

ORDINANCE NO. 5403

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; APPROVING A SITE PLAN AND A VARIANCE; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR THREE PARCELS FORMERLY USED AS THE LINN COUNTY FAIRGROUNDS.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed Zoning Map Amendment, Site Plan, and Variance, based on evidence presented in the staff report and at the public hearing for City of Albany File ZC-01-98 and SP-20-99; and

WHEREAS, the Albany City Council held a public hearing on this amendment on June 9, 1999.

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

Section 1: The Findings of Fact contained in the staff reports and attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of 14.34 acres is hereby changed from RS-6.5 (Residential Single Family) to CC (Community Commercial). (File ZC-01-99.)

Section 3: The Site Plan showing one building of approximately 55,000 square feet to be used as a Coastal Farm retail store and one approximately 56,000 square foot building to be used for retail sales is approved subject to the conditions found in the staff report. (File SP-20-99.)

Section 4: The Variance that would allow a 10-foot high fence where the maximum height allowed is usually only 8 feet is approved. (VR-01-99.)

Section 5: A legal description of the area for which the zoning will be changed and a map showing the amendment to the Zoning Map are attached as Exhibit "B-1" and "B-2".

Section 6: A copy of the legal description and the map showing the amendment to the zoning map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 7: A copy of the legal description and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

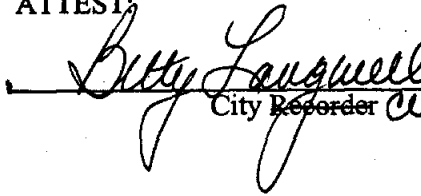
Passed by the City Council: June 9, 1999

Approved by the Mayor: June 9, 1999

Effective Date: June 9, 1999

  
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Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder Clerk

## EXHIBIT A

### Zoning Map Amendment File ZC-01-99

- (1) The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for in accordance with Section 2.080, ADC Article 2.***

### FINDINGS OF FACT

- 1.1 The applicants propose to change the zoning designation of the subject property from RS-6.5 (Residential Single Family) to CC (Community Commercial).
- 1.2 The Comprehensive Plan designation of the subject property is General Commercial.
- 1.3 The proposed CC zoning designation is shown as "compatible" with the General Commercial Comprehensive Plan designation in the "Plan Designation Zoning Matrix" in the Comprehensive Plan (page 131).
- 1.4 In 1988, the Comprehensive Plan designation of the subject property was changed from Public Facilities to General Commercial. At the time the change was approved, the City Council included language in the Comprehensive Plan that must be considered in rezoning the property. Discussion of these requirements is included under Review Criterion (5) below.

### CONCLUSIONS

- 1.1 The proposed CC zoning designation is consistent with the General Commercial Comprehensive Plan map designation of the subject property. This criterion is met.
- (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.***

### FINDINGS OF FACT

- 2.1 The subject property is located south of Pacific Boulevard/Highway 99E, between Bain Street and Airport Road. Oakwood Avenue runs along the most easterly half of the south boundary of the property.
- 2.2 The property has frontage on Bain Street and on Oakwood Avenue. The property was most recently used as the Linn County Fairgrounds. The fairgrounds had access to both Bain Street and Oakwood Avenue.
- 2.3 Pacific Boulevard is classified as a Principal Arterial street. It is under the jurisdiction of the Oregon Department of Transportation (ODOT). The street is constructed to standards consistent with those of the City of Albany. Improvements include: two travel lanes in each direction, a center left turn lane, bike lanes, and a sidewalk on each side.
- 2.4 Airport Road is a frontage road for Interstate I-5. The street is under the jurisdiction of the ODOT. It is not constructed to City standards. The road does not have curb, gutter,

or sidewalks. Pavement width is approximately 26 feet, providing for a vehicle travel lane in each direction.

- 2.5 Bain Street is classified as a local street and is constructed to City standards, but it does not have sidewalks on either side, except along the Burger King property frontage on the east side of the street. The curb to curb width of the street is 36 feet.
- 2.6 The City of Albany Transportation System Plan (TSP, Figure 5.0-1 and 5.1.1-1) shows that a new collector street is needed across the subject property and a traffic signal is needed at the intersection of the new collector street and Pacific Boulevard. The projects are number 224 and 226 in the TSP. This street will be needed in the future as the volume of traffic increases at the intersection of Pacific Boulevard and Albany Avenue/Airport Road. ODOT also plans to make changes to the interchange at Pacific Boulevard and Interstate 5 that will affect the intersection. The new collector street will also provide access to development on the subject property.
- 2.7 The applicants have shown construction of the new collector street on a site plan submitted with a concurrent Site Plan Review application. The site plan shows construction of two new buildings, one about 55,000 square feet and the other 56,000 square feet.

The new street will extend from Pacific Boulevard to Airport Road along the north boundary of the subject property. The street will include curb, gutter, a travel lane in each direction, a center left turn lane, a bike lane in each direction, sidewalk along the south side of the street, and sidewalk along the Burger King property frontage on the north side of the street.

New public right-of-way is needed to construct this street across the subject property as shown on the site plan. (Some of the right-of-way will come from the property controlled by the applicants, and some must come from the owner of the properties adjacent to the north and east of the subject property. The applicants have agreed to provide all of the right-of-way that is necessary to construct the street and sidewalk shown on the site plan.)

- 2.8 Although the City's Development Code requires construction of sidewalks on both sides of the street at the time a new collector street is built, a sidewalk along the north side of the new collector street is not needed to serve development on the subject property and would require that the applicants obtain additional right-of-way from the owners of the property adjacent to the north (the Mervyn's and K-Mart property).
- 2.9 Construction of the new collector street will make it necessary to close Bain Street at about the south boundary of the subject property. The applicants show Bain Street will end in a cul-de-sac south of Pacific Boulevard. This closure is necessary because, if it is left open to Pacific Boulevard, an unsafe intersection would be created. (The TSP shows this cul-de-sac on Figure 4.2.4-1.)
- 2.10 The applicants submitted a "Traffic Impact Analysis," prepared by Access Engineering, dated April 5, 1999. The purpose of the analysis is to determine the impact of the proposed development on the surrounding street network and recommend mitigation measures where necessary. (For the purposes of evaluating whether this review criterion is met, we assume that the proposed development is typical of development that might be proposed on the property, whether this particular development is built or not.)

- 2.11 Streets included in the traffic study are:
- a. Pacific Boulevard from Waverly Drive to Albany Avenue/Airport Road
  - b. Airport Road from Pacific Boulevard to Oakwood Avenue
  - c. Oakwood Avenue from Airport Road to Bain Street
  - d. Bain Street from Oakwood Avenue to Pacific Boulevard
- 2.12 Intersections included in the traffic study are:
- a. Pacific Boulevard and Bain Street
  - b. Pacific Boulevard and Albany Avenue/Airport Road
  - c. New collector street and Airport Road
  - d. Pacific Boulevard and Mervyns and K-Mart driveways
- 2.13 The traffic study (Page 18) concludes:
- a. The intersection of Pacific Boulevard and the new collector street will operate at level of service (LOS) B with existing traffic volumes, if a traffic signal is installed. The level of service will deteriorate to E in the year 2020. If an eastbound right-turn only lane is added to Pacific Boulevard at this intersection, the level of service can be improved to D.
  - b. The intersection of Pacific Boulevard and Albany Avenue/Airport Road will not be adversely impacted by the proposed development. This intersection will continue to operate at an acceptable level of service for several years with the proposed development. The eventual deterioration of operations will be due to growth in background traffic levels.
  - c. The intersection of the new collector street and Airport Road will operate at LOS D through 2020.
- 2.14 New development must not cause the level of service to fall below LOS D. This applies to intersections to which the development will contribute 50 or more vehicle trips per day. (TSP, Page 24, and Traffic Impact Study Guidelines.) Mitigation is required if a proposed development causes an intersection to fall below LOS D.
- 2.15 The traffic study (Page 19) recommends the following to address the traffic impacts of development on the property:
- a. Construct the new collector street from Pacific Boulevard to Airport Road following the northern property line of the subject property. The street should connect at Pacific Boulevard at the existing intersection of Bain Street.
  - b. Construct a traffic signal at the intersection of Pacific Boulevard and the new collector street.
  - c. Provide a left-turn-only lane and a left- or right-turn lane on the collector street at its intersection with Pacific Boulevard. The length of storage here should be 250 feet.
  - d. Provide an eastbound right-turn only lane on Pacific Boulevard by the year 2020.
- 2.16 No access for the proposed development is proposed to Bain Street or Oakwood Avenue.

- 2.17 The subject property is designated as a "Site of Special Interest" in the Albany Comprehensive Plan (Site 1). The Comprehensive Plan includes the following language in regard to the property.

"In September 1988, the Albany City Council, upon review of an application submitted by Linn County, agreed to amend the Comprehensive Plan map designation of the existing Linn County Fairgrounds site from Public Facilities to General Commercial (Planning Department Case No. CP-02-88). However, due to the unique circumstances of the case and evidence presented at the public hearings, it was determined that the rezoning of the property would be premature. ...[T]he Council determined that the future development and rezoning of the existing fairgrounds property should be subject to certain restrictions in order to protect the surrounding neighborhood area from negative impacts. Therefore, the following policies shall apply to the future rezoning and development of the Linn County Fairgrounds site located at Pacific Boulevard and Bain Street:

"...[T]he rezoning and development of the fairgrounds property shall be conditioned upon the mitigation of negative impacts on the South Shore neighborhood (bounded by Santiam Highway, Airport Road, Pacific Boulevard, and Waverly Drive). Specifically, the following conditions previously recommended by the Albany Planning Commission and neighborhood residents shall be considered for adoption as part of the zone change ordinance:

- 2a. State traffic engineers, neighborhood residents, and the Albany Planning Commission have previously recommended closure of through traffic on Bain Street and Oakwood Avenue if the rezoning of the fairgrounds property occurs. Thus, the street closure issue shall be addressed and resolved as a specific condition of the rezoning action." (Three other conditions are listed, but must be considered only with the Site Plan Review application.)

- 2.18 Bain Street will be closed when the collector street and cul-de-sac shown on the site plan are constructed. Bain Street is the only street between Waverly Drive and Airport Road that runs north/south. Vehicle trips that now use Bain Street to access Pacific Boulevard will be diverted to east/west local streets then to Waverly Drive and Airport Road.

South Shore Drive is the only east/west street within the neighborhood that provides access to Waverly Drive. A traffic count was taken on the section of South Shore Drive between Bain Street and Waverly Drive on April 6, 1999. There were 860 trips on this section of street on that day. The City's traffic engineer expects the number of trips to double to about 1,630 trips per day when Bain Street is closed.

- 2.19 There are three east/west local streets that connect Bain Street to Airport Road - Oakwood Avenue, North Shore Drive, and South Shore Drive. Traffic counts were taken on these streets in April, 1999. There were 240 vehicle trips on Oakwood Avenue, 400 feet east of Bain Street. There were 570 trips on Oakwood Avenue, 50 feet west of Airport Road. There were 550 trips on North Shore Drive, 400 feet east of Bain Street. There were 550 trips on South Shore Drive, 200 feet east of Bain Street.

- 2.20 The westerly part of Oakwood Avenue has the lowest traffic volume of the three streets that run between Bain Street east and Airport Road. The traffic volume (240 trips) on the westerly part of Oakwood Avenue is considerably lower than the volume (570 trips) on

the easterly part. This shows that not all of the drivers who use the easterly part of Oakwood Avenue use the westerly part of Oakwood Avenue.

- 2.21 When Bain Street is closed, the City's traffic engineer expects that Oakwood Avenue will get an additional 160 trips per day. The total number of trips will increase from 240 trips per day to about 400 trips per day on the westerly segment of the street and from 570 trips per day to about 730 trips per day on the easterly segment.

North Shore Drive and South Shore Drive provide a more direct connection between Bain Street and Airport Road than Oakwood Avenue. It is expected that both of these streets will get about 310 additional trips per day. The total number of trips will increase from 550 trips per day on each street to about 860 trips per day.

- 2.22 If Oakwood Avenue were closed, North Shore Drive and South Shore Drive would each get an additional 80 trips per day, for a total of about 940 trips.

- 2.23 The right-of-way width of the westerly segment of Oakwood Avenue is 50 feet, the right-of-way width of the easterly segment is about 30 feet. The minimum right-of-way width needed to construct a turnaround that meets City standards is 86 feet. There is not enough right-of-way available to provide turnarounds at the end of the two dead-end streets that would be created if Oakwood Avenue were closed in the middle. The turnarounds are needed so that emergency vehicles, garbage trucks, and other vehicles can turn around.

- 2.24 If Oakwood Avenue were closed, it would create two dead-end streets, each approximately 600-700 feet long. This is longer than the usual maximum length of 400 feet allowed by the City's Development Code (ADC 12.190).

- 2.25 As discussed in Finding 2.17 above, the Comprehensive Plan language included by the City Council in 1988 asked that "the street closure issue [the closure of Bain Street and Oakwood Avenue] be addressed and resolved as a specific condition of the rezoning action."

Bain Street should be closed as discussed above. The City's traffic engineer recommends that Oakwood Avenue be left open because the additional trips that will be added to the street is relatively low, there is not enough right-of-way to construct turnarounds if the street is closed, and the dead-end streets that would be created would exceed the length usually allowed by the City's Development Code. In 1988, we did not know a new collector street would be constructed, and we did not have a specific site plan to review, so there is new information to be considered.

## CONCLUSIONS

- 2.1 The existing transportation system is not adequate to accommodate commercial development of the subject property. The new collector street, and the traffic signal at Pacific Boulevard, shown in the City's Transportation System Plan (TSP) and recommended in the traffic impact analysis submitted by the applicants, must be built to make the transportation system adequate for commercial development on the property.
- 2.2 The applicants have submitted a concurrent Site Plan Review application that shows construction of the new collector street and traffic signal, and the closure of Bain Street

with a cul-de-sac at the north end. The applicants have agreed to build the improvements at the time the property is developed. These improvements are considered to be "anticipated" transportation facilities for the purposes of evaluating whether this review criterion is met.

- 2.3 This review criterion is met because, although the existing transportation system is not adequate to accommodate commercial development on the property, the applicants have agreed to make it adequate at the time the property is developed. Simply changing the zoning of the property does not create the need to build the improvements. Construction of the new collector street and the traffic signal, and the closure of Bain Street will be conditions of approval of development on the property.

**(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.**

## FINDINGS OF FACT

### Water

- 3.1 The City's water utility maps show that there is a 10-inch water main in Oakwood Avenue, a 12-inch main in Airport Road, a 10-inch main on the north side of Pacific Boulevard, and a 6-inch main in Bain Street. There is also a short 10-inch main across Pacific Boulevard which connects the Pacific Boulevard main with the 6-inch main in Bain Street.
- 3.2 In order to supply the required fire flow to development on the property, a 12-inch looped water main must be constructed from the 10-inch main on the south side of Pacific Boulevard to the 12-inch main in Airport Road. A site plan submitted by the applicants with a concurrent Site Plan Review application shows construction of this 12-inch main.
- 3.3 The Albany Fire Department has determined that two new fire hydrants must be constructed along the south side of the new collector street to provide adequate fire protection to development on the property. The hydrants must be connected to the new 12-inch water main.
- 3.4 A fire hydrant is also needed at the southeast corner of the subject property. This new hydrant must be connected to the existing water main in Oakwood Avenue. A fire hydrant is also needed at the southwest corner of the property. An 8-inch water main must be extended from the 12-inch main in the new collector street to serve this hydrant. In order to maximize fire flow to this hydrant, and to provide a looped water system, the Engineering Division has determined that this 8-inch main must be connected to the 6-inch main in Bain Street at the proposed cul-de-sac. The rest of the 6-inch water main in Bain Street to the north should be abandoned (this part of Bain Street will be vacated). Additional lines within the property may be needed to provide fire protection to development on the property.

### Sanitary sewer

- 3.5 The City's sanitary sewer utility maps show that there is an 8-inch public main along the eastern edge of the Bain Street right-of-way and a 15-inch public main near the southwest



corner of the subject property. The utility maps also show there is a private sewer main that runs across the northern edge of the property, in the vicinity of the proposed new street. It appears this main functions as a combined sewer and storm water main. The City does not allow storm water in sewer mains, so this private main must be abandoned and disconnected from the public sanitary sewer system. This will be a condition of approval of the proposed development.

- 3.6 An 8-inch sanitary sewer main extension must be constructed along the southern boundary of the subject property to serve development on the property. This main must be extended to a point that allows service laterals to buildings to be no more than 100 feet in length (ADC 12.490). A site plan submitted by the applicants with a concurrent Site Plan Review application shows construction of this sewer.

#### Storm Drainage

- 3.7 The City's storm drain utility maps show that there is a 10-inch diameter storm drain main that connects catchbasins in Bain Street to Cox Creek. The 10-inch main from the catchbasins to Cox Creek is located within a 10-foot wide easement across the property west of the subject property.
- 3.8 The 10-inch main must be replaced with a pipe that is adequately sized to accommodate storm drainage from the property when developed. A site plan submitted by the applicants with a concurrent Site Plan Review application shows the existing 10-inch storm drain main from Bain Street to Cox Creek will be replaced with a 24-inch main. The rest of the property can be served by a system of catchbasins and storm drain pipes. Pipe sizes, grades, and alignment are determined at the time the property is developed.

#### Schools

- 3.9 School children do not live in commercial development. If the zoning of the subject property is changed from RS-6.5 (Residential Single Family) to CC (Community Commercial) there will be no demand for school space as a result of development of the property.

#### Fire and Police Protection

- 3.10 The Fire Department has reviewed the proposed zoning map amendment and determined that adequate fire protection can be provided to the property if the improvements to the water system discussed above are made.
- 3.11 The Police Department has reviewed the proposed zoning map amendment and determined that adequate police protection can be provided to commercial development on the property.

#### CONCLUSIONS

- 3.1 The existing sanitary sewer, water, and storm drainage systems are not adequate to accommodate commercial development of the subject property. The improvements discussed in the findings above must be made to make these systems adequate.

- 3.2 The applicants have submitted a concurrent Site Plan Review application that shows construction of the needed improvements, and they have agreed to build them at the time the property is developed. Adequate fire protection can be provided to commercial development on the property if the water system improvements discussed in the finding above are made. All of these improvements are considered to be "anticipated" services for the purposes of evaluating whether this review criterion is met.
- 3.3 Adequate police protection can be provided to commercial development on the property.
- 3.4 This review criterion is met because, although existing services are not adequate to accommodate commercial development on the property, the applicants have agreed to make them adequate at the time the property is developed. Simply changing the zoning of the property does not create the need to build the improvements. Construction of the improvements will be conditions of approval of development on the property.
- (4) *Any unique natural features or special areas involved, such as floodplains, slopes, significant natural vegetation, historic district, will not be jeopardized as a result of the proposed rezoning.*

#### FINDINGS OF FACT

- 4.1 Floodplains: *Comprehensive Plan Plate 5, Floodplains*, shows no floodplains on the property. FEMA/FIRM Community Panel No. 410137 0002E, dated March 16, 1989, shows that the property is in Zone X, an area determined to be outside any 500-year floodplain.
- 4.2 Topography: *Comprehensive Plan Plate 7, Slopes* shows no areas of concern on the subject property. The site plan submitted by the applicants shows that elevations on the property range from about 212 feet to about 220 feet. There are various high and low places on the property, so no predominant direction of slope.
- 4.3 Significant Natural Vegetation: *Comprehensive Plan Plate 3, Natural Vegetation and Wildlife Habitat*, shows no areas of concern on the subject property. The site plan shows that there are 28 trees on the property that are greater than 10-inches in diameter. The trees are primarily maple and oak and range in size from 14-inches to 46-inches in diameter.
- 4.4 Wetlands: *Comprehensive Plan Plate 6, Wetlands*, shows no areas of concern on the property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (dated 1994) shows no wetlands on the subject property. The applicants, in findings submitted with a concurrent Zoning Map Amendment application (page 2), state that "A wetlands analysis was performed on the property. It was determined that there were no wetlands subject to the fill-removal law on the property. This determination was verified by the [Oregon] Division of State Lands in March of 1997."
- 4.5 Historic Districts: *Comprehensive Plan Plate 9, Historic Districts*, shows the property is not in a historic district.

## CONCLUSIONS

- 4.1 There are no floodplains or steep slopes on the property. It is not in a historic district. There are a number of large trees on the property, but they are not identified in the Comprehensive Plan as "significant."
- 4.2 There are no unique natural features or special areas that will be jeopardized as a result of the proposed rezoning. This criterion is met.

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

## FINDINGS OF FACT

- 5.1 The subject property is currently zoned RS-6.5 (Residential Single Family). The applicants propose to change the zoning designation of the property to CC (Community Commercial).
- 5.2 The intent of residential zoning districts is to preserve land for housing. The Development Code preserves the character of neighborhoods by providing seven residential zones with different density standards.
- 5.3 The purpose of the RS-6.5 district is to provide land for low density urban single-family development. Development should occur at 6-8 units per acre [ADC 3.020(3)].
- 5.4 The intent of commercial zoning districts is to provide land for commercial uses. The Development Code provides four commercial zones. The differences between the zones relate to the intensity of the uses allowed in them.
- 5.5 The purpose of the CC district is to provide land for developments which have a wide range of retail sales and service establishments. CC districts are particularly appropriate to large commercial clusters near intersections or along major thoroughfares.
- 5.6 The question that must be answered under this review criterion is whether using the subject property for commercial development rather than low density single-family residential development "best satisfies the goals and policies of the Comprehensive Plan." This question is answered by evaluating both the existing zoning of the property and the proposed zoning against relevant Comprehensive Plan goals and policies.
- 5.7 The Comprehensive Plan (page 2) defines a goal as "a general statement indicating a desired end, or the direction the City will follow to achieve that end."

The Comprehensive Plan describes the City's obligation in regard to goals as follows: "The City cannot take action which opposes a goal statement unless: 1) It is taking action which clearly supports another goal, or 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed."

- 5.8 The Comprehensive Plan (page 3) defines a policy as "a statement identifying a course of action or City position."

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

- 5.9 The property is designated as a "Site of Special Interest" in the Albany Comprehensive Plan (Site 1). The Comprehensive Plan includes the following language in regard to the property.

"In September 1988, the Albany City Council, upon review of an application submitted by Linn County, agreed to amend the Comprehensive Plan map designation of the existing Linn County Fairgrounds site from Public Facilities to General Commercial (Planning Department Case No. CP-02-88). However, due to the unique circumstances of the case and evidence presented at the public hearings, it was determined that the rezoning of the property would be premature. Specifically, the City Council found that the public need criteria could only be satisfied upon a future demonstration by the County that a new fairgrounds facility could be built within the Albany Urban Growth Boundary upon the rezoning of the existing site. Secondly, the Council found that the immediate rezoning availability of the site for development could cause substantial confusion in the local retail market due to leasing efforts of two large shopping centers, Heritage Mall and Heritage Plaza, which the Council wished to give a limited opportunity to substantially complete initial leasing programs before opening a major new site to the market. Finally, the Council determined that the future development and rezoning of the existing fairgrounds property should be subject to certain restrictions in order to protect the surrounding neighborhood area from negative impacts. Therefore, the following policies shall apply to the future rezoning and development of the Linn County Fairgrounds site located at Pacific Boulevard and Bain Street:

1. Although the Comprehensive Plan map designates this site as General Commercial, subsequent rezoning of the property for commercial use shall not occur until such time as Linn County has committed, in a manner satisfactory to the City, to locate the new Linn County Fairgrounds facility within the Albany Urban Growth Boundary and to utilize all proceeds from the sale or trade of the existing fairgrounds property for the construction of the new facility. In addition, development of the site, for any approved commercial use, shall not commence prior to January 1, 1991.
2. The rezoning and development of the fairgrounds property shall be conditioned upon the mitigation of negative impacts on the South Shore neighborhood (bounded by Santiam Highway, Airport Road, Pacific Boulevard, and Waverly Drive). Specifically, the following conditions previously recommended by the Albany Planning Commission and neighborhood residents shall be considered for adoption as part of the zone change ordinance:
  - a. State traffic engineers, neighborhood residents, and the Albany Planning Commission have previously recommended closure of through traffic on Bain Street and Oakwood Avenue if the rezoning of the fairgrounds

property occurs. Thus, the street closure issue shall be addressed and resolved as a specific condition of the rezoning action.

- b. Construct a 10-foot wall as a noise buffer along the south side of the property as far east as the apartments on Oakwood Avenue. The wall would also extend to the north along Bain Street for a short distance.
- c. Placement of buildings will be determined at the time of Site Plan Review. Buildings shall be set back at least 30 feet from all residential property lines. Location of buildings will be determined in part to reduce impacts of noise, lighting, and traffic on residential areas to the south.
- d. Property uses will be limited to establishments such as department stores, shopping centers, drug or variety stores, similar retail stores, banks, and offices which are primarily conducted within enclosed buildings.

5.10 In regard to 1. above, a new Linn County Fairgrounds has been established within the Albany Urban Growth Boundary and city limits. Linn County will utilize all proceeds from the sale of the existing fairgrounds property to pay for the new Linn County Fair and Expo Center. Development of the old Fairgrounds property did not commence prior to January 1, 1991.

5.11 In regard to 2. above:

- a. The closure of Bain Street and Oakwood Avenue has been addressed under Review Criterion (2) above. The City's traffic engineer recommends that Bain Street be closed and that Oakwood Avenue be left open.
- b. The applicants, in a Site Plan Review application concurrent with the Zoning Map Amendment application, show a 6-foot cedar fence to be constructed along the entire south boundary of the property. Construction of a 10-foot fence has been included as a condition of approval of the site plan review. At a neighborhood meeting held by the applicants on March 31, 1999, the people who attended the meeting expressed a preference for a fence rather than a wall.
- c. Placement of proposed buildings has been reviewed under Review Criterion (3) of the concurrent Site Plan Review. Buildings have been located 40-60 feet from the south boundary of the subject property.
- d. The use proposed for one of the buildings in the concurrent Site Plan Review is a Coastal Farm retail store. The use of the other proposed building has not yet been identified. The City Attorney advises that the use of the property cannot be restricted beyond the restrictions set forth in the Development Code. That is, all the uses allowed in the proposed CC (Community Commercial) zoning district must be allowed on the property if the zoning is changed.

5.12 The Comprehensive Plan goals and policies which follow here have been identified as those which are relevant to consideration of the proposed change of the zoning designation of the subject property from RS-6.5 (Residential Single Family) to CC (Community Commercial). Goals and policies are listed in italic print, followed by findings that address each goal and policy, or group of related goals and policies.

5.13 GOAL 1: CITIZEN INVOLVEMENT

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

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

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

When a Zoning Map application is received, and when a Site Plan Review application is received at the same time for the subject property, a "project review" sheet describing the applications is routed to City departments, other agencies, and utility companies that may have an interest in the applications. A Notice of Public Hearing is mailed to the owners of property within 100 feet of the subject property. The property is posted with signs that advertise the public hearing. A sign is posted on each frontage of the property.

The applicable review criteria that will be used to review the applications are listed in the project review and in the notice of public hearing. Public hearings are held before the Planning Commission and City Council. Any person who has an interest in the applications can submit comments to the Planning Division, Planning Commission, City Council, or testify in person at the public hearings. The Planning Commission and City Council consider any written or verbal testimony before making their decisions.

5.14 **GOAL 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES - VEGETATION AND WILDLIFE HABITAT**

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

*Policy 1: Protect existing vegetation which possesses significant environmental, wildlife habitat, and aesthetic qualities, particularly along the Santiam Canal and the Willamette and Calapooia Rivers, their tributaries, and associated floodplains and drainageways.*

*Policy 2: Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage.*

*Policy 3: Where possible, retain the environmental and aesthetic qualities of existing wooded areas by incorporating them into public park and open space plans, and ensure the maximum preservation of vegetation during the development review and construction process.*

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

*Policy 5: Review all land use applications to determine if wetland characteristics exist on the proposed development site. The actual extent and boundaries of wetland areas shall be determined on a case-by-case basis.*

The City's Comprehensive Plan implements the goals and policies above regarding vegetation and wildlife habitat by mapping areas of significant vegetation and wildlife habitat. Areas of concern are shown on Plate 3 of the Comprehensive Plan. The subject property is not shown as an area of concern on Plate 3. The City's Development Code requires Site Plan Review when it is proposed to cut 5 or more trees that are greater than 10 inches in diameter. Review criteria to be used to evaluate the proposed tree cutting are listed. No tree cutting is proposed as part of the Zoning Map Amendment application, but tree cutting is proposed as part of the concurrent Site Plan Review application. The staff report for the Site Plan Review applies the review criteria to the proposed tree cutting and finds that the trees may be cut, but suggests that some be saved.

Comprehensive Plan Plate 6, Wetlands, shows no areas of concern on the subject property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (dated 1994) shows no wetlands on the property. The applicants, in findings submitted with their Zoning Map Amendment application (page 2), state that: "A wetlands analysis was performed on the property. It was determined that there were no wetlands subject to the fill-removal law on the property. This determination was verified by the [Oregon] Division of State Lands in March of 1997."

#### 5.15 GOAL 9: ECONOMY - ECONOMIC DEVELOPMENT

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

*Goal 3: Insure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany including commercial, professional, and industrial development.*

*Goal 6: Enhance Albany's potential for economic development associated with its central geographic location.*

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

*Policy 2: Encourage the location of regional shopping facilities in Albany.*

The applicants have provided the following information in findings submitted with their Zoning Map Amendment application (Pages 5,6, and 7):

"Linn County has entered into an agreement with Coastal Farm Real Estate, Inc. for the purchase of the old Fairgrounds property. Coastal Farms intends to relocate its retail facility to the property if the sale is completed. Coastal Farms also intends to locate its corporate offices on the property. [Note: The proposal to locate offices on the property has been dropped by Coastal Farm.]

Albany is the home of Coastal Farm and Home Supply's corporate offices, warehouse, and one of its five stores. In recent years the company has experienced significant growth in retail sales including outgrowing its present 24,000 square foot Albany facility at 930 Hill Street. Coastal Farm and Home Supply is a destination retailer. Many customers are drawn from the farming community within a 50-70 mile radius.

Coastal Farms intends to build a facility with about 50,000 square feet of floor area and 4,000 square feet of enclosed outdoor retail space. There will also be a second level with 5,000-10,000 square feet set aside for corporate offices. [Note: The proposal to locate offices in the building has been dropped.] Coastal Farms is a growing firm with retail facilities in a number of Willamette Valley and Western Oregon cities. The firm specializes in the sale of all kinds of agricultural supplies with a large market in the surrounding area. This operation would use about half of the fairgrounds site. The remainder of the property would be made available for the location of one or more retail trade establishments. If this sale is not consummated, some aspects of the business may be forced to seek another location in the Willamette Valley...

Agriculture is a mainstay of the Linn County economy. With the retention and expansion of the Coastal Farm Supply retail store and corporate headquarters in the community thereby making agricultural supplies more available to farming operations in the surrounding area, the opportunity for enhancement of all retail trade activities in the community is clearly there. Location of this type of operation in the city will serve to maintain and attract more retail trade dollars to the community.

This proposal will result in the addition of 14.28 acres of commercially zoned land to the city. Approximately half of the site is committed to Coastal Farm's retail store and corporate headquarters. The remainder of the site, that portion of the property closest to State Highway 99E, will remain available for one or more commercial developments. The overall location is ideal for commercial development due to its proximity to both Highway 99E and Interstate 5 and its location close to other commercial activities including Mervyn's, K-Mart, two fast food restaurants, and the tourist commercial development complex located to the north (2 motels, a quality restaurant, a fast food restaurant, and a service station). With the full development of the old fairgrounds site for commercial purposes, the City of Albany will have a fully developed commercial cluster which helps to meet the needs of both local residents, people living in the Linn-Benton-Marion County region, and highway travelers who are going either to or through Albany.

...The development of this site will result in completion of this commercial cluster with diverse economic activities at a location in close proximity to both Highway 99E and the freeway. Development will also strengthen the commercial development cluster as people purchasing supplies at Coastal Farm will also shop at other retail stores in the vicinity.

The establishment of Coastal Farm Supply on the old fairgrounds site will assure that the community will retain a retail commercial activity geared toward both the primary and secondary agricultural markets for those portions of Linn, Benton, and Marion Counties within a 50-70 mile radius from Albany. The business also provides for products catering to the local residential market. The availability of the remainder of the old fairgrounds site for other commercial development of an undetermined nature will contribute to the diverse nature of commercial development in the Highway 99E/Interstate 5 area of northeast Albany. Development and future growth of Coastal Farm also will provide ongoing employment opportunities at its office and store.

Coastal Farm Supply can best be considered a regional shopping facility. Coastal Farm Supply's market emphasizes both large and small agricultural operations within a fairly



extensive rural area in Linn, Benton, and Marion counties spreading out from Albany in all directions for a radius of 50-70 miles.”

5.16 GOAL 10: HOUSING

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

*Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.*

*Policy 10: Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.*

The subject property is currently zoned for single-family residential use. However, the Comprehensive Plan designation of the property was changed from Public Facilities to General Commercial in 1988. The City of Albany and the owner of the property, Linn County, clearly identified the future use of the property as commercial more than 10 years ago. So, even though the property has been zoned residential, it has not been available for development of housing.

5.17 GOAL 12: TRANSPORTATION

*GOAL: Provide a safe, diversified, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.*

*Policy 14: Review access to state highways subject to the regulations of the Oregon Department of Transportation and the City of Albany. Where regulations of the city and state conflict, the more restrictive requirements shall apply. In particular, utilize the following access criteria to promote safety and smooth traffic flows on Pacific Boulevard (99E) and Santiam Highway:*

- a. Whenever possible, properties should develop access from frontage roads or side streets as opposed to direct access to the highway.*
- b. Consider increased setbacks in order to combine access points to provide adequate area to develop frontage roads.*
- c. Where possible, access points should serve at least two properties whenever a parcel has less than 300 feet of frontage. When feasible, access points shall be developed at common property lines.*
- d. Common access at property lines shall be encouraged and in some instances required to reduce the number of access points onto state highways.*

See the discussion of transportation issues under Review Criterion (2) above. The Oregon Department of Transportation (ODOT) has been included in several meetings and other discussions of the proposed Zoning Map Amendment and agrees that the required transportation-related improvements will be sufficient to provide a safe and efficient transportation system for this area of Albany.

5.18 GOAL 14: URBANIZATION

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

*Policy 9: Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse of older areas of the community and the development and/or partitioning of lots which can meet minimum lot size requirements.*

*Policy 10: The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. Approvals of additional regional and community commercial sites may be predicated upon studies requested by the City which assess public need, impacts upon competing commercial areas, traffic impacts, and impacts upon other public services.*

*Policy 12: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas which will foster:*

- a. Efficient and safe utilization of transportation facilities.*
- b. A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.*
- c. Compatibility between land uses, particularly adjacent residential neighborhoods.*
- d. Efficient extension of public facilities and services.*

*Policy 15: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.*

*Policy 16: Provide development opportunities for large scale industrial and commercial development and for people to live in proximity to activity centers, particularly their place of employment.*

As discussed under Review Criterion (3) above, the subject property has all services readily available. Improvements needed are all "on-site" improvements needed to serve development of the property. The property was used until a few years ago as the Linn County Fairgrounds, but the buildings that were on the property have been torn down. The only improvements on the property now are some old concrete foundations and some asphalt paving that is rapidly deteriorating.

The applicants have demonstrated that the size of the property is adequate to accommodate Coastal Farm's proposed retail store and corporate offices and one other retail building. The location of the property along a major state highway (Highway 99E/Pacific Boulevard) and in close proximity to Interstate 5 give the property superior access.

The property is located to the south and west of a major commercial node. As discussed under Finding 5.8 above, other uses on adjacent properties include Mervyn's, K-Mart, Burger King and a variety of other uses. If the subject property is zoned commercial, it increases the depth of the established commercial area to the south. It does not extend the strip of existing commercial property along Pacific Boulevard.

Bus service is provide along Pacific Boulevard by Albany Transit System Route 2. Commercial development on the subject property will provide the opportunity for people to shop at a wider variety of retail establishments in the same area and walk between them. Pedestrian and bicycle access can be provided between the residential neighborhood to the south and development on the property.

## CONCLUSIONS

- 5.1 The subject property is designated in the Albany Comprehensive Plan as a Site of Special Interest. In 1988, the City Council required that, at the time Linn County proposed to change the zoning of the property from residential to commercial, certain conditions, restrictions, and policies be met.

Specifically, the Council required that:

1. Linn County commit to locate the new Linn County Fairgrounds facility within the Albany Urban Growth Boundary and to utilize all proceeds from the sale of the existing fairgrounds property for construction of the new facility. The new fairgrounds has been built. The proceeds from the sale of the property will be used to pay for the new Linn County Fair and Expo Center.
  2. That the following conditions be considered for adoption as part of the zone change ordinance:
    - a. Closure of Bain Street and Oakwood Avenue. This has been addressed in findings above.
    - b. A 10-foot wall along the south side of the property. This will be a condition of approval of the Site Plan Review application submitted by the applicants.
    - c. Buildings must be set back at least 30 feet from residential properties. The setbacks shown on the site plan meet this condition.
    - d. Limitations on the use of the property. According to the City Attorney, this cannot legally be done.
- 5.2 The Goal 1, Citizen Involvement goals and policies have been met in processing the zoning map amendment.
- 5.3 Goal 5, Vegetation and Wildlife Habitat goals and policies are met by the proposed zoning map amendment. These goals and policies can be met whether the zoning of the property is residential or commercial.
- 5.4 Goal 9, Economic Development goals and policies are met. These goals and policies are better met if the zoning of the property is commercial rather than residential.

- 5.5 Goal 10, Housing goals and policies are met. The City of Albany and the owner of the property, Linn County, clearly identified the future use of the property as commercial more than 10 years ago. So, even though the property has been zoned residential, it has not been available for development of housing.
- 5.6 Goal 12, Transportation goals and policies are met. If the zoning of the property is changed to commercial, the applicants will construct a new collector street across the property and install a traffic signal at the intersection of this new street and Pacific Boulevard. Both of these improvements are included in the City's Transportation System Plan (TSP) as needed improvements. If the land remains zoned for residential use, this street and traffic signal would not be built now. The zoning map amendment will help implement the City's TSP.
- 5.7 Goal 14, Urbanization goals and policies are met. The zoning map amendment will encourage the re-use of this already serviced parcel of land for commercial development. Development of this property for commercial use will enlarge an existing node of commercial development that is immediately adjacent to an existing residential neighborhood. This will give people an opportunity to walk, bicycle, and/or take public transit to work or to shop. This will provide the opportunity for people to live near where they work and shop and reduce their dependence on their cars.
- 5.8 The proposed zoning map amendment that would change the zoning designation of the subject property from RS-6.5 (Residential Single Family) to CC (Community Commercial) best satisfies the goals and policies of the Comprehensive Plan.

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### *(1) Public facilities can accommodate the proposed development.*

#### FINDINGS OF FACT

- 1.1 The applicants propose to build two buildings. One of the buildings would be 50,000 square feet with an additional outdoor (but covered) 5,000 square foot retail sales area. The other building would be a 56,000 square foot building.

The most easterly of the two buildings shown on the site plan includes 50,000 square feet of indoor retail space, plus a 5,000 square foot garden center that will be outdoors (but covered). This building will be a Coastal Farm and Home Supply retail store. There will be a 40,000 square foot outdoor display area adjacent to this building on the west side.

The most westerly of the two buildings shown on the site plan will include 50,000 square feet of retail space and three 2,000 square foot spaces identified on the plan as "specialty retail." The users of these spaces have not yet been identified.

#### Sanitary Sewer

- 1.2 The City's sanitary sewer utility maps show that there is an 8-inch public main along the eastern edge of the Bain Street right-of-way and a 15-inch public main near the southwest corner of the subject property. The utility maps also show there is a private sewer main that runs across the northern edge of the property, in the vicinity of the proposed new street. It appears this main functions as a combined sewer and storm water main. The City does not allow storm water in sewer mains, so this private main must be abandoned and disconnected from the public sanitary sewer system. This will be a condition of approval of the proposed development.
- 1.3 The site plan submitted by the applicants shows an 8-inch sanitary sewer main extension will be constructed along the southern boundary of the subject property. This main must be extended to a point that allows service laterals to be no more than 100 feet in length (ADC 12.490). A 20-foot wide public utility easement must be provided for this main (ADC 12.370).
- 1.4 The site plan show that 6-inch diameter service laterals will be provided to both proposed buildings.
- 1.5 The plan to serve the proposed development with sanitary sewer service is approved, but final design details are reviewed at the time an application for a "Permit for Private Construction of Public Utilities" is submitted to the City's Engineering Division. (See Condition 1.14 below).

#### Water

- 1.6 The City's water utility maps show that there is a 10-inch water main in Oakwood Avenue, a 12-inch main in Airport Road, a 10-inch main on the north side of Pacific Boulevard, and a 6-inch main in Bain Street. There is also a short 10-inch main across Pacific Boulevard which connects the Pacific Boulevard main with the 6-inch main in Bain Street.

- 1.7 In order to supply the required fire flow to the proposed development, the applicants must construct a 12-inch looped water main from the 10-inch main on the south side of Pacific Boulevard to the 12-inch main in Airport Road. The site plan shows a 12-inch main will be constructed in the new collector street, but it is not clear where this main will connect to the existing system at either end.

The main must connect to the 10-inch main on the south side of Pacific Boulevard and the 12-inch main in Airport Road. There will be only minor friction loss in the short section of 10-inch main in Pacific Boulevard, so that section of line does not need to be replaced with a 12-inch line.

- 1.8 The Albany Fire Department has determined that a new fire hydrant must be constructed at the westernmost and easternmost driveways along the new collector street. The hydrants must be connected to the new 12-inch water main.
- 1.9 The site plan also shows a new fire hydrant will be constructed at the southeast corner of the subject property. This new hydrant is shown connected to the existing water main in Oakwood Avenue.
- 1.10 A new 8-inch main is also shown from the new 12-inch main along the new collector street to the south side of the most westerly building. A fire hydrant is shown at the south end of this main. In order to maximize fire flow to this hydrant, and to provide a looped water system, the Engineering Division has determined that the proposed 8-inch main must be connected to the 6-inch main in Bain Street at the proposed cul-de-sac. The rest of the 6-inch water main in Bain Street to the north should be abandoned (this part of Bain Street will be vacated).
- 1.11 The site plan also shows an 8-inch main will be extended south from the 12-inch line in the new collector street to provide service to two 4-inch fire sprinkler system lines, one 4-inch line for each of the proposed buildings. If the property is divided in the future so that each building is located on a separate land parcel, a separate private fire sprinkler line for each building will be needed. It may be advisable to install separate private fire sprinkler lines connected to the 12-inch main now.

#### Storm Drainage

- 1.12 The City's storm drain utility maps show that there is a 10-inch diameter storm drain main that connects catchbasins in Bain Street to Cox Creek. The 10-inch main from the catchbasins to Cox Creek is located within a 10-foot wide easement across the property west of the subject property.
- 1.13 The site plan submitted by the applicants proposes to replace the existing 10-inch storm drain main from Bain Street to Cox Creek with a 24-inch main. The rest of the proposed development would be served by a system of catchbasins and storm drain pipes that range in size from 8-inches to 15-inches in diameter. Any storm drain pipe that carries water from a public street must be a public main that is either built in a public right-of-way or in a minimum 15-foot wide public utility easement. A narrower easement may be approved if the pipe is shallow enough to allow construction and maintenance within a narrower width.

- 1.14 The site plan shows a cul-de-sac will be built at the north end of Bain Street where it will end. It may be necessary to extend a public storm drain main to the cul-de-sac to accommodate storm drainage. Final pipe sizes, grades, and alignment for all of the proposed storm drainage system are determined at the time the applicants submit an application to the Engineering Division for a "Permit for Private Construction of Public Utilities."

#### Streets

- 1.15 The subject property is located south of Pacific Boulevard/Highway 99E, between Bain Street and Airport Road. Oakwood Avenue runs along the most easterly half of the south boundary of the property.
- 1.16 The property has frontage on Bain Street and on Oakwood Avenue. The property was most recently used as the Linn County Fairgrounds. The fairgrounds had access to both Bain Street and Oakwood Avenue.
- 1.17 Pacific Boulevard is classified as a Principal Arterial street. It is under the jurisdiction of the Oregon Department of Transportation (ODOT). The street is constructed to standards consistent with those of the City of Albany. Improvements include: two travel lanes in each direction, a center left turn lane, bike lanes, and a sidewalk on each side.
- 1.18 Airport Road is a frontage road for Interstate I-5. The street is under the jurisdiction of the ODOT and is not constructed to City standards. The road does not have curb, gutter, or sidewalks. Pavement width is approximately 26 feet, providing for a vehicle travel lane in each direction.
- 1.19 Bain Street is classified as a local street and is constructed to City standards, but it does not have sidewalks on either side, except along the Burger King property frontage on the east side of the street. The curb to curb width of the street is 36 feet.
- 1.20 The City of Albany Transportation System Plan (TSP, Figure 5.0-1 and 5.1.1-1) shows that a new collector street is needed across the subject property and a traffic signal is needed at the intersection of the new collector street and Pacific Boulevard. The projects are number 224 and 226 in the TSP. This street will be needed in the future as the volume of traffic increases at the intersection of Pacific Boulevard and Albany Avenue/Airport Road. ODOT also plans changes to the interchange at Pacific Boulevard and Interstate 5 that will impact this intersection. The new collector street will also provide access to development on the subject property.
- 1.21 The applicants have shown construction of the new collector street on their site plan and have agreed to build the traffic signal. The new street will extend from Pacific Boulevard to Airport Road along the north boundary of the subject property. The street will include curb, gutter, a travel lane in each direction, a center left turn lane, a bike lane in each direction, sidewalk along the south side of the street, and sidewalk along the Burger King property frontage on the north side of the street.

New public right-of-way is needed to construct this street across the subject property as shown on the site plan. (Some of the right-of-way will come from the property controlled by the applicants, and some must come from the owner of the properties adjacent to the

north and east of the subject property. The applicants have agreed to provide all of the right-of-way that is necessary to construct the street and sidewalk shown on the site plan.)

- 1.22 Although the City's Development Code requires construction of sidewalks on both sides of the street at the time a new collector street is built, a sidewalk along the north side of the new collector street is not needed to serve the proposed development and would require that the applicants obtain additional right-of-way from the owners of the property adjacent to the north (the Mervyn's and K-Mart property).
- 1.23 Construction of the new collector street will make it necessary to close Bain Street at about the south boundary of the subject property. The applicants show Bain Street will end in a cul-de-sac south of Pacific Boulevard. This closure is necessary because, if it is left open to Pacific Boulevard, an unsafe intersection would be created. (The TSP shows this cul-de-sac on Figure 4.2.4-1.) A driveway approach must be provided on the north end of the cul-de-sac to provide access to the property to the northwest (currently owned by Gordon Chan property).
- 1.24 The applicant submitted a "Traffic Impact Analysis," prepared by Access Engineering, dated April 5, 1999. The purpose of the analysis is to determine the impact of the proposed development on the surrounding street network and recommend mitigation measures where necessary.
- 1.25 Streets included in the traffic study are:
  - a. Pacific Boulevard from Waverly Drive to Albany Avenue/Airport Road
  - b. Airport Road from Pacific Boulevard to Oakwood Avenue
  - c. Oakwood Avenue from Airport Road to Bain Street
  - d. Bain Street from Oakwood Avenue to Pacific Boulevard
- 1.26 Intersections included in the traffic study are:
  - a. Pacific Boulevard and Bain Street
  - b. Pacific Boulevard and Albany Avenue/Airport Road
  - c. New collector street and Airport Road
  - d. Pacific Boulevard and Mervyns and K-Mart driveways
- 1.27 The traffic study (Page 18) concludes:
  - a. The intersection of Pacific Boulevard and the new collector street will operate at level of service (LOS) B with existing traffic volumes, if a traffic signal is installed. The level of service will deteriorate to E in the year 2020. If an eastbound right-turn only lane is added to Pacific Boulevard at this intersection, the level of service can be improved to D.
  - b. The intersection of Pacific Boulevard and Albany Avenue/Airport Road will not be adversely impacted by the proposed development. This intersection will continue to operate at an acceptable level of service for several years with the proposed development. The eventual deterioration of operations will be due to growth in background traffic levels.
  - c. The intersection of the new collector street and Airport Road will operate at LOS D through 2020.



- 1.28 New development must not cause the level of service to fall below LOS D. This applies to intersections to which the development will contribute 50 or more vehicle trips per day. (TSP, Page 24, and Traffic Impact Study Guidelines.) Mitigation is required if a proposed development causes an intersection to fall below LOS D. None of the affected intersections will fall below LOS D as a result of development of the property.
- 1.29 The traffic study (Page 19) recommends the following to address the traffic impacts of the proposed development:
- a. Construct the new collector street from Pacific Boulevard to Airport Road following the northern property line of the subject property. The street should connect at Pacific Boulevard at the existing intersection of Bain Street.
  - b. Construct a traffic signal at the intersection of Pacific Boulevard and the new collector street.
  - c. Provide a left-turn-only lane and a left- or right-turn lane on the collector street at its intersection with Pacific Boulevard. The length of storage here should be 250 feet.
  - d. Provide an eastbound right-turn only lane on Pacific Boulevard by the year 2020.
- 1.30 No access for the proposed development is proposed to Bain Street or Oakwood Avenue.
- 1.31 The subject property is designated as a "Site of Special Interest" in the Albany Comprehensive Plan (Site 1). The Comprehensive Plan includes the following language in regard to the property.

"In September 1988, the Albany City Council, upon review of an application submitted by Linn County, agreed to amend the Comprehensive Plan map designation of the existing Linn County Fairgrounds site from Public Facilities to General Commercial (Planning Department Case No. CP-02-88). However, due to the unique circumstances of the case and evidence presented at the public hearings, it was determined that the rezoning of the property would be premature. ...[T]he Council determined that the future development and rezoning of the existing fairgrounds property should be subject to certain restrictions in order to protect the surrounding neighborhood area from negative impacts. Therefore, the following policies shall apply to the future rezoning and development of the Linn County Fairgrounds site located at Pacific Boulevard and Bain Street:

"...[T]he rezoning and development of the fairgrounds property shall be conditioned upon the mitigation of negative impacts on the South Shore neighborhood (bounded by Santiam Highway, Airport Road, Pacific Boulevard, and Waverly Drive). Specifically, the following conditions previously recommended by the Albany Planning Commission and neighborhood residents shall be considered for adoption as part of the zone change ordinance:

- 2a. State traffic engineers, neighborhood residents, and the Albany Planning Commission have previously recommended closure of through traffic on Bain Street and Oakwood Avenue if the rezoning of the fairgrounds property occurs. Thus, the street closure issue shall be addressed and resolved as a specific condition of the rezoning action." (Three other conditions follow. These conditions are discussed under Review Criterion (3) below).

- 1.32 Bain Street will be closed when the collector street and cul-de-sac shown on the site plan are constructed. Bain Street is the only street between Waverly Drive and Airport Road that runs north/south. Vehicle trips that now use Bain Street to access Pacific Boulevard will be diverted to east/west local streets then to Waverly Drive and Airport Road.

South Shore Drive is the only east/west street within the neighborhood that provides access to Waverly Drive. A traffic count was taken on the section of South Shore Drive between Bain Street and Waverly Drive on April 6, 1999. There were 860 trips on this section of street on that day. The City's traffic engineer expects the number of trips to double to about 1,630 trips per day when Bain Street is closed.

- 1.33 There are three east/west local streets that connect Bain Street to Airport Road – Oakwood Avenue, North Shore Drive, and South Shore Drive. Traffic counts were taken on these streets in April, 1999. There were 240 vehicle trips on Oakwood Avenue, 400 feet east of Bain Street. There were 570 trips on Oakwood Avenue, 50 feet west of Airport Road. There were 550 trips on North Shore Drive, 400 feet east of Bain Street. There were 550 trips on South Shore Drive, 200 feet east of Bain Street.

- 1.34 The westerly part of Oakwood Avenue has the lowest traffic volume of the three streets that run between Bain Street east and Airport Road. The traffic volume (240 trips) on the westerly part of Oakwood Avenue is considerably lower than the volume (570 trips) on the easterly part. This shows that not all of the drivers who use the easterly part of Oakwood Avenue use the westerly part of Oakwood Avenue.

- 1.35 When Bain Street is closed, the City's traffic engineer expects that Oakwood Avenue will get an additional 160 trips per day. The total number of trips will increase from 240 trips per day to about 400 trips per day on the westerly segment of the street and from 570 trips per day to about 730 trips per day on the easterly segment.

North Shore Drive and South Shore Drive provide a more direct connection between Bain Street and Airport Road than Oakwood Avenue. It is expected that both of these streets will get about 310 additional trips per day. The total number of trips will increase from 550 trips per day on each street to about 860 trips per day.

- 1.36 If Oakwood Avenue were closed, North Shore Drive and South Shore Drive would get each get an additional 80 trips per day, for a total of about 940 trips.

- 1.37 The right-of-way width of the westerly segment of Oakwood Avenue is 50 feet, the right-of-way width of the easterly segment is about 30 feet. The minimum right-of-way width needed to construct a turnaround that meets City standards is 86 feet. There is not enough right-of-way available to provide turnarounds at the end of the two dead-end streets that would be created if Oakwood Avenue were closed. The turnarounds are needed so that emergency vehicles, garbage trucks, and other vehicles can turn around.

- 1.38 If Oakwood Avenue were closed, it would create two dead-end streets, each approximately 600-700 feet long. This is longer than the usual maximum length of 400 feet allowed by the City's Development Code (ADC 12.190).

- 1.39 As discussed in Finding 1.31 above, the Comprehensive Plan language included by the City Council in 1988 asked that "the street closure issue [the closure of Bain Street and

Oakwood Avenue] be addressed and resolved as a specific condition of the rezoning action.”

Bain Street should be closed as discussed above. The City’s traffic engineer recommends that Oakwood Avenue be left open because the additional trips that will be added to the street is relatively low, there is not enough right-of-way to construct turnarounds if the street is closed in the middle, and the dead-end streets that would be created would exceed the length usually allowed by the City’s Development Code. In 1988, we did not know a new collector street would be constructed, and we did not have a specific site plan to review, so there is new information to be considered.

- 1.40 In general, when a street is not improved to City standards, the owners of property adjacent to the street have an obligation to participate in improving the street. If the street is not improved when development is proposed on property adjacent to an unimproved street, the owner is asked to sign a “Petition for Improvement and Waiver of Remonstrance” that acknowledges this obligation.

However, in the case of Coastal Farm and Oakwood Avenue, the development does not take access to Oakwood Avenue and, in the opinion of the owners, would not benefit from improvements to the street. The City has agreed not to require a Petition and Waiver from the property owner now, but does wish to serve notice that participation in a future Local Improvement District (LID) may be required at such time as street improvements are proposed.

- 1.41 The site plan shows four driveway approaches will be constructed on the north side of the new collector street to provide access to Burger King and the K-Mart/Mervyn’s shopping area. The most easterly driveway is necessary because one of the driveways from Airport Road into Mervyn’s will be closed to construct the new collector street. The precise location and width of the driveways must be approved by the City Engineer. The driveway to Burger King must be right-turn exit-only.
- 1.42 A “Permit for Private Construction of Public Utilities” must be obtained from the City’s Engineering Division to build the public street improvements required above.

### CONCLUSIONS

- 1.1 The existing public sanitary sewer, water, and storm drainage systems can accommodate the proposed development if the improvements shown on the site plan are made and the conditions of approval below are met.
- 1.2 The transportation system will be able to accommodate the proposed development if the improvements shown on the site plan and the conditions of approval below are met.
- 1.3 A Petition and Waiver for Oakwood Avenue will not be required from the property owner now, but the owner will be notified (in conditions below) that participation in a future LID may be required.
- (2) *Any special features of the site (such as topography, hazards, vegetation, wildlife habitat, archaeological sites, historic sites, etc.) have been adequately considered and utilized.*

## FINDINGS OF FACT

- 2.1 Topography: *Comprehensive Plan Plate 7, Slopes* shows no areas of concern on the subject property. The site plan submitted by the applicants shows that elevations on the property range from about 212 feet to about 220 feet. There are various high and low places on the property, so there is no predominant direction of slope. Grading of the site will be required. A grading permit from the City of Albany is not required, because the property is not in a area of steep slopes, wetlands, or floodplain, and no watercourse shown on the City's drainage master plan will be filled.
- 2.2 Floodplain: *Comprehensive Plan Plate 5, Floodplains*, shows no floodplains on the property. FEMA/FIRM Community Panel No. 410137 0002E, dated March 16, 1989, shows that the property is in Zone X, an area determined to be outside any 500-year floodplain.
- 2.3 Wetlands: *Comprehensive Plan Plate 6, Wetlands*, shows no areas of concern on the property. The U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory Map (dated 1994) shows no wetlands on the subject property. The applicants, in findings submitted with a concurrent Zoning Map Amendment application (page 2), state that "A wetlands analysis was performed on the property. It was determined that there were no wetlands subject to the fill-removal law on the property. This determination was verified by the [Oregon] Division of State Lands in March of 1997."
- 2.4 Vegetation and Wildlife Habitat: *Comprehensive Plan Plate 3, Natural Vegetation and Wildlife Habitat*, shows no areas of concern on the subject property. The site plan shows that there are 28 trees on the property that are greater than 10-inches in diameter. The trees are primarily maple and oak and range in size from 14-inches to 46-inches in diameter.

The City's Development Code requires Site Plan Review when it proposed to cut five or more trees in excess of 10-inches in diameter on property larger than 20,000 square feet (ADC 4.050, Use 2.510). It appears that the applicants propose to cut all of the trees shown on the site plan.

The following review criteria must be met if the trees are to be cut:

- (a) *Wooded areas associated with natural drainageways and water areas will be maintained to preserve riparian habitat and minimize erosion.*

There are no natural drainageways or water areas on the subject property.

- (b) *Wooded areas along ridge lines and hilltops will be retained for their scenic and wildlife value.*

There are no ridgelines or hilltops on the property.

- (c) *Wooded area along property lines will be retained to serve as buffers from adjacent properties except with the concurrence of adjacent owners where removal is desired for sunlight or to protect against windfall.*

There are no "wooded areas" along the boundaries of the properties.. There is one 42-inch fir tree along the south boundary of the property.

- (d) *Large-scale clear cuts of developable areas will be avoided to retain the wooded character of future building sites and so preserve housing and design options for future city residents.*

A large-scale clear cut implies a heavily wooded area from which all of the trees will be removed. The trees on this property are all located in the interior part of the property, and space between 20-200 feet apart. Their removal is not considered a clear-cut as contemplated by this review criterion.

- (e) *If concurrent with a development project application, the proposed removal of trees is the minimum necessary to accomplish the objectives of the development while retaining the most trees possible within the intent of the above criteria and Comprehensive Plan policies.*

The proposed tree removal is proposed concurrent with this Site Plan Review application. Buildings and parking lots are proposed at the locations of the existing trees. The site plan appears to show that all of the existing trees on the property will be cut. However, new trees will be planted along the south boundary of the property in the required 10-foot "buffer area" described under Review Criterion (3) below. New trees will also be planted in the parking areas.

The Planning Commission, City Council, and the owner of the property may want to consider saving some of the trees. The trees are mature and healthy, and it may be possible to retain some of them, thereby enhancing the quality of the proposed development. One of the Goal 5 goals in the Comprehensive Plan is to "Ensure vegetation is and remains an integral part of Albany's environment. Policy 2 under this goal is to "Encourage the protection of trees of significant size that represent a visual and aesthetic resource to the community and recognize that the vegetation resources of Albany's Historic Districts are an important element of Albany's historic and cultural heritage."

- 2.5 Archaeological and Historic Sites: *Comprehensive Plan Plate 9, Historic Districts*, shows the property is not in a historic district. The City's Preservation Planner advises there are no known archaeological sites on the property.

## CONCLUSIONS

- 2.1 There are no special features of the site that to be considered and/or utilized, so this criterion is not applicable. However, the Planning Commission, City Council, and the owner of the property should consider saving some of the existing trees that are on the site. The trees are mature and healthy, and it may be possible to retain some of them, thereby enhancing the quality of the proposed development.
- (3) *The design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.*

## FINDINGS OF FACT

- 3.1 The applicants propose to build two buildings. One of the buildings would be 50,000 square feet with an additional outdoor (but covered) 5,000 square foot retail sales area. The other building would be a 56,000 square foot building.

The most easterly of the two buildings shown on the site plan includes 50,000 square feet of indoor retail space, plus a 5,000 square foot garden center that will be outdoors (but covered). This building will be a Coastal Farm and Home Supply retail store. There will be a 40,000 square foot outdoor display area adjacent to this building on the west side.

The most westerly of the two buildings shown on the site plan will include 50,000 square feet of retail space and three 2,000 square foot spaces identified on the plan as "specialty retail." The users of these spaces have not yet been identified.

A driveway will be located between the Coastal Farm store and the outdoor display area to be used by customers for loading merchandise. Loading bays are shown on the south side of each of the two buildings. One trash enclosure is shown on the south boundary of the property.

- 3.2 To the north of the most westerly of the proposed buildings is a Burger King fast food restaurant. To the north of the most easterly building is a K-Mart retail store and a Mervyn's retail store. The Burger King is about 3,000 square feet. The K-Mart is about 84,000 square feet. Mervyn's is about 60,000 square feet. These buildings range in height to about 20 feet. This shopping area has large parking lots between the buildings.

The buildings proposed by the applicants are 50,000 to 60,000 square feet. The applicants have submitted elevation drawings of the proposed buildings. The drawings show that the buildings will be range in height from about 18 feet to 26 feet.

Burger King is about 85 feet north of the north boundary of the subject property. K-Mart and Mervyn's are about 65-70 feet north of the property line. The proposed buildings are shown on the site plan as being about 235 feet south of the north property line, with a parking lot and the new collector street between the buildings and the property line. There would be two driveways on the north side of the new collector street that would connect the K-Mart/Mervyn's development to the collector street.

- 3.3 To the west of the proposed development, across Bain Street is undeveloped property. This property is zoned OP (Office Professional). If Bain Street is vacated, as proposed, the parking lot for the new development would abut the property that is now across Bain Street to the west.
- 3.4 To the east of the proposed development is an office building currently occupied by CellularOne. This building is about 8,600 square feet and about 16 feet in height.
- 3.5 To the south of the proposed development are single-family homes, except that there is one vacant lot, an apartment complex, and a bowling alley on the last three properties that abut the most easterly area of the development. These properties are located across Oakwood Avenue. The single-family homes are all single-story, the apartments are two-story, and the bowling alley is one-story.

- 3.6 The predominant operating characteristic of the shopping area to the north of the proposed development is vehicle traffic carrying employees and customers in and out of the parking lots. There are refuse containers and loading areas for large trucks on the south side of the buildings. The stores are generally open between the hours of 7:00 a.m. and 10:00 p.m.
- 3.7 The operation of CellularOne is similar to that of the shopping area, except on a smaller scale. They are open from 8:00 a.m. to 6:00 p.m.
- 3.8 The operating characteristics of the residential neighborhood to the south include typical residential vehicle traffic taking residents to work, shop, recreation, etc. and home. There are also outdoor yard maintenance and recreational activities. In general, the hours of activity in residential neighborhoods are from about 6:00 a.m. to 11:00 p.m.
- 3.9 The property is designated as a "Site of Special Interest" in the Albany Comprehensive Plan (Site 1). The Comprehensive Plan includes the following language in regard to the property.

"In September 1988, the Albany City Council, upon review of an application submitted by Linn County, agreed to amend the Comprehensive Plan map designation of the existing Linn County Fairgrounds site from Public Facilities to General Commercial (Planning Department Case No. CP-02-88). However, due to the unique circumstances of the case and evidence presented at the public hearings, it was determined that the rezoning of the property would be premature. ...[T]he Council determined that the future development and rezoning of the existing fairgrounds property should be subject to certain restrictions in order to protect the surrounding neighborhood area from negative impacts. Therefore, the following policies shall apply to the future rezoning and development of the Linn County Fairgrounds site located at Pacific Boulevard and Bain Street:

2. The rezoning and development of the fairgrounds property shall be conditioned upon the mitigation of negative impacts on the South Shore neighborhood (bounded by Santiam Highway, Airport Road, Pacific Boulevard, and Waverly Drive). Specifically, the following conditions previously recommended by the Albany Planning Commission and neighborhood residents shall be considered for adoption as part of the zone change ordinance:
  - a. [This condition addresses the closure of Bain Street and Oakwood Avenue. It is addressed under Review Criterion (1) above.]
  - b. Construct a 10-foot wall as a noise buffer along the south side of the property as far east as the apartments on Oakwood Avenue. The wall would also extend to the north along Bain Street for a short distance.
  - c. Placement of buildings will be determined at the time of Site Plan Review. Buildings shall be set back at least 30 feet from all residential property lines. Location of buildings will be determined in part to reduce impacts of noise, lighting, and traffic on residential areas to the south.
  - d. Property uses will be limited to establishments such as department stores, shopping centers, drug or variety stores, similar retail stores, banks, and offices which are primarily conducted within enclosed buildings.
- 3.10 The conditions listed above have been addressed on the site plan submitted by the applicants as follows.

- a. [Addressed under Review Criterion (1) above.]
- b. The site plan shows a 6-foot cedar fence to be constructed along the entire south boundary of the property. Construction of a 10-foot fence will be included as a condition of approval of the Site Plan Review application. At a neighborhood meeting held by the applicants on March 31, 1999, the people who attended the meeting expressed a preference for a fence rather than a wall. [At the June 9, 1999 City Council public hearing, the Council allowed either a 10-foot fence or a berm and fence which together total 10 feet in height.]
- c. The site plan shows that the proposed buildings will be located 40-60 feet from the south boundary of the subject property which abuts the residential neighborhood to the south.
- d. The use proposed for the most easterly building is a Coastal Farms retail store. The use of the other proposed building has not yet been identified. The City Attorney advises that the use of the property cannot be restricted beyond the restrictions set forth in the Development Code. That is, all the uses allowed in the CC (Community Commercial) zoning districts must be allowed on the property.

3.11 To reduce the impacts on adjacent uses which are of a different type, the Albany Development Code (ADC) Section 4.280 requires buffering and screening between commercial and residential uses. Where a commercial use is proposed adjacent to a residential use, a 10-foot wide buffer area and screening is required.

ADC 9.240 specifies the minimum improvements within the buffer area as follows:

- (1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart, and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart.
- (2) The remaining area must be treated with attractive ground cover (i.e., lawn, bark, rock, ivy, evergreen shrubs, etc.).

ADC 9.250 specifies screening as follows:

- 1) One row of evergreen shrubs which will grow to form a continuous hedge at least four feet in height within two years of planting, or
- 2) A minimum of a five-foot fence or masonry wall which shall provide a uniform sight-obscuring screen, or
- (3) An earth berm combined with evergreen plantings or a fence which shall form a sight and noise buffer at least six feet in height within two years of installation.

3.12 The site plan shows a "planter area" that varies from 10 feet to 28 feet in width along the south boundary of the subject property. This area meets the requirement for a buffer area between the proposed commercial use and the residential development adjacent to the south. The plant materials within this area must meet the requirements of ADC 9.240. The applicants have submitted a landscape plan (Sheet L1 and L2) that does not meet those requirements (no trees are shown in the buffer area).



- 3.13 As discussed under Finding 3.10 above, the site plan shows a 6-foot high cedar fence to be constructed along the south boundary of the property. This fence would meet the Development Code requirement for screening, but the City Council, in 1988, suggested a requirement for a 10-foot high wall as a condition of approval. At the neighborhood meeting, residents of the neighborhood to the south expressed a preference for a wood fence. [At the June 9, 1999 City Council public hearing, the Council allowed either a 10-foot high fence or a berm and fence which together total 10 feet in height.] The maximum height for a fence in a CC zoning district is usually 8 feet, so a variance to this height limit is needed. The variance is reviewed in a staff report that follows this one.

ADC 4.310(3) requires that the fence be set back at least 5 feet from the south property line. Landscaping will be provided between the fence and the property line so that the fence is not simply a blank wall along the street. A landscape plan that shows the required plant materials in the setback from the south property line and within the buffer area must be submitted to the Planning Division for review and approval before any building permits are issued for the proposed development.

- 3.14 The 5-foot wide required front yard setback along the new collector street must be landscaped [(ADC 9.140(2))]. Landscaping is also required within the proposed parking lot (ADC 9.150). The landscaping plan shows landscaping that meets these requirements. Minor modification of the plan may be needed when the parking lot aisle adjacent to the collector street is modified as required under Review Criterion (4) below. That is, the entryway landscaping required in ADC 9.150(2) must be provided.

- 3.15 The applicants have submitted a lighting plan (Sheet C5 and C6). The plan shows pole mounted light standards in the parking lot and wall mounted light standards on the south side of the two proposed buildings. ADC 9.120(14) requires that any lights must be arranged to reflect the light away from adjacent residential districts. The land to the south of the proposed development is zoned for, and developed with, residential uses. It is unclear whether the proposed lighting will impact the residential area. The applicants must submit information that shows the lighting fixtures will not project light beyond the south property line of the subject property.

- 3.16 ADC 4.300 includes screening requirements for the proposed trash enclosure on the south side of the proposed buildings.

- 3.17 The site plan shows an area of about 40,000 square feet adjacent to the most easterly building to be used for "outside display." ADC 4.290 allows outdoor display areas, but the area must be enclosed with a sight-obscuring fence, wall hedge, or berm. The site plan shows a fence. Materials stored in this area must not be more than 14 feet in height above the elevation of the storage area. Open storage over six feet in height must be screened by landscaping.

## CONCLUSIONS

- 3.1 The design of the proposed development is reasonably compatible with the existing development to the north because the proposed buildings and parking lots are similar in square footage and height. The proposed development is larger in scale than the existing development on the property to the east and the type of development expected on the vacant land to the west, but no negative impact is expected as a result of this difference in scale.

- 3.2 The operating characteristics of the proposed development are consistent with the operation of the existing development to the north and east because the type of vehicle traffic and hours of operation are similar. Office professional development on the property to the west is expected to have similar characteristics.
- 3.3 The proposed development is considerably larger in scale than the bowling alley, apartments, and single-family homes that abut the proposed development to the south. The difference in scale can be minimized by:
- a. Providing the required buffering and screening along the south property line
  - b. Constructing a 10-foot high wood fence along the south property line
  - c. Requiring that lighting fixtures do not allow light to shine beyond the south property line
  - d. Requiring the proposed trash enclosure to be screened
  - e. Screening the proposed "outside display" area adjacent to the most easterly building.
- (4) *Parking areas and entrance-exit points are designed to facilitate traffic and pedestrian safety and avoid congestion.*

#### FINDINGS OF FACT

- 4.1 The applicants propose to build two buildings. One of the buildings would be 50,000 square feet with an additional outdoor (but covered) 5,000 square foot retail sales area. The other building would be a 56,000 square foot building.

The most easterly of the two buildings shown on the site plan includes 50,000 square feet of indoor retail space, plus a 5,000 square foot garden center that will be outdoors (but covered). This building will be a Coastal Farm and Home Supply retail store. There will be a 40,000 square foot outdoor display area adjacent to this building on the west side.

The most westerly of the two buildings shown on the site plan will include 50,000 square feet of retail space and three 2,000 square foot spaces identified on the plan as "specialty retail." The users of these spaces have not yet been identified.

- 4.2 ADC 4.250 includes standards for the number of parking spaces that must be provided for commercial development. The proposed development includes uses that are in the category "Shopping centers, food, drugs, hardware, variety, and department stores."

One parking space for each 200 square feet of sales floor area must be provided for the retail spaces. Restrooms, storage rooms, stairwells, etc. may be excluded from the building square footage used in this calculation (ADC 4.250).

The applicants propose a total of 111,000 square feet of retail space. With no deductions for restrooms, storage room, etc., this space would require 555 parking spaces. The site plan shows 542 spaces are provided.

The site plan shows that there is about 9,900 square feet of the most easterly building that will be used for receiving and loading. If this area is deducted from the calculation of the number of parking spaces needed, the resulting number of parking spaces needed is 505

spaces. So, the 542 spaces provided is enough parking. If restrooms, storage rooms, etc. were deducted from the floor area used in this calculation less than 505 spaces would be needed. However, in the absence of other information regarding the square footage of these areas, the required number of parking spaces will be 505 spaces. Up to 40 percent of the number of required parking spaces may be "compact" spaces.

4.3 Bicycle parking must also be provided. ADC9.120(13) requires 1 bicycle parking space for every 10 automobile parking spaces. This means that a minimum of 51 bicycle parking spaces must be provided. The site plan shows 61 bicycle parking spaces. This number may be reduced to meet the minimum requirements if the owner chooses to do so.

4.4 The site plan submitted by the applicants shows a parking area will be built on the north side of the proposed buildings (between the buildings and the new collector street). There will also be parking areas on the west end of the most westerly building, on the east end of the most easterly building, and between the two buildings.

Four driveways will provide access from the new collector street to the proposed development. Another driveway will be constructed at the west end of the proposed parking area to provide access to the parcel of land that is now located on the west side of Bain Street. When Bain Street is vacated this property would not otherwise have access to a public street. An easement across the proposed development from this driveway to the new collector street is needed.

4.5 The site plan shows a travel aisle within the parking lot immediately adjacent to, and parallel with, the new collector street. The travel aisle extends across three of the four proposed driveways. Through vehicle movements along this travel aisle will conflict with vehicles entering and leaving the parking lot to and from the collector street, and increase the hazard for pedestrians traveling between the public sidewalk along the collector street and the buildings. Closure of one side of the travel aisle at each driveway would have several benefits. Through movements that create conflicts between vehicles and conflicts between vehicles and pedestrians would be eliminated. A protected refuge for pedestrians would be created. Additional parking spaces could be created. And the amount of landscaping could be increased.

4.6 ADC 9.120 includes standards for the construction of parking lots. Elements such as perimeter curb, wheel bumpers, and striping are required. The site plan complies with these requirements, but they will be listed as conditions of approval to make sure they are included in construction of the parking lot and included in the revised site plan that must be submitted.

In addition, ADC 9.130 includes standards for the size of parking spaces and aisles. The site plan shows some dimensions for the parking stalls and aisles, but not all dimensions are shown. Some of the dimensions do not meet the standards.

4.7 On May 12, 1999, a discussion between City of Albany staff, Linn County staff, Whaanga Kewene (representative of Coastal Farm & Home Supply), and Roger Reid (attorney for Gordon Chan, owner of the property which abuts the subject property to the west) took place. The topic of this discussion was the vacation of Bain Street along the west boundary of the property.

All parties agreed that Bain Street should be vacated, with the westerly 33 feet of the existing 60-foot wide right-of-way going to the Chan property and the easterly 27 feet of the right-of-way going to the Linn County/Coastal Farms property. This arrangement is further discussed in the concurrent Vacation application staff report.

All parties agreed that the aisle width of the last aisle in the parking area that will abut the Chan property should be 26 feet. This is the width required by ADC 9.130. In addition, the developer of the Linn County/Coastal Farms property will provide a 3-foot wide landscape strip adjacent to the curb on the west side of this parking area. The vegetation in this strip must be ground cover and deciduous trees only. No shrubs that exceed three feet in height when mature shall be planted. This landscape strip must be shown on the revised landscape plan required under Review Criterion (3) above.

The parking areas must be modified to meet the requirements of ADC 9.130, dimensions must be shown, and a revised site plan must be submitted to the Planning Division for review and approval before any building permits are issued for the proposed development.

- 4.8 The site plan shows no access for vehicles between the residential neighborhood to the south and the proposed development. The primary reason is a concern that a connection would encourage "cut-through" traffic between the neighborhood and Pacific Boulevard. However, the lack of a connection will make it necessary for residents of the neighborhood who are walking to access the development from Airport Road. Airport Road is out-of-direction for these residents, and the road is not improved with either bicycle or pedestrian facilities.
- 4.9 ADC 12.040 allow conditions of approval that require "facilities that accommodate safe and convenient pedestrian and bicycle access within and from new ...shopping centers ...to adjacent residential areas.." The City's traffic engineer recommends pedestrian/bicycle connections be provided between the neighborhood and the proposed development. The best locations are at the proposed cul-de-sac at the north end of Bain Street and at the east end of the development on Oakwood Avenue. If these connections are provided, residents of the neighborhood will have direct and safe pedestrian and bicycle connections to the proposed development and the number of new trips on Airport Road will be reduced.
- 4.10 ADC 9.120 requires walkways in all new off-street parking lots that connect sidewalks adjacent to new development to the entrance of new buildings. Walkways within the proposed development must connect the new sidewalk on the south side of the collector street to the entrances of each new building. These walkways are shown on the site plan and meet the requirements of ADC 9.120.

## CONCLUSIONS

- 4.1 An adequate number of vehicle and bicycle parking spaces will be provided for the proposed development. The parking lot shown on the site plan must be modified to block the travel aisle that is shown parallel to the new collector street.
- 4.2 The Development Code includes certain standards for construction of parking lots, including aisle widths, widths of parking stalls, perimeter curbing, etc. The site plan submitted by the applicants shows some of these standards are met, but does not show

others. The site plan must be revised and submitted to the Planning Division for review and approval before any building permits are issued for the proposed development.

- 4.3 Bain Street must be vacated to allow construction of the proposed development. An agreement has been reached between the owners of the Linn County/Coastal Farm property and the owner of the property on the west side of Bain Street regarding the vacation. An easement is needed across the westerly part of the parking lot of the new development so that the property to the west has access to the new collector street.
- 4.4 Two pedestrian/bicycle connections must be constructed to allow access by residents of the neighborhood to the south to access the proposed development. Two walkways are shown on the site plan that will allow access between the new collector street and the proposed development.

#### Variance File VR-01-99

- (1) *The proposal will be consistent with the desired character of the area.*

#### FINDINGS

- 1.1 The proposal is a 10-foot high cedar fence where an 8-foot fence is usually the maximum allowed. [However, at the June 9, 1999 City Council public hearing, the Council allowed either a 10-foot high fence, or a berm and fence which together total 10 feet in height.]
- 1.2 The relevant characteristic of the area is the boundary between the CC (Community Commercial) property north of Oakwood Avenue and the RS-6.5 (Residential Single Family) property to the south along the south property line of the subject property.
- 1.3 In 1988, the City Council required that a 10-foot wall be considered to be constructed along the south line of the property when the property was developed (the old fairgrounds property). Residents of the surrounding residential neighborhood expressed a preference for a fence at a neighborhood meeting held on March 18, 1999. A 10-foot cedar fence, or a berm and fence which together total 10 feet in height, was made a condition of approval of a site plan review of proposed development on the property. (File SP-20-99.)

#### CONCLUSIONS

- 1.1 The proposed 10-foot high cedar fence is consistent with the desired character of the area as established by the City Council in 1988 and the residents of the neighborhood to the south. This criterion is met.
- (2) *If more than one variance is being requested, the cumulative effect of the variances results in a project which is still consistent with the overall purpose of the zone.*

#### FINDINGS

- 2.1 Only one variance is requested.

#### CONCLUSIONS

- 2.1 This criterion is met.

- (3) *The requested variance is the minimum necessary to allow the proposed use of the site.*

#### FINDINGS

- 3.1 A 10-foot high fence was determined to be the minimum necessary to screen proposed development on the property from the residential neighborhood to the south during public hearings with the residents of the neighborhood in 1988 and at a neighborhood meeting in March 1999. [At the June 9, 1999 City Council public hearing, the Council allowed either a 10-foot high fence, or a berm and fence which together total 10 feet in height.]

#### CONCLUSIONS

- 3.1 This criterion is met.

- (4) *Any impacts resulting from the variance are mitigated to the extent practical; or*

#### FINDINGS

- 4.1 The proposed fence will run along the south boundary of the subject property. The south boundary of the property is the north right-of-way of Oakwood Avenue. ADC 4.310(3) requires that the proposed fence be set back from the Oakwood Avenue right-of-way a distance of 5 feet. ADC 4.270 requires that this front yard (the 5-foot setback) must be landscaped. The applicants have submitted a landscape plan with the application for a site plan review (File SP-20-99). The detail drawing of the fence shows landscaping which meets the requirements of ADC 4.270 in the front yard setback. (This drawing will be presented to the City Council at the public hearing on June 9, 1999.)
- 4.2 If the front yard set back is landscaped as shown on the landscape plan, there will be no negative impacts of the 10-foot high fence.

#### CONCLUSIONS

- 4.1 This criterion is met.

## EXHIBIT B

FILE ZC-01-99  
LEGAL DESCRIPTION OF PROPERTY  
ZONING MAP AMENDMENT  
RS-6.5 (RESIDENTIAL SINGLE FAMILY) TO CC (COMMUNITY COMMERCIAL)

**PARCEL I: (11-03W-04CB; 100)**

Beginning at a point 60 feet East and 18.5 feet North of the Southwest corner of Lot 16 of Waverly Fruit Farms of Linn County, Oregon; thence North  $03^{\circ} 14'$  East 686.28 feet; thence South 18.50 feet to the North line of Oakwood Avenue as platted in Freeway Addition; thence North  $88^{\circ} 14'$  East 300 feet to the Southeast corner of Tract 16 Waverly Fruit Farms; thence along the South line of Tract 14, Waverly Fruit Farms a distance of 60 feet; thence North  $88^{\circ} 01'$  East 279.50 feet; thence North  $2^{\circ} 55.5'$  West 475.67 feet; thence South  $88^{\circ} 13.5'$  West 1323.85 feet to a  $1/2"$  iron rod shown on C.S. 11414, (said point being point A for the purposes of this description) said point being 1.85 feet South  $24^{\circ}$  East from the Southerly line of State Highway and being on the East line of Bain Street; thence South  $12^{\circ} 17.42'$  East 40.68 feet on the long chord of a 40.92 foot arc to a  $1/2"$  iron rod on the East line of Bain Street; thence South  $1^{\circ} 44'$  East along the East line of Bain Street 417.91 feet to a  $1/2"$  iron rod being the point of beginning.

**EXCEPT THEREFROM:** Beginning at point A in the above description, thence North  $88^{\circ} 13.5'$  East 7.45 feet; thence South  $1^{\circ} 44'$  East 40 feet to a  $1/2"$  iron rod on the East line of Bain Street; thence continuing North along the arc of the East line of Bain Street 40.92 feet to the point of beginning.

**PARCEL II: (11-03W-04CC; 2700)**

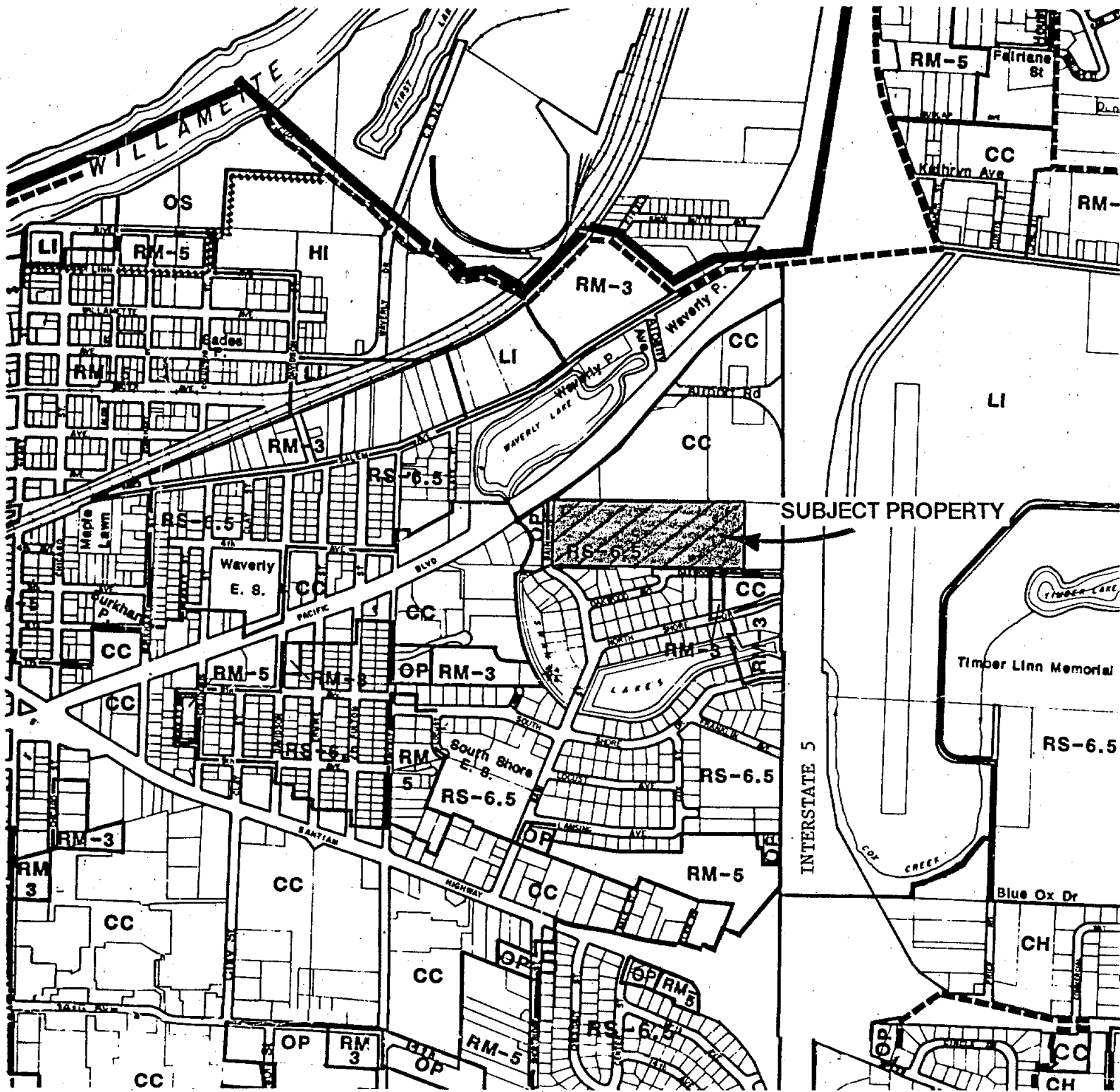
Beginning at the Northeast corner of Lot 2, Block 2, Freeway Addition to Albany, Linn County, Oregon; and running thence North 18.5 feet to the North line of that parcel conveyed to E. E. Agee, et ux, by deed recorded in Book 258, Page 632, Deed Records; thence South  $88^{\circ} 14'$  West along said North line, 308.91 feet to the Easterly line of Bain Street; thence along said Bain Street on the arc of a 29.70 foot radius curve to the left (the centerpoint of which bears North  $84^{\circ} 06' 21"$  East 29.70 feet and the chord of which bears South  $25^{\circ} 49' 07"$  East 20.25 feet) a distance of 20.67 feet to the North line of Freeway Addition; thence North  $88^{\circ} 14'$  East, along the North line of said Freeway Addition, 300.08 feet to the point of beginning.

**PARCEL III: (11-03W-04CC; 200)**

Beginning at the Northwest corner of Lot 1, Block 2 Freeway Addition to the City of Albany, Linn County, Oregon; thence South 29.94 feet; thence South  $32^{\circ} 28' 36"$  West 15.49 feet; thence Northwesterly along the Northerly right-of-way line of Bain Street to a point which is South  $88^{\circ} 14'$  West of the point of beginning; thence North  $88^{\circ} 14'$  East to the point of beginning.

VICINITY/ZONING MAP  
FILE ZC-01-99 and SP-20-99

EXHIBIT B-1



**ZC-01-99: THE PROPOSED ZONING MAP AMENDMENT WOULD CHANGE THE ZONING DESIGNATION OF THE SUBJECT PROPERTY (14.34 ACRES) FROM RS-6.5 (RESIDENTIAL SINGLE FAMILY) TO CC (COMMUNITY COMMERCIAL).**