

TITLE: ZONE CHANGE AMENDMENT NO. 153, UNDER ORDINANCE NO. 4273 REZONING 10.25 ACRES OF PROPERTY ON THE EAST SIDE OF WAVERLY DRIVE, SOUTH OF THE SANTIAM INTERSECTION FROM RP (RESIDENTIAL PROFESSIONAL) AND R-2 (LIMITED MULTIPLE FAMILY RESIDENTIAL) TO C-2 (COMMUNITY COMMERCIAL).

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by law and the ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property described above and bases its decision in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein; and

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions. Those said conditions are as follows:

1. The area that is subject to this zone change request shall be subject to site plan review approval by the entire Planning Commission.
2. The other 3.54 acres to the north of this property shall be included in the site plan approval.
3. In order to comply with condition "a" as outlined in the Comprehensive Plan, dedication of the right-of-way for 14th Avenue shall be completed prior to final site plan approval.
4. In order to comply with condition "b" as outlined in the Comprehensive Plan, commitments shall be obtained for the installation of the traffic signal, installed to the City Engineer's standards, prior to site plan approval.
5. All existing tax lots under contiguous ownership shall be consolidated.

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

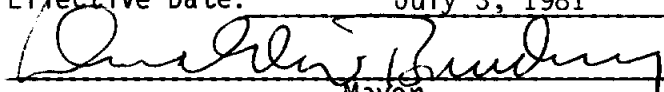
Section 1. ZONE CHANGE AMENDMENT NO. 153

An area described as follows: 11-3W-8AD, TL 1300, 1301, 1302, 1400, 1500, 1501, 1600, 1700, 1800, 1801, 2001, and 2220, is hereby rezoned as C-2 Community Commercial and known as Zone Change Amendment No. 153.

Section 2. COPY FILED

A copy of this zone change amendment shall be filed in the Office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

Passed by the Council: June 3, 1981  
 Approved by the Mayor: June 3, 1981  
 Effective Date: July 3, 1981

  
 \_\_\_\_\_  
 Mayor

ATTEST:

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

PERTAINING TO THE REZONING OF FOURTEEN )  
 PARCELS OF LAND EQUALING APPROXIMATELY )  
 15 ACRES GENERALLY LOCATED ON THE SOUTH- )  
 EAST QUADRANT OF THE INTERSECTION OF )  
 SOUTH SANTIAM HIGHWAY AND WAVERLY DRIVE.)  
 )  
 OAK PARTNERS, Applicant )  
 Don Burt, Agent )

PROPOSED FINDINGS  
 OF  
 FACT

I. INTRODUCTION

This project represents a request on behalf of the applicant to rezone approximately ten (10) acres of land from R-2 (Limited Multiple Family) and R-P (Residential-Professional) to C-2 (Community Commercial). The purpose of the zone change is to provide appropriately zoned lands for the eventual development of a fifteen (15) acre community commercial shopping center. The 15 acres is inclusive of 5 acres adjacent to the project site that is presently zoned C-2. Tentatively the proposed shopping center is expected to contain the following uses:

USE	SQUARE FOOTAGE
Super Market .....	30,000 sq. ft.
Jr. Dept. Store .....	60,000 sq. ft.
Super Drug .....	34,000 sq. ft.
Misc. Comm. Shops .....	31,000 sq. ft.
TOTAL .....	155,000 sq. ft.

The city's comprehensive plan specifically designates the project site as potential commercial land providing that the following conditions are met: a) Dedication of right-of-way and commitments for the improvement of 14th Avenue with connections to the Lehigh Neighborhood.

31

- b) Commitments have been obtained to install a traffic signal at 14th Avenue and Waverly Drive.
- c) Demonstration has been made of public need for a shopping center in this location and mitigation of adverse impacts on traffic flow and on other business districts.

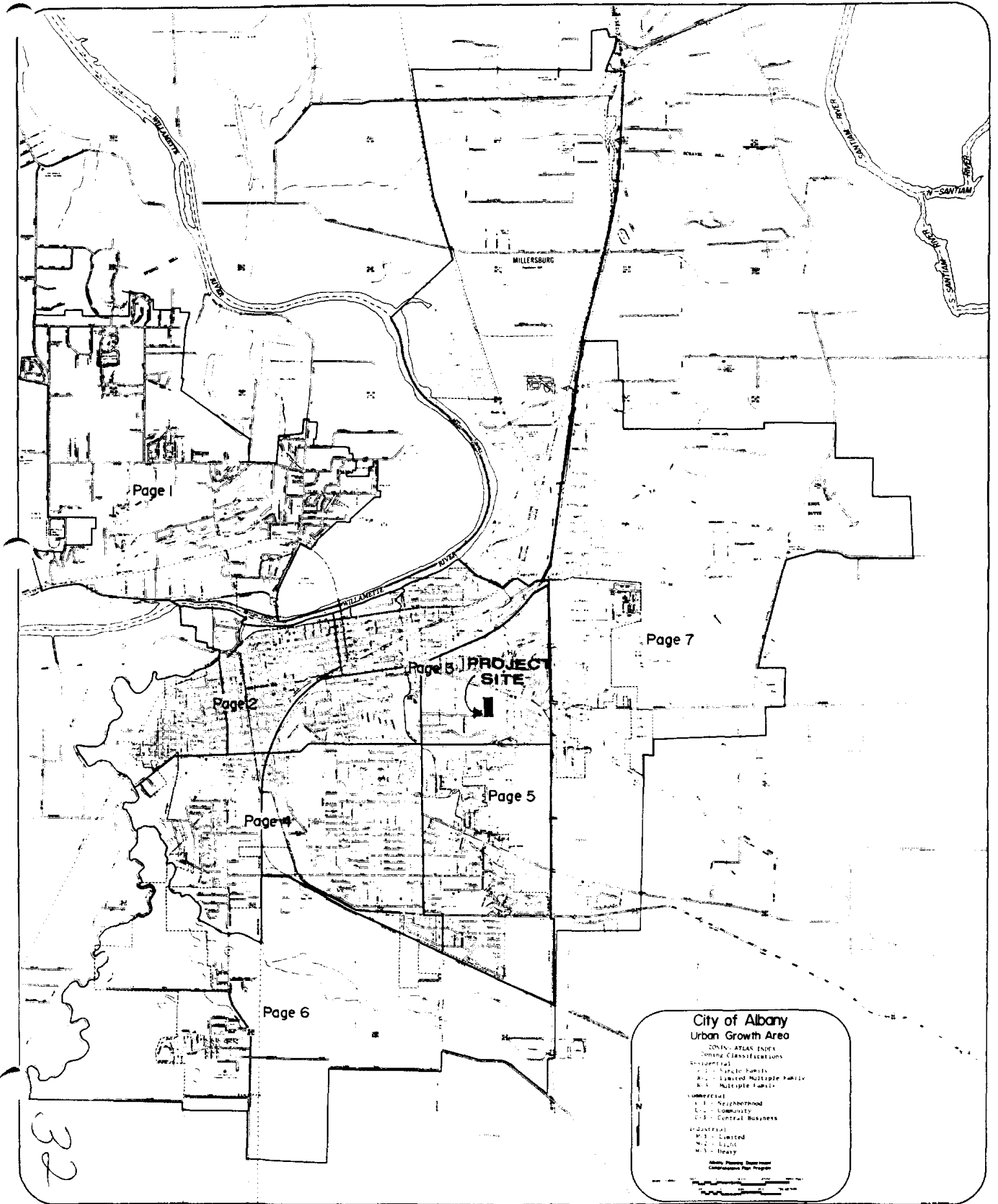
In addition to the above conditions it is also necessary that this report address all applicable statewide planning goals as set forth by the Land Conservation and Development Commission. Therefore, it will be first the task of this report to address all applicable goals and related policies as set forth by the Land Conservation and Development Commission and the to address the city's comprehensive plan goals, policies, and conditions as relate to this zone change request.

## II. LOCATION

The Ten (10) acre project site is located on the southeast quadrant of the intersection of South Santiam Highway and Waverly Drive (Figure 1) and is within the Santiam Neighborhood as identified in the city's comprehensive plan (FIGURE 2). The project site is further identified in the Linn County Department of Taxation and Assessment as Tax Lots 1300, 1301, 1302, 1400, 1500, 1501, 1600, 1700, 1801, 1900, 2000, 2001, and 2200 on the assessor's plat number 11-3W-8AD.

## III. SITE DESCRIPTION

As noted the project site contains fourteen (14) separate tax lots on which are situated 14 residential structures which are primarily located along the frontage of Waverly Drive. Most of the lots are excessive in length (570 ft.) and as such are for the most part undeveloped. The vacant area of the project site is primarily left fallow and contains various types

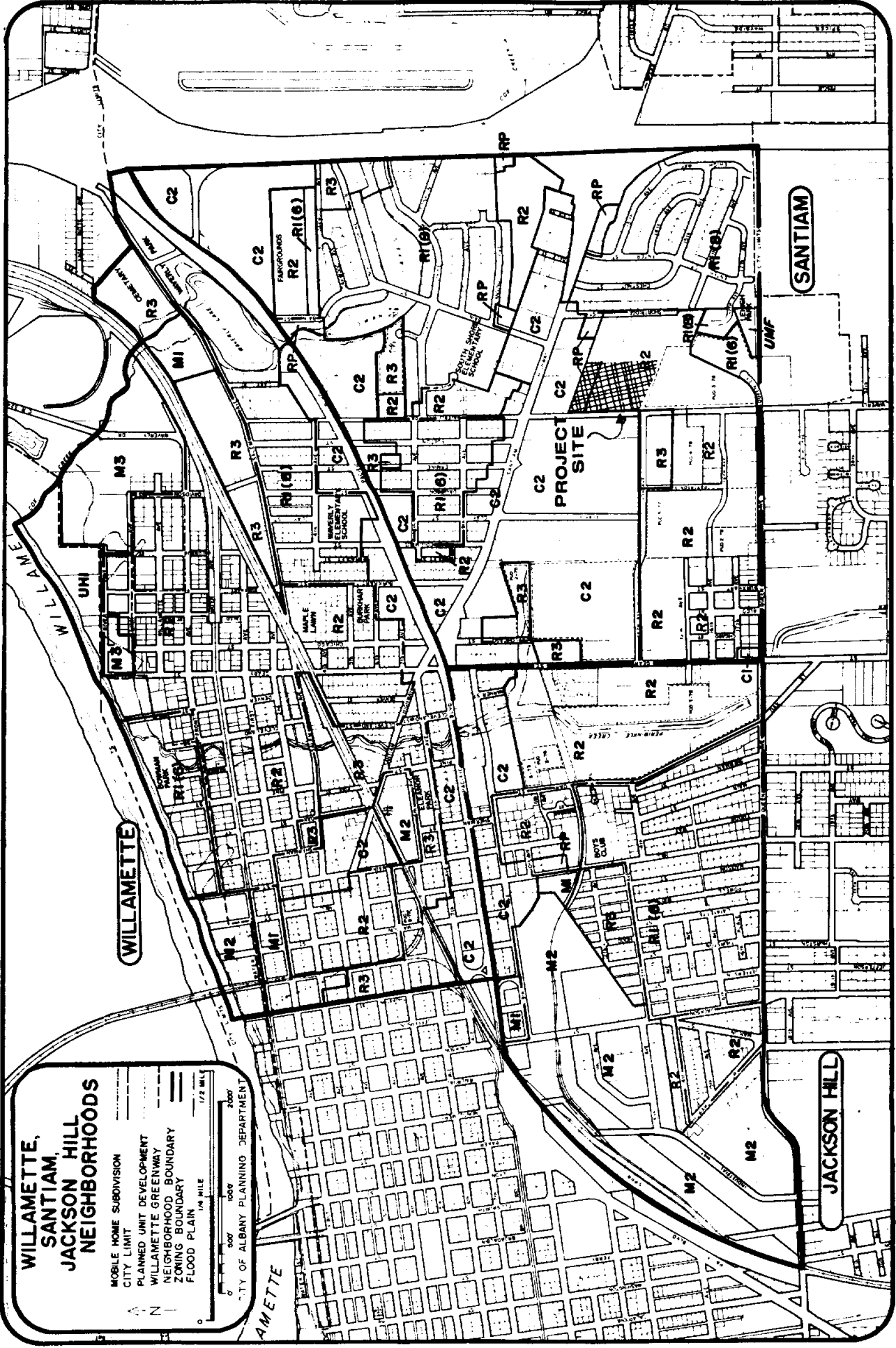


**City of Albany  
Urban Growth Area**

- 2016 ZONING INDEX  
Zoning Classifications**
- Residential**
    - R-1 - Single Family
    - R-2 - Limited Multiple Family
    - R-3 - Multiple Family
  - Commercial**
    - C-1 - Neighborhood
    - C-2 - Community
    - C-3 - Central Business
  - Industrial**
    - I-1 - Limited
    - I-2 - Light
    - I-3 - Heavy
  - Utility/Heavy Industrial**

Source: City of Albany

Source: City of Albany



**WILLAMETTE,  
SANTIAM,  
JACKSON HILL  
NEIGHBORHOODS**

MOBILE HOME SUBDIVISION  
CITY LIMIT  
PLANNED UNIT DEVELOPMENT  
WILLAMETTE GREENWAY  
NEIGHBORHOOD BOUNDARY  
ZONING BOUNDARY  
FLOOD PLAIN

1/4 MILE  
1/2 MILE

CITY OF ALBANY PLANNING DEPARTMENT  
2007 1086 2007

WILLAMETTE

SANTIAM

JACKSON HILL

PROJECT SITE

WILLAMETTE



of grasses. Topographically the project site is flat and has no outstanding or unique physical features.

#### IV. COMPLIANCE WITH STATEWIDE PLANNING GOALS

The City of Albany's comprehensive plan has recently been completed and adopted by the city council; however, the comprehensive plan has not yet received acknowledgement by the Land Conservation and Development Commission (LCDC). Therefore the following findings relate to the conformance of this proposal with applicable statewide planning goals and related policies as set forth by the Land Conservation and Development Commission. Those goals which are not specifically discussed have been determined to be inapplicable to this particular zone change request due to locational characteristics associated specifically with goals;

15. Willamette River Greenway
16. Estuarine Resources
17. Coastal Shorelands
18. Beaches and Dunes
19. Ocean Resources

Additionally Statewide Planning Goals 1 and 2, Citizen Involvement and Land Use Planning, have been addressed throughout the process of adoption of the comprehensive plan. This factor in conjunction with the city's implementation ordinances (zoning, subdivision, etc.) provides for citizen involvement in both the plan development and continued involvement throughout implementation via the daily planning process. Likewise the comprehensive plan provides a policy framework consistent with Goal 2 from which to base planning and development decisions.

As per the city's comprehensive plan and implementing ordinances the project request will be subject to a minimum of two public hearings; one before the planning commission and one before the city council. The project request will also be noticed in a newspaper of general circulation

and all property owners within 500 feet of the project site will be noticed by mail in advance of the public hearing of the time, date, and place where said public hearing on this request will be held.

GOAL 3 AGRICULTURAL LANDS. The present zoning of the project site is R-P (Residential-Professional) and R-2 (Limited Multiple Family). The city's present comprehensive plan does not designate the project site for agricultural use nor is the project site being used for agricultural purposes or adjacent to agriculturally designated or developed lands. The project site is totally contained within the city limits of Albany and is bound on all sides by lands designated for and developed as urban uses. The project site is bound on the north by commercially developed/designated lands which front onto South Santiam Highway, a major arterial, to the west the project site is bound by Waverly Drive which is also a designated arterial street. Each of these two streets provides access to commercially developed properties. The project site has available to it all necessary urban services required for the efficient development as C-2 which is consistent with the city's comprehensive plan.

In consideration of the project site's locational character and its setting within an urbanized area, separate from agricultural lands, it is determined that Goal 3, Agricultural Lands and the guidelines contained therein, are not applicable to the project site.

GOAL 4 FOREST LANDS. Consistent with the discussion in Goal 3 the project site is not, by definition, forest land nor is it adjacent to lands identified as forest lands. The project site and its immediate surroundings are not designated forest sites as per the U.S. Forest Service Manual "Field Instructions for Integrated Forest Survey and

Timber Management Inventories - Oregon, Washington and California, 1974". As per the above it is determined that Goal 4, Forest Lands, and the subsequent guidelines contained therein, are not applicable to the project site.

GOAL 5 OPEN SPACE, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES.

The project site by definition does not qualify as a cultural, historic, natural, scenic, or wilderness area nor as open space as defined in Goal 5. There are no recorded culturally or historically significant events attached to the project site nor is the site designated in the city's comprehensive plan as necessary for the preservation of natural areas within or adjacent to it. An evaluation of the project site and adjoining lands reveals that the immediate area has no significant value for use as open space, cultural/historic preservation, natural/scenic easement or as a wilderness area. This finding, as previously noted, is primarily due to the project's locational character within an urbanized area with a heavy emphasis on transportation and commercial land uses. Consequently it is determined that the project site is not subject to Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources and the subsequent guidelines contained therein.

GOAL 6 AIR, WATER AND LAND RESOURCE QUALITY. The project site can logically, efficiently and economically provided with the full range of urban services.

Sanitary Sewers: There are existing sanitary sewers within Waverly Drive that are adequate in size to accomodate the development of the project site as a community shopping center. It is estimated that a 155,000 sq. ft. shopping center would generate approximately 18,000 gallons per day. Presently the city's treatment plant is capable of



handling 8.7 million gallons per day and on the average experiences a 5.6 million gallon daily usage with an average daily excess capacity of 3.2 million gallons per day which can adequately accommodate the wastewater generated as a result of the project site's development. The generation factor used in estimating the project site's sewage generation was 60 gpd per employee with the assumption that a shopping center of 155,000 would require 300 employees or approximately one employee for every 500 sq. ft. of gross floor area.

Water: There are existing water lines in both Waverly Drive and South Santiam Highway available to serve the project site subject to on site extensions.

Energy/Telephones: There are existing power, gas and telephone lines in both Waverly Drive and South Santiam Highway available to service the project site subject to on site extensions.

Storm Water: Development of the project will require improvement to the present storm drainage system to the south. The extent, design and timing of this need for storm drainage improvement is a responsibility of the development of the project site; however, it is not appropriate at this time to specifically address in detail the extent of the improvements but instead acknowledge the need to improve the system and that such an improvement is not outside the realm of possibility.

Air Quality: The project site upon development as a commercial shopping center will increase automobile trips and consequently the vehicle pollutants emitted therefrom. However; the overall impact upon the local air shed is minimal when taken into consideration with 1) the transportation usage of South Santiam Highway on a regional basis and

the increasing usage of Waverly Drive on a community level as a major arterial street, and 2) the consolidation of the project site as a commercial use with Fred Meyers and the regional shopping center location to form compact and complete commercial complex which is conducive to alternative modes of mass transit, car pooling, etc.

Considering the urban setting within which the project site is located and the availability of adequate urban services which can accommodate the development of the project site as a shopping center without any adverse impact to the air, water or land resources it is determined that the project request is consistent with Goal 6, Air, Water and Land Resources Quality, and that where necessary improvements can be made to assure mitigation of those adverse impacts that may result due to storm drainage. This latter issue can be most appropriately addressed at time of site review for the development of the project site.

GOAL 7 AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS. The project site is not subject to any known or identifiable natural hazards nor has the project site been known to have been subject to any natural hazards or disasters. Therefore, it is determined that Goal 7, Areas Subject to Natural Disasters and Hazards, and the subsequent guidelines contained therein, are not applicable to the project site.

GOAL 8 RECREATIONAL NEEDS. The project site has not been designated for any park or recreational facilities by the city's comprehensive plan. Existing and proposed park and recreational facilities are provided by the City of Albany as per the city's parks and recreation program. Also as previously noted the project site's heavy orientation to transportation corridors does not favor its use as a park or recreational facility the adverse impacts associated with highly trafficked areas,

i.e. noise, odor, safety, etc. Therefore in consideration of the above it is determined that Goal 8, Recreational Needs, and the guidelines contained therein, are not applicable to the project site.

GOAL 9 ECONOMY OF THE STATE. No adverse impact to the local or regional economy is anticipated as a result of this project. The development of the project site as proposed will generate an estimated 300 employees based upon an average generation factor of one employee for every 500 sq. ft. of gross floor area. Development of the project site will further diversify the employment base of the city and county and provide employment opportunities for those people presently residing within the city.

GOAL 10 HOUSING. Although the project site is presently zoned R-2 and R-P and it is proposed that it be rezoned to C-2 it is not expected to detract from the housing opportunities available to the general public. The City of Albany in preparation of their comprehensive plan have provided adequate vacant lands for the future housing needs of the community. At the same time it was determined by the city that the project site was most appropriate for use as commercial property provided that it was demonstrated that no adverse impacts would result as a result of the project site's commercial development. Additionally the project site is subject traffic related impacts which would reduce its desirability as a residential setting.

GOAL 11 PUBLIC FACILITIES AND SERVICES. As previously discussed the full range of urban services are available to serve the project site for its intended use.

GOAL 12 TRANSPORTATION. Since the project site is within a presently developed urban area, the basic transportation framework has been well

established. The adequacy of the existing transportation system is approaching a threshold relative to service capacity at a minimally acceptable level. The intersection of South Santiam Highway and Waverly Drive presently has an ADT of 24,300 trips on South Santiam Highway and 14,700 on Waverly south of Santiam and 4,000 on Waverly north of Santiam. It is estimated that the project site, upon development as commercial, generate an additional 10,000 trips per day. This additional traffic will necessitate the signalization of 14th Avenue at Waverly Drive and the dedication and future extension of 14th Avenue to the Lehigh Neighborhood as per the comprehensive plan. It should be understood that the estimated trips generated by the development of the project site is but an estimated based upon a factor of 64 trips per day per 1,000 sq. ft. of commercial area which is typical for a shopping center of this size, however; the project site location will intercept existing traffic and share many trips with the Fred Meyer shopping center on the west side of Waverly Drive.

The eventual development of the project site in conjunction with Fred Meyer and the proposed regional shopping center will provide beneficial economies of scale which encourage car pooling, mass transit systems, etc. as a result of a common destination providing a wide range of services and goods that are regionally demanded.

GOAL 13 ENERGY CONSERVATION. As just noted in Goal 12 the development of the general area as a complete commercial center and its subsequent economies of scale and therefore destination demand should reduce total vehicle miles travelled as a result of car pooling, mass transit etc. Development of the project site will also employ use of energy conserving site design measures to reduce energy consumption. Such measures will

include common wall construction, parking lot landscaping, window orientation and screening, etc. all of which will assist in reducing total energy consumption.

GOAL 14 URBANIZATION. The project site is presently contained within the city limits and does not represent an expansion of urban lands into rural areas. The project site is situated within a substantially urbanized area and its development does not require the extension of urban services or facilities other than on-site. Development of the project site will not encourage disorderly development of rural lands.

#### V. COMPLIANCE WITH THE REQUIREMENTS OF THE FASANO CASE COURT DECISION

Until the recently adopted comprehensive plan and implementation ordinances have received LCDC compliance acknowledgement, the full requirements and provisions of the Fasano court decision remain applicable to zone changes and all other quasi-judicial actions. Findings of fact and conclusions pertaining to the four basic requirements of Fasano are presented below.

##### A. Conformance with the Comprehensive Plan.

The project site is designated for commercial use on the comprehensive plan. The comprehensive plan also requires that rezoning and development of the project must be conditioned upon the prior satisfaction of the following three conditions:

- a) Dedication of right-of-way and commitments for the improvement of 14th Avenue with connections to the Lehigh Neighborhood.
- b) Commitments have been obtained to install a traffic signal at 14th Avenue and Waverly Drive.
- c) Demonstration has been made of public need for a shopping center in this location and mitigation of adverse impacts on traffic flow and other business districts.

As per conditions (a) and (b) it is the applicants intent to dedicate the necessary right-of-way along the projects southerly border and enter into a deferred improvement agreement to improve 14th Avenue at such time as it connects with the Lehigh Neighborhood. Additionally it is the applicants intent to commit to and install a traffic signal at the intersection of 14th Avenue and Waverly Drive. As for condition (c) this will be addressed as required by Fasano under public need, public need best met, and adverse impacts. However ; at this point we shall continue addressing project compliance with the city's comprehensive plan.

The comprhensive plan contains numerous policies and implimentation measures some of which are applicable to the project site and application request and some of which are not. In general the project request is consistent with the the comprehensive plan in that it is designated as commercial and that its commercial development will provide for a comprehensive commercial center which in a concentrated area provides for a wide variety of needs ranging from a neighborhood to regional scale. Development of the project site will encourage new business to locate in the city and consequently provide new employment opportunities for the existing labor force while at the same time concentrating a work force into an area which will then help facilitate a more use of public transit systems.

B. Public Need.

The applicant has investigated the viability of the project site as a major commercial development and concludes that the undertaking of such a venture would prove profitable. The locational characteristics of the project makes it highly accessible and exposed to a large market area. South Santiam Highway serves as a major arterial on a regional

basis while Waverly Drive provides arterial services to local area which includes the South Albany and Periwinkle Neighborhoods to the south of South Santiam Highway, an area which has convenient access to the project site and is not adequately provided with commercial services at this time. Also taken into consideration was the proximity of the Fred Meyer shopping center adjacent to and west of the project site, a generative business. The project request will also provide for the eventual development of generative business which generates its own demand through marketing, merchandising and other promotional features. Together the two shopping centers will provide a cumulative attraction for shoppers due to their proximity to one another.

A very simple indicator of the potential demand available to service the two shopping center, Fred Meyer and the project proposal, is the ADT count at the intersection of South Santiam Highway and Waverly Drive. Without the cumulative attraction of two generative shopping centers there exists a cumulative ADT of approximately 43,000 trips which is enough traffic to support over 600,000 square feet of gross commercial floor area. This is based on the assumption that a shopping center of 150,000 square feet of commercial floor area generates between 60 and 70 ADT per 1000 square feet and that all trips are shopping related.

It should also be considered the impact of the proposed regional shopping center in expanding the trade area of both the project site and Fred Meyer. The regional shopping center will enhance the previous cumulative affect by providing non-competitive merchandise, a broader shopper selection, and additional convenience to shopper's needs.

#### C. Public Need Best Met.

The project site represents the only vacant land that has the aggregate

size necessary to accomodate a competative community shopping center, the proper comprehensive plan designation, access to major transportation routes, long term trade area advantages due to a central location, and proximity to a proposed regional center. The project site also has many advantages relative to public need best met in that it has the long run potential to concentrate trip destinations, vehicle miles travelled, public transit efficiency, energy costs, etc.

D. Adverse Impact.

As a result of the signalization of 14th Avenue and Waverly Drive the impact of the increase in vehicle trips upon the level of service at the intersection of South Santiam Highway and Waverly Drive should be mitigated to an acceptable level. The eventual improvement of 14th Avenue through to the Lehigh Neighborhood shall cause a further increas in the level of service experienced at said intersection. All project generated traffic will be restricted to arterial streets and will not infiltrate through residential neighborhoods.

Relative to the project's impact upon other local businesses it is expected to cause no more of an impact than Fred Meyer. The services provided by the project proposal in the aggregate will be similar to the goods and services provided by Fred Meyer with the exception of differing name brands. It should also be noted that the proposed project will differ from other grocery stores or drug stores in that it will have as a major tenant a junior department store, which like Fred Meyer, provides shopping goods and as such necessitates a larger trade area. The project site is sufficiently far enough away from the central business district that it should have little if any impact upon the retail sales of that area.



INTERDEPARTMENTAL MEMORANDUM  
Planning Department

TO: City Council  
VIA: Bill Barrons, City Manager  
FROM: Steve Bryant, Planning Director  
DATE: June 3, 1981  
RE: Joshi Zone Change

*Steve*

Upon review of the official record in the Joshi Zone Change case (shopping center at Waverly and Santiam), I would recommend that the Council take the following additional actions if the Council feels that approval of the request is in order:

1. Since the Planning Commission recommended approval of this request based on evidence presented in writing and orally at the Planning Commission hearing it should be stated by the Mayor that the minutes of the Planning Commission hearing and tape recorded transcript are considered by the Council as matters of official record. In addition, the Engineer's report dated May 19, and considered by the Council on May 27 should also be added to the official record.

2. A motion is needed to amend the findings submitted by the applicant and adopted by the Planning Commission to add the following:

*Additional Finding of FACT:*

"Having considered the oral and written evidence and findings submitted by the applicant to the Planning Commission on March 2, 1981, and to the City Council on March 25, 1981, and having considered proposed resolutions for potential traffic congestion problems created by the proposed development, the City Council finds that this zone change request complies with all applicable provisions of the Comprehensive Plan as adopted on December 17, 1980."

3. A motion is needed to adopt the findings as amended.

4. The action is completed by adoption of the Second Reading of the Zone Change Ordinance.

*done  
by  
City  
Council  
6-3-81*