300	521	220	110	291	80	130	395	81	131	390	445
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	11	11	11	11	11	11	11	11	11	12	12	12
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00	1.00	1.00	1.00	1.00
Frbp, ped/bikes	1.00	0.99		1.00	0.99		1.00	1.00	1.00	1.00	1.00	1.00
Flpb, ped/bikes	1.00	1.00		1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.96		1.00	0.97		1.00	1.00	0.85	1.00	1.00	0.85
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1709	3248		1710	3284		1710	1801	1531	1769	1863	1583
Flt Permitted	0.31	1.00		0.27	1.00		0.24	1.00	1.00	0.21	1.00	1.00
Satd. Flow (perm)	553	3248		487	3284		435	1801	1531	392	1863	1583
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	316	548	232	116	306	84	137	416	85	138	411	468
RTOR Reduction (vph)	0	32	0	0	20	0	0	0	66	0	0	220
Lane Group Flow (vph)	316	748	0	116	370	0	137	416	19	138	411	248
Confl. Peds. (#/hr)	5		5	5		5	5		5	5		5
Confl. Bikes (#/hr)			5			5			5			5
Turn Type	pm+pt			pm+pt			pm+pt		Over	pm+pt		Over
Protected Phases	1	6		5	2		3	8	5	7	4	1
Permitted Phases	6			2			8			4		
Actuated Green, G (s)	45.8	31.1		31.0	20.3		39.1	28.7	10.7	40.7	29.5	21.5
Effective Green, g (s)	45.8	31.1		31.0	20.3		39.1	28.7	10.7	40.7	29.5	21.5
Actuated g/C Ratio	0.47	0.32		0.32	0.21		0.40	0.29	0.11	0.42	0.30	0.22
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	514	1034		288	682		310	529	168	321	563	348
v/s Ratio Prot	0.14	c0.23		0.04	0.11		0.05	c0.23	0.01	c0.05	0.22	c0.16
v/s Ratio Perm	0.15			0.08			0.13			0.13		
v/c Ratio	0.61	0.72		0.40	0.54		0.44	0.79	0.11	0.43	0.73	0.71
Uniform Delay, d1	17.7	29.5		24.6	34.6		20.5	31.7	39.2	19.9	30.5	35.2
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	2.2	2.5		0.9	0.9		1.0	7.6	0.3	0.9	4.8	6.8
Delay (s)	19.9	32.0		25.5	35.4		21.5	39.3	39.5	20.8	35.4	42.0
Level of Service	B	C		C	D		C	D	D	C	D	D
Approach Delay (s)		28.5			33.2			35.5			36.4	
Approach LOS		C			C			D			D	

Intersection Summary			
HCM Average Control Delay	33.1	HCM Level of Service	C
HCM Volume to Capacity ratio	0.69		
Actuated Cycle Length (s)	97.7	Sum of lost time (s)	12.0
Intersection Capacity Utilization	70.5%	ICU Level of Service	C
Analysis Period (min)	15		

c Critical Lane Group

HCM Signalized Intersection Capacity Analysis
6: Queen Ave SE & Waverly Dr SE

4/9/2017



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗			↕		↖	↗		↖	↗	↖
Volume (vph)	382	10	6	15	10	40	131	940	10	25	1120	248
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Width	14	14	14	13	13	13	11	11	11	13	11	11
Total Lost time (s)	5.0	5.0			5.0		5.0	6.0		5.0	6.0	6.0
Lane Util. Factor	1.00	1.00			1.00		1.00	0.95		1.00	1.00	1.00
Frbp, ped/bikes	1.00	0.99			0.99		1.00	1.00		1.00	1.00	0.97
Flpb, ped/bikes	1.00	1.00			1.00		1.00	1.00		1.00	1.00	1.00
Frt	1.00	0.95			0.92		1.00	1.00		1.00	1.00	0.85
Flt Protected	0.95	1.00			0.99		0.95	1.00		0.95	1.00	1.00
Satd. Flow (prot)	1880	1868			1723		1711	3414		1829	1801	1481
Flt Permitted	0.71	1.00			0.95		0.95	1.00		0.95	1.00	1.00
Satd. Flow (perm)	1409	1868			1656		1711	3414		1829	1801	1481
Peak-hour factor, PHF	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95	0.95
Adj. Flow (vph)	402	11	6	16	11	42	138	989	11	26	1179	261
RTOR Reduction (vph)	0	4	0	0	30	0	0	1	0	0	0	103
Lane Group Flow (vph)	402	13	0	0	39	0	138	999	0	26	1179	158
Confl. Peds. (#/hr)	5		5	5		5	5		5	5		5
Confl. Bikes (#/hr)			5			5			5			5
Turn Type	Perm			Perm			Prot			Prot		Perm
Protected Phases		4			8		5	2		1	6	
Permitted Phases	4			8								6
Actuated Green, G (s)	21.7	21.7			21.7		9.3	37.9		2.9	31.5	31.5
Effective Green, g (s)	21.7	21.7			21.7		9.3	37.9		2.9	31.5	31.5
Actuated g/C Ratio	0.28	0.28			0.28		0.12	0.48		0.04	0.40	0.40
Clearance Time (s)	5.0	5.0			5.0		5.0	6.0		5.0	6.0	6.0
Vehicle Extension (s)	3.0	3.0			3.0		3.0	3.0		3.0	3.0	3.0
Lane Grp Cap (vph)	389	516			458		203	1648		68	723	594
v/s Ratio Prot		0.01					c0.08	0.29		0.01	c0.65	
v/s Ratio Perm	c0.29				0.02							0.11
v/c Ratio	1.03	0.02			0.08		0.68	0.61		0.38	1.63	0.27
Uniform Delay, d1	28.4	20.7			21.0		33.2	14.8		36.9	23.5	15.8
Progression Factor	1.00	1.00			1.00		1.00	1.00		1.00	1.00	1.00
Incremental Delay, d2	54.5	0.0			0.1		8.7	0.6		3.6	290.1	0.2
Delay (s)	82.9	20.7			21.1		41.9	15.5		40.5	313.6	16.0
Level of Service	F	C			C		D	B		D	F	B
Approach Delay (s)		80.4			21.1			18.7			255.8	
Approach LOS		F			C			B			F	

Intersection Summary

HCM Average Control Delay	139.5	HCM Level of Service	F
HCM Volume to Capacity ratio	1.28		
Actuated Cycle Length (s)	78.5	Sum of lost time (s)	16.0
Intersection Capacity Utilization	107.4%	ICU Level of Service	G
Analysis Period (min)	15		

c - Critical Lane Group

WL 0723 334

After recording return to grantee herein.
Until a change is requested send all tax
statements to grantee herein.

KEY TITLE NO. 19-24209
ESCROW NO. 19-24209
TAX ACCT. NO. 676540
MAP #11-34-20-1105

GRANTEE'S NAME AND ADDRESS:

AKFUM, INC.
2367 N.W. BISHOPMAN
OSWEGO, OR 97130

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL OR CORPORATION)

TIMBER SUPPLY COMPANY, A PARTNERSHIP AS TO AN UNDIVIDED 75% INTEREST AND DONALD
L. PHILLIPS AS TO AN UNDIVIDED 25% INTEREST Grantor,

conveys and warrants to:

AKFUM, INC., Grantee,
AN OREGON CORPORATION
the following described real property free of encumbrances except as
specifically set forth herein:

SEE EXHIBIT "A" WHICH IS MADE A PART HEREOF BY THIS REFERENCE
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR
ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY
SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$180,000.00. However, if the
actual consideration consists of or includes other property or other value
given or promised, such other property or value was part of the/the whole of
the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of
Directors.

Dated this 12th day of October, 1997.

GRANTOR(S):

Donald L. Phillips
DONALD L. PHILLIPS

TIMBER SUPPLY CO. BY: Robert A. Muir PARTNER
ROBERT A. MUIR

BY: Larry Ayers as PARTNER

BY: Catherine Muir as PARTNER

STATE OF OREGON, County of Wasco



This instrument was acknowledged before me on October 12, 1997
by DONALD L. PHILLIPS

Garbe Bass My commission expires: 12-29-97
Notary Public for Oregon

STATE OF OREGON, County of Wasco)ss.

This instrument was acknowledged before me on October 26, 1997
by LARRY AYERS, as PARTNER, and by CATHERINE V. MUIR, as PARTNER of TIMBER
SUPPLY CO. AND GARBE BASS, as PARTNER of TIMBER SUPPLY CO.

Garbe Bass My commission expires: 12-29-97
Notary Public for Oregon



11-30-ED #1105 Return to Key 19-24209

0729-335

EXHIBIT "A"

Beginning at a point on the East line of Fairdale Addition to the City of Albany which is North 88° 30' 00" East, 1,129.36 feet and North 1° 50' 00" West 165.00 feet from the Northeast corner of the C.D. Burkhart DLC No. 52 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 01° 50' 00" West along the East line of said addition a distance of 330.00 feet; thence North 88° 25' 00" East 163.56 feet; thence 110.82 feet along a 425.00 foot radius curve left (the long chord of which bears North 80° 54' 45" East 110.51 feet); thence 52.37 feet along a 200.00 foot radius curve right (the long chord of which bears North 80° 58' 40" East 52.22 feet); thence South 1° 50' 00" East 481.13 feet to the North right of way of Queen Avenue; thence South 88° 25' 00" West 165.00 feet along said right of way; thence North 01° 50' 00" West 130.00 feet; thence South 88° 25' 00" West 160.00 feet to the place of beginning.

SUBJECT TO:

1. Taxes for the fiscal year 1994-95, a lien in an amount to be determined, but not yet payable.
2. Regulations, including levies, liens, assessments, rights of way, and easements of Linn Soil and Water Control District.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
4. An easement created by instrument, including the terms and provisions thereof,
Recorded: May 8, 1979 in Volume 232, Page 25
Microfilm Records, Linn County, Oregon
In favor of: Pacific Power & Light Company
For: electrical transmission & distribution
5. An easement created by instrument, including the terms and provisions thereof,
Recorded: May 25, 1979 in Volume 233, Page 549
Microfilm Records, Linn County, Oregon
In favor of: Pacific Northwest Bell Telephone Company
For: electrical transmission & distribution
6. An easement created by instrument, including the terms and provisions thereof,
Dated: September 26, 1983
Recorded: September 7, 1983 in Volume 346, Page 740
Microfilm Records, Linn County, Oregon
In favor of: Pacific Power & Light Company
For: electrical transmission & distribution
Affects: as set out on document

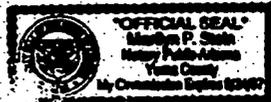
ARIZONA
STATE OF ARIZONA

County of Yuma

Form No. 12-ARIZONA, REV. 1977
Issued Here, See Also ARIZ. C. 12, 12-101

BE IT REMEMBERED, That on this 17th day of October, 1994, before me, the undersigned, a Notary Public in and for the State of Arizona, personally appeared the within named ROBERT A. WUIE, AS PARTNER OF TINDER SUPPLY CO.

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that HE executed the same freely and voluntarily.



IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Marilyn P. Smith
Notary Public for ARIZONA AZ
My commission expires Sept 24, 1994

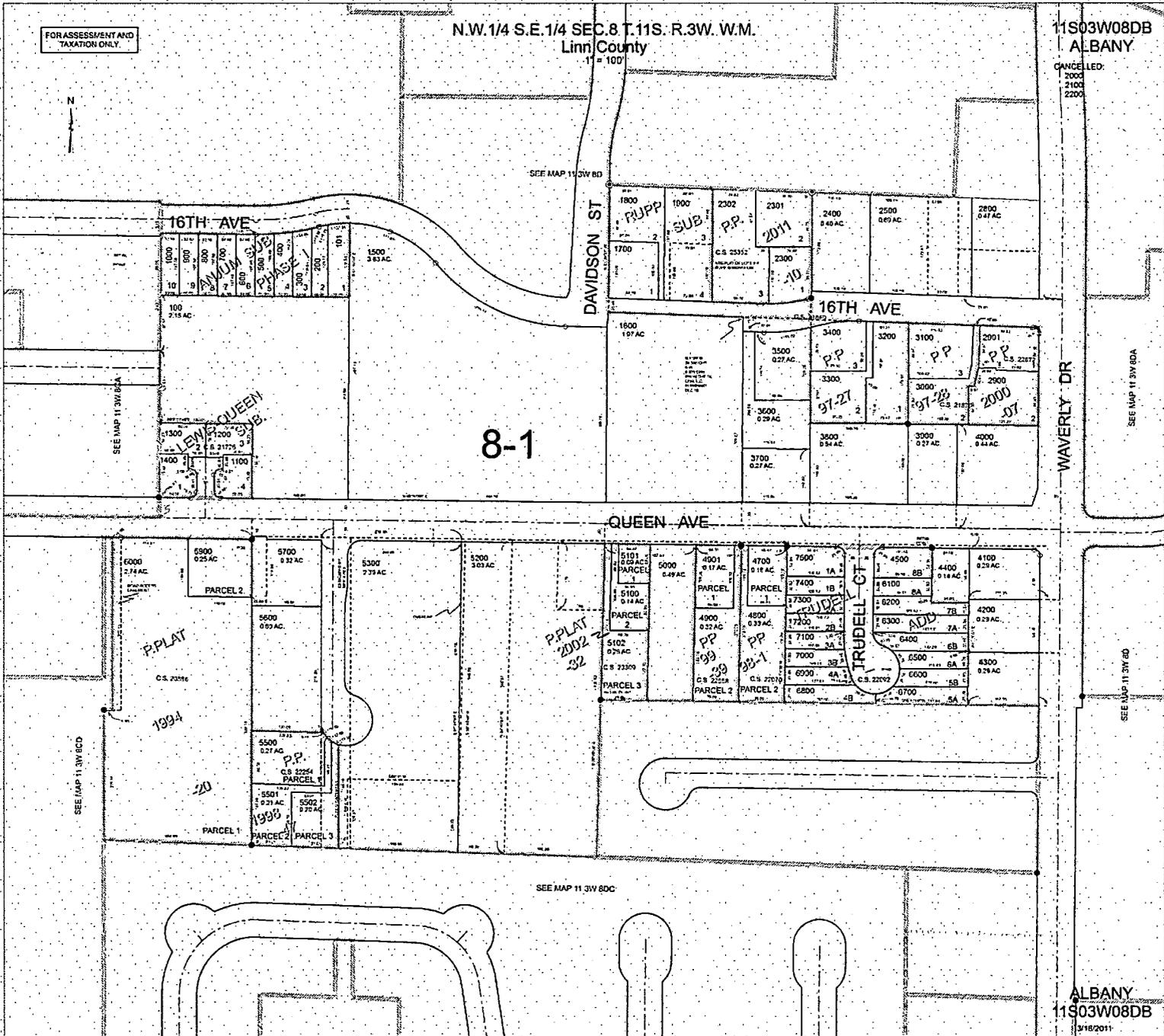


Exhibit C.69
Attachment H

SCHEDULE OF PERMITTED USES

Uses Allowed in Residential Zoning Districts

Use Categories (See Article 22 for use descriptions.)	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
RESIDENTIAL SINGLE FAMILY: One Unit per Property								
Single-Family, detached	19	Y	Y	Y	Y	Y	Y	N
Single-Family, attached (zero lot line)		N	PD/CD	PD/CD	N	Y	Y	Y
RESIDENTIAL TWO FAMILY: Two Units per Property								
2 attached units (Duplex)	3	N	Y-1, PD/CD-20	Y-1, PD/CD-20	N	Y-1, PDCD-20	Y	Y
2 detached units	2	N	PD/CD	PD/CD	S	PD/CD	Y	Y
Primary Residence with one accessory unit	4	Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL MULTI-FAMILY: Three or More Units per Property								
3 or More Single-Family Attached Units	3	N	PD/CD	PD/CD	N	S	S	S
3 or More Multi-Family Units	3	N	N	N	N	N	S	S
Manufactured Home Parks (see Article 10)	10	N	N	S	N	S	S	S
RESIDENTIAL: Care or Treatment								
Assisted Living		CU	CU	CU	CU	CU	CU	CU
Child or Adult Care Home	6	Y	Y	Y	Y	Y	Y	Y
Daycare Facility		CU	CU	CU	CU	CU	CU	S
Residential Care or Treatment Facility (6 or more residents)		CU	CU	CU	CU	CU	CU	S
Residential or Group Care Home (5 or fewer residents)		Y	Y	Y	Y	Y	Y	Y
RESIDENTIAL: Miscellaneous								
Accessory Buildings, Garages or Carports	9	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S	Y/S
Bed & Breakfast	7	CU/II	CU/II	CU/II	CU/II	CU/II	CU/II	S
Home Businesses (See 3.090-3.160 to determine if CU)		Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU	Y/CU
Recreational Vehicle Parks (See Article 10)	5, 10	N	N	N	N	N	CU	CU
Rooming or Boarding Houses		N	N	N	CU	N	S	S
Subdivision Sales Office	19	N	Y	Y	N	Y	Y	Y
Unit(s) Above or Attached to a Business	17	N	N	N	N	N	N	N
Temporary Residence	8	S	S	S	S	S	S	S
INSTITUTIONAL								
Basic Utilities		CU	CU	CU	CU	CU	CU	CU
Community Services		CU	CU	CU	CU	CU	CU	CU
Educational Institutions	13	CU	CU	CU	CU	CU	CU	CU
Hospitals		N	N	N	N	N	CU	CU
Jails & Detention Facilities		N	N	N	N	N	N	N
Parks, Open Areas and Cemeteries	14	S/CU	S/CU	S/CU	CU	S/CU	S/CU	S/CU
Religious Institutions	13	CU	CU	CU	CU	CU	CU	CU
COMMERCIAL – Limited Use Types								
Entertainment and Recreation: Indoor	18	CU	CU	CU	CU	CU	CU	CU
Outdoor		CU	CU	CU	N	CU	CU	CU
Offices	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Restaurants, no drive-thru	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Retail Sales and Service	17	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD	PD/CD
Self-Serve Storage	15	N	N	N	N	N	S	N
OTHER CATEGORIES								
Agriculture: Crop Production		Y	Y	Y	N	Y	Y	Y
On-site Sales of Site-Produced Seasonal Goods		Y	S	CU	N	CU	CU	CU
Plant Nurseries and Greenhouses		S	S	S	N	S	S	S

Use Categories	Spec. Cond.	RR	RS-10	RS-6.5	HM	RS-5	RM	RMA
OTHER CATEGORIES								
Antennas, owned and operated by FCC licensed member of Amateur Radio Service		Y	Y	Y	Y	Y	Y	Y
Communication Facilities	16	N	N	N	N	N	N	N
Kennels	11	S	CU	CU	N	CU	CU	N
Satellite Dish and Other Antennas	12	Y	Y	Y	Y	Y	Y	Y

Y = Yes, allowed, no Site Plan review required
 CD = Cluster Development, see Art. 11
 CU = Conditional Use approval required, Type III procedure
 CUII = Conditional Use approval required, Type II procedure

N = No, not allowed
 PD = Planned Unit Development, see Art. 11
 S = Site Plan Review required

[Ord. 5281, 3/26/97; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07; Ord. 5742, 7/14/10; Ord. 5801, 2/13/13;
 Ord. 5832, 4/9/14; Ord. 5886, 1/6/17]

3.060 – 3.070, *Open Space district moved to Article 6; Ord. 5764, 12/1/11.*

SPECIAL CONDITIONS

3.080 General. Where numbers appear in the column labeled “special conditions” or in a cell in the Schedule of Permitted Uses, the corresponding numbered conditions below shall apply to the particular use category as additional clarification or restriction:

- (1) In the RS-6.5, RS-5, and RS-10 Districts, one duplex is permitted outright on a corner lot that meets the minimum lot size for a duplex in the zone. Exception for non-corner lots created between May 1, 2000 and January 11, 2006: A duplex is allowed on a non-corner lot created in this time period provided that the lot is at least 1.5 times the single-family minimum lot size in the zone. The lot size threshold may be reduced by use of the 10 percent transportation bonus provided the lot is not a flag lot and it meets the standards in Section 3.220.
 [Ord. 5445, 4/12/2000; Ord. 5635, 1/11/06; Ord. 5673, 6/27/07]
- (2) When more than one single-family detached residence is located on a property of record in a residential zoning district and the buildings were legally constructed, the property may be divided in conformance with Article 11, even if the resulting lots do not meet the required minimum lot area and dimensional standards for the zoning district, if required setbacks and lot coverage can be met.
 [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]
- (3) Duplexes and multi-family development may be divided so that each can be individually owned by doing a land division in conformance with Article 11. The total land area provided for the development as a whole must conform with the requirements of Article 3, Table 1, however, the amount of land on which each unit is located does not need to be split equally between the individual units - one may be larger and one smaller.
 [Ord. 5673, 6/27/07]
- (4) One accessory apartment is permitted per primary single-family residence, called the “primary residence.” The accessory apartment may be:
 - (a) An addition to or within the primary residence, OR
 - (b) In a detached building built before February 1, 1998, OR
 - (c) On a lot in a subdivision of at least ten lots, when the tentative plat was approved after July 1, 2007.

Accessory apartments shall be incidental in size and appearance to the primary residence and meet the following standards:

- (a) One of the residences is owner occupied.
- (b) The size of an accessory apartment does not exceed 50 percent of the gross floor area of the primary residence (excluding garages or carports) or 750 square feet, whichever is less.

(Note: Accessory apartments greater than 750 square feet that were legally constructed before July 1, 2007, may remain.)

- (c) At least three off-street parking spaces are provided on the property to serve the two residences. [Ord. 5338, 1/28/98]
- (d) All required building permits have been obtained. If the primary residence is on the Local Historic Inventory, historic review may be required.
- (e) The size of the property meets the minimum single-family lot area requirements for the zoning district in which the lot is located. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]

Detached accessory apartment units must also meet the following development standards:

Front Setback: Greater than or equal to the location of the front wall of the primary residence; and

Interior Setback: 5 feet for one-story; 8 feet for two-story; and

Maximum Height: 24 feet to the ridge of the roof. [Ord. 5673, 6/27/07]

- (5) In the RM District, the following criteria must be met in addition to the Conditional Use criteria for permitting RV overnight parks:
 - (a) The entire site must be located within 750 feet of the Interstate 5 right-of-way.
 - (b) The RV park access is limited to the Interstate 5 frontage road or streets servicing primarily industrial or commercial development.
- (6) “Child Care Homes” that includes the day or night time care of no more than sixteen children, including the children of the provider or the care and treatment of adults for less than 24-hours are considered a residential use of the property and are allowed outright in zones that allow single-family homes per the Oregon Revised Statutes (ORS). See ADC Section 22.200. [Ord. 5673, 6/27/07]
- (7) Bed and Breakfast facilities shall:
 - (a) Be owner occupied.
 - (b) Be limited to a maximum of four guest bedrooms.
 - (c) Except for driveway spaces, not contain guest parking facilities in the front setback area or within 10 feet of any interior residential lot line. [Ord. 5742, 7/14/10]
 - (d) Provide at least one off-street parking space for each rental room, except in the HM zone, where on-street parking along the frontage of the property line(s) may count toward the parking requirements. To count towards this standard, each on-street space must be at least 25 feet long. [Ord. 5673, 6/27/07; Ord. 5768, 12/7/11]
- (8) Temporary residences in conjunction with construction, emergency repair, or a night watchman are permitted but are limited to one year in duration. [Ord. 5673, 6/27/07]
- (9) The definitions of “Accessory Building” and “Accessory Use” in Article 22 shall apply. The Director shall have authority to initially interpret application of these terms to any proposed activity. See also Table 2, Section 3.190 for Accessory Structure Standards.

Accessory buildings in residential districts that are 750 square feet or larger and/or with walls taller than 11 feet that meet the following standards are not subject to Site Plan Review. They will be processed as Type I staff decisions. Information must be submitted that shows the standards are met. The information shall be submitted at the time the applicant applies for building permits. The determination of whether the standards are met will be made by the Community Development Director or his/her designee. [Ord. 5767, 12/7/11]

- (a) The proposed building does not exceed the height of the tallest building on adjacent property. For this section, height means the height of the building at its highest point, usually the ridge of the roof.

- (b) The square footage of the footprint of the proposed building does not exceed the square footage of the footprint of the foundation of the largest building on adjacent property.
- (c) The amount of land that will be covered by buildings if the proposed building is constructed does not exceed the applicable lot coverage restrictions of the Development Code.
- (d) The proposed building meets or exceeds the applicable setback requirements for the primary residence as listed in Table 2.
- (e) The materials used on the proposed building (e.g. siding and roofing), and the color of those materials, shall be similar to those used on the primary residential structure (e.g. cement board lap siding is similar to wood lap siding).
- (f) If the proposed building is located in any of the special purpose districts listed in Articles 6 and 7 of the Development Code, the building must also be reviewed for conformance with the requirements of the applicable district.

Accessory buildings not meeting the standards in this section require Site Plan Review.

A garage or other non-residential building on a property without a residence cannot be the primary use of a residentially-zoned property except as described below. The purposes of this limitation are to preserve the opportunity for residential land to be used for housing, and to avoid a non-residential building on residential property for use as commercial storage. Non-residential structures on residentially-zoned land will be allowed when the following conditions are met:

- (a) The structure will not preclude the use of the property for housing;
 - (b) The structure must meet the requirements of Section 3.080(9) or be approved through the Site Plan Review process;
 - (c) The structure is not used for a commercial purposes; and
 - (d) Exception in RR: Buildings used for farm or agricultural product or equipment storage are permitted in the RR zone. [Ord. 5281, 3/26/97; Ord. 5673, 6/27/07]
- (10) Manufactured home and RV park standards are located in Article 10. Manufactured home parks, RV parks and manufactured homes on individual lots are not allowed within the National Register Historic Districts or on land within 100 feet of a historic district, or on land adjacent to a property on the Local Historic Inventory. [Ord. 5673, 6/27/07]
- (11) Kennels in residential districts shall be restricted to properties containing a minimum of two acres. This restriction does not apply to indoor veterinary hospital kennels. [Ord. 5673, 6/27/07]
- (12) Antennas and satellite dishes are subject to the following standards:
- (a) Antenna or antenna supports may not be located within any front setback area or within any required landscape buffer yard. [Ord. 5742, 7/14/10]
 - (b) Antennas shall not extend higher than fifteen feet above the peak of the roof.
 - (c) Dish antennas exceeding 12 feet in diameter are not permitted.
 - (d) Dish antennas exceeding 36 inches in diameter may not be roof mounted.
 - (e) Dish antennas shall not exceed 15 feet in height from surrounding grade to the highest point of the structure or dish.
 - (f) Dish antennas located within ten feet of a residential lot line or located so as to be visible from a public street shall be screened up to a height of six feet with a solid screen fence, wall, hedge, or other landscaping.
 - (g) Antenna used to display sign messages shall conform to all district sign regulations in addition to the above.

(h) Antenna not in conformance with the above may be considered by Conditional Use review ,
Type II process. [Ord. 5886, 1/6/17]

- (13) Original Conditional Use approval for education and religious institutions includes the following secondary uses: educational activities; sports and other recreational activities; religious activities; political activities; meals programs; before and after school or full-time child care activities; fundraising activities; and cultural programs. Such uses will not be required to go through the land use process if all of the activities which constitute the use (excluding parking and travel to and from the site) take place on the site and there is no external noise audible or light visible between 10:30 p.m. and 7:00 a.m.

Expansion of an education or religious institution includes the addition of building area, increase in parking lot coverage, or expansion of athletic facilities. Any expansion must be reviewed through the Conditional Use Type II process (CUII). [Ord. 5673, 6/27/07]

- (14) Public park development activity subject to conditional use review includes major development; expansions of activities and development within parks which currently generate substantial traffic; or construction of major structures such as swimming pools, lighted ball fields, and community centers. Conditional Use review is not required, however, for construction of play equipment, tennis courts, bike paths, picnic shelters, restrooms, landscaping, and similar activities within existing improved parks.

- (15) Self-Serve Storage is subject to the following standards:

(a) Freestanding facilities shall be limited to sites of one to three acres in size and maximum building coverage shall be limited to 50 percent of the parcel.

(b) Building setbacks shall be as follows: front - 25 feet, interior - 20 feet. No fencing is permitted in front setbacks and a minimum ten-foot landscape buffer yard is required adjacent to all residential zones. No barbed wire fencing is permitted in residential districts. [Ord. 5742, 7/14/10]

(c) The minimum driveway width between buildings shall be 20 feet for one-way drives and 24 feet for two-way drives.

(d) The maximum storage unit size shall be 500 square feet.

(e) All outdoor lighting shall be shielded to prevent reflection on adjacent properties.

(f) Repair of autos, boats, motors and furniture, and the storage of flammable materials shall be prohibited on the premises and rental contracts shall so specify.

(g) Outside storage of vehicles and materials is prohibited within this use category and no other business activity other than the rental of storage units shall be conducted on the premises. [Ord. 5673, 6/27/07]

- (16) Public and Commercial Communication Facilities are not allowed in residential zoning districts, except when the applicant can provide supportive documentation or evidence, to the satisfaction of the Community Development Director, that, if such a facility is not allowed, there will be a gap in service that denies service to an area within the community. (This decision is a Conditional Use, Type III land use decision.) Article 8 for telecommunication facility design standards also apply. [Ord. 5886, 1/6/17]

Such a tower will also be subject to the following conditions:

(a) The base of the antenna and any structures associated with the antenna shall be set back from the property lines of the property on which they are sited a distance of not less than 30 feet.

(b) The land on which the facility is sited shall be screened from adjacent land along its full perimeter, by providing screening, as defined in ADC Section 9.250.

[Ord. 5281, 3/26/97; Ord. 5445, 4/12/00]

- (17) Planned Developments allow for limited commercial uses to serve the residents within the development; see Section 11.270. Cluster Developments greater than 50 acres may develop up to 2 acres with neighborhood commercial and office uses through a Conditional Use review. [See Section 11.500(2).] [Ord. 5673, 6/27/07]
- (18) In all residential zones, indoor entertainment and recreation uses are limited to athletic, exercise or health clubs, gyms or spas, and similar uses. Examples of outdoor entertainment and recreation uses include sports fields, clubhouses, tennis and golf facilities, swimming pools, and similar uses. [Ord. 5673, 6/27/07]
- (19) One subdivision sales office is allowed in a subdivision for two years from the date it opens if the following requirements are met: [Ord. 5767, 12/7/11; Ord. 5886, 1/6/17]

Standards

- (a) The purpose of the office must be to sell lots or houses in the subdivision.
- (b) The sales office must be placed on one or more of the lots in the subdivision. [Ord. 5886, 1/6/17]
- (c) The sales office lot must be established within one year of the date the final subdivision plat is signed. [Ord. 5887, 1/6/17]
- (d) At the time an application for the sales office is submitted, the owner of the subdivision must own all of the lots within 100 feet of the lot where the sales office will be located. The "owner of the subdivision" is the owner of more than 50 percent of the lots in the subdivision. [Ord. 5886, 1/6/17]
- (e) The building must be placed in accordance with Section 3.190, Table 1 Development Standards. [Ord. 5886, 1/6/17]
- (f) A manufactured building, a modular building, or a building constructed on the site is allowed for the office use. If a manufactured building is used, it must be placed in accordance with the standards for "Placement on Individual Lots" listed in Article 10. If a modular building is used, it must be removed from the property within two years of the date a building permit is issued for the sales office. If manufactured or site-built building is used, the building does not have to be removed from the lot.
- (g) Building permits must be obtained for the building. Manufactured and modular buildings must have the appropriate State of Oregon insignia that shows the appropriate construction standards are met.
- (h) and (i) removed by Ordinance 5886, adopted January 6, 2017*
- (h) The sales office permit may be renewed once up to a year. [Ord. 5673, 6/27/07; Ord. 5886, 1/6/17]
- (20) Within the South Albany Area Plan boundary, attached single-family and duplexes will be permitted in the RS-5, RS-6.5 and RS-10 zoning districts for up to 25 percent of the total units provided when transferring density within the Oak Creek Transition Area or when transferring density of the area necessary to preserve significant tree groves identified on the South Albany Area Plan Organizational Framework map in the Comprehensive Plan (Figure 1), and oak trees over 25-inches in diameter measured at 4.5 feet from the ground. Developments may not exceed the maximum density by zoning district in 11.495 and must meet all applicable standards in the Code. [Ord. 5801, 2/13/13]

DEVELOPMENT STANDARDS

3.190 Purpose. Development standards are intended to promote site planning and design that consider the natural environment, site intensity, building mass, and open space. The standards also promote energy conservation, needed privacy, safe and efficient parking areas for new development, and improve the general living environment and economic life of a development. Table 1, on the following page, summarizes the basic development standards. It should be used in conjunction with the sections immediately succeeding the table, which address special circumstances and exceptions. See Article 8 for design standards for single-family and multiple-family developments.

[Ord. 5445, 4/12/00, Ord. 5768, 12/7/11]

TABLE 1

RESIDENTIAL DISTRICT DEVELOPMENT STANDARDS							
STANDARD	RR	RS-10	RS-6.5	HM	RS-5	(RM)	(RMA)
Minimum Property Size or Land Requirements by Unit Type(1)							
Single-family detached, (1)	5 acres (16)	10,000 sf	6,500 sf	5,000 sf	5,000 sf	3,500 sf	N/A
Single-family, attached (14)(1)	N/A	N/A	N/A	N/A	2,800 sf	2,400 sf	1,800 sf
Duplex (1)	N/A	14,000 sf Corner lot	8,000 sf Corner lot	N/A	7,000 sf Corner lot	4,800 sf	3,600 sf
Multi-family, Studio and 1-bedroom units	N/A	N/A	N/A	N/A	N/A	2,000 sf/ unit	1,500 sf/ unit
2-and 3 bedroom units	N/A	N/A	N/A	N/A	N/A	2,400 sf/ unit	1,800 sf/ unit
4+ bedroom units	N/A	N/A	N/A	N/A	N/A	3,000 sf/ unit	2,200 sf/ unit
Minimum Lot Widths: Detached S-F Attached Units	N/A N/A	65 ft N/A	50 ft N/A	35 ft N/A	40 ft 20 ft	30ft 20 ft	None None
Minimum Lot Depth	N/A	100 ft	80 ft	65 ft	70 ft	60 ft	None
Setbacks (4):							
Minimum Front (4)	20 ft	20 ft	15 ft	15 ft	15 ft	15 ft	12 ft
Maximum Front Setback	None	None	None	None	None	(14)	(14)
Minimum Interior: single-story (4)	5 ft	5 ft	5 ft	5 ft	5 ft	10 ft (5)	10 ft (5)
Minimum Interior: two or more stories (4)	8 ft	8 ft	8 ft	6 ft	6 ft	10 ft (5)(6)	10 ft (5)(6)
Minimum Building Separation	N/A	N/A	N/A	N/A	(12)	(12)	(12)
Min. Garage or carport vehicle entrance (10)	20 ft	20 ft	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)	20 ft (7)
Maximum Height (8)	30 ft	30 ft	30 ft	30 ft	30 ft	45 ft	60 ft (15)
Maximum Lot Coverage (9)	20%(11)	50%	60%	60%	60%	70%	70%
Minimum Open Space	N/A	N/A	N/A	N/A	N/A	(13)	(13)
Min. Landscaped Area	None	(2)	(2)	(2)	(2)	(3)	(3)

N/A means not applicable.

- (1) Section 3.220 bonus provisions may reduce minimum lot size and area, such as alley access.
- (2) All yards adjacent to streets.
- (3) All yards adjacent to streets plus required open space.
- (4) Additional setbacks may be required, see Sections 3.230-3.330 and the buffer matrix at 9.210; exceptions to Setbacks for Accessibility Retrofits are in Section 3.263; Zero-Lot-Line standards are in Sections 2.365 and 2.370. [Ord. 5832, 4/9/14]
- (5) Except for single-family homes (attached and detached) or duplexes, which must have a minimum setback of 3 feet for one-story dwellings and 5 feet for two-story dwellings.
- (6) More than 3 stories = 10 feet plus 3 feet for each story over 3 per unit requirements. Multiple-family developments must also meet the setbacks in Section 8.270(1).
- (7) Garage front setback for non-vehicle-entrance = 15 feet, except in RR and RS-10 zoning districts where the setback shall be 20 feet.
- (8) See exceptions to height restrictions, Section 3.340.
- (9) Lot coverage for single-family detached development shall only include the area of the lot covered by buildings or structures.
- (10) See Table 2 for garages with alley access.
- (11) Maximum lot coverage for parcels 20,000 square feet or less is 50%. The configuration of any development on a lot 20,000 square feet in size, or less; in an RR zoning district that covers more than 20 percent of the parcel on which it is proposed, should be located such that it does not preclude a later division of the parcel.
- (12) The minimum separation between multi-family buildings on a single parcel shall be 10 feet for single-story buildings and 20 feet for two-story or taller buildings.
- (13) Ten or more units require open space. See Section 8.220.
- (14) See Section 8.240 for standards.
- (15) When multiple-family developments abut a single-family use or zone, the setback shall be one foot for each foot of building height. See Section 8.270(1).
- (16) A property line adjustment between two existing RR properties may be allowed as long as no new lots are created and the resulting properties are at least 20,000 square feet and approval of a septic system has been obtained by Benton County.

[Table and footnotes amended by Ord. 5281, 3/26/97; Ord. 5338, 1/28/98; Ord. 5445, 4/12/00; Ord. 5555, 2/7/03; Ord. 5673, 6/27/07, Ord. 5768, 12/7/11; Ord. 5832, 4/9/14]

- 3.200 Lot Size Variation Within a Land Division. Up to 50 percent of the total number of detached single-family lots in a land division may have lot sizes up to 30 percent smaller than the standard permitted in any zone provided that the average lot size for lots in the development is at least the standard required in the zone after accounting for all density bonuses. No reduction in the minimum lot size is permitted for lots created for attached housing units. In such cases, the recorded plat shall indicate that the larger lots may not be further divided or deed restrictions shall be established indicating the same. [Ord. 5673, 6/27/07]
- 3.210 Lot Size Variation Within Planned and Condominium Developments. In the RS-6.5, RS-5, RM, RMA, and OP districts; lot area, lot coverage, and setback requirements may be reduced for individual lot or building sites created by a filed and recorded subdivision or condominiums developed in accordance with the Oregon Revised Statutes; provided the difference in square footage between the standard lot area established in this Article and the square footage of lots created is secured for common use in open space by covenants or associations to be in effect for at least 20 years. [Note: Cluster developments see Section 11.400.] [Ord. 5673, 6/27/07; Ord. 5742, 7/14/10]
- 3.220 Bonus Provisions for Reduction in Standard Lot Size Requirements. The following standards may be applied to development sites resulting in allowed reductions in the average minimum lot size and area per unit requirements as indicated. In no instance shall the combined total of all bonus provisions applied to a development result in an overall reduction of more than 30 percent in the standard site size or lot area per unit requirements, or result in a density that exceeds the allowed density in the zone by more than 20 percent. Some bonuses are available for lot design only, with additional bonuses available due to building design or construction. [Ord. 5338, 1/28/98; Ord. 5673, 6/27/07]