

ORDINANCE NO. 4973

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY LOCATED AT 3425 AND 3435 SPICER ROAD SE, ADOPTING FINDINGS ATTACHED AS EXHIBIT A, AND REMOVING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE NO. ZC-03-91).

WHEREAS, the Albany Planning Commission has held the public hearings required by local and state law, and

WHEREAS, the Albany Planning Commission recommended approval of the zone change from Linn County Rural Residential (RR-1) to Office Professional (OP) based on evidence produced in the staff report and at the public hearing, and

WHEREAS, the Albany City Council annexed the property on August 14, 1991, and

WHEREAS, the Albany City Council 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 and its removal from the rural fire district:

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

Section 1: The Findings attached as Exhibit A are hereby adopted in support this zone change decision.

Section 2: The official Albany Zoning Map is hereby amended from RR-1 to OP for an area described as follows: 3425 and 3435 Spicer Road SE (See attached legal description Exhibit B.)

Section 3: 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.

Section 4: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, the State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

Passed by the Council: August 28, 1991

Approved by the Mayor: August 29, 1991

Effective Date: September 27, 1991

Marvin R. Doster  
Council President

ATTEST:

[Signature]  
City Recorder

## EXHIBIT "A"

FINDINGS  
CASE NO. ZC-03-91

DISTRICT ZONE AMENDMENT CRITERIA: Any zoning or special purpose district amendment proposal considered under a Type IV procedure must be demonstrated to be in conformance with each of the following criteria:

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.**

FINDINGS:

1. A zone change is required for a zoning designation of Office Professional (formerly Residential Professional) in an area designated Urban Residential Reserve as shown on the Comprehensive Plan Designation Zoning Matrix. This application for a zone change satisfies this requirement.
2. **Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.**

OBJECTIVE FINDINGS OF FACT:

1. Access to the site is from Spicer Road, a designated local street with a 60 foot right-of-way. Spicer Road is improved to a 24-foot paved width with drainage ditches and no sidewalks. The site also abuts two major rights-of-way, Interstate 5 and Santiam Highway.
2. No walk-in business is commonly anticipated for uses which are permitted in the OP zone. According to the ITE Trip Generation Manual, the number of average daily trips (A.D.T.) generated by a residential use at the subject site (the two parcels) would be 20; with the proposed zoning allowing office uses, the A.D.T. could increase to 73 A.D.T. The T & R Truck Stop Complex immediately across from the subject site generates an estimated 629 A.D.T.

PROponents PROPOSED FINDINGS:

1. The subject property is adjacent to the Santiam Highway/Interstate 5 Interchange and is served by Spicer Road on its southern boundary. The northern edge of the property is adjacent to Santiam Highway. Article 5 of the Albany Land Development Code describes the objectives of the proposed zoning district, Office Professional. Among those objectives, the Code identifies the district as "appropriate along arterial or collector streets as a transitional or buffer zone between residential districts and more intense commercial or industrial uses."
2. The applicant's business does not generate substantial traffic activity, averaging less than 5 vehicle visits per week from clients of their consulting firm. Nearly all project communication is done either over the telephone or in the field. The operation does not require deliveries or other trucking activities beyond those which are typically common to residential uses, such as occasional U.P.S. deliveries or pickups.
3. The business currently employs 13 people at this location, and off-street parking is provided at the site. No additional employment requirements will result from the proposed zoning for the property, and no expansion or development is planned at this time. Ultimate employment which might result from expansion in the future is not expected to surpass 15 people (i.e., two additional employees).
4. Communication between Cascade Earth Sciences and the firm's clientele is predominantly over the

telephone and in the field. For this reason, the business has had minimal impact on transportation and safety in the area. There are no expansion or development plans at this time. Any expansion which might occur in the future would be conducive to the existing transportation system in the area. Future expansion would not involve an increase in customer/client visits, significant employment needs, or the generation of additional traffic by the operation.

5. City approval of the proposed Zone Change and Annexation to the City of Albany would not have an adverse effect upon established or anticipated bus routes in the vicinity of the subject property. The Office Professional zone, as proposed near the intersection of Spicer Road and the Santiam Highway, would serve as a buffer and transition area between the urban-density residential uses to the east of the property and the potentially conflicting, more intense commercial uses which surround the property to the north, south, and west.

#### CONCLUSION:

1. The amount of traffic generated by the uses allowed in the proposed zone is minor compared to traffic going to uses opposite the site. The traffic impact generated by uses permitted in the proposed district are insignificant compared to the heavy commercial uses to the west and south of the site.
3. Existing or anticipated services (sanitary sewer, storm sewers, schools, police, fire protection, etc.) can accommodate potential development within the subject area without adverse impact on the affected service area.

#### OBJECTIVE FINDINGS OF FACT:

1. Water and sanitary sewer are available to the existing development upon annexation. Public sanitary sewer service can be obtained by connecting onto an existing 8-inch line located at the northern and western property lines. Tax lot 500 is currently served by City water. A water line is in place to serve tax lot 600.
2. Uses permitted in the OP district will not generate any greater need for school services than a residential district designation would.
3. The Albany Police and Fire Departments currently serve development to the west, north and south of the subject site.
4. No storm sewers are currently available on Spicer Road.

#### PROPONENTS PROPOSED FINDINGS:

1. The subject property is within the Albany Fire Department's current service area [STAFF COMMENT: This site is in the Albany Rural Fire Protection District, and is not in the AFD's service area at this time) and upon annexation will be included in the APD's service area.
2. Tax Lot 500 is currently served by City water and sewer. Tax lot 600 is served by an on-site well and septic system.
3. Adequate storm drainage exists at the site and drainage will not be affected. No change in current services is proposed for the subject property.
4. Existing services at the subject property are adequate to facilitate present as well as future activities there.
5. Law enforcement would be provided by the City of Albany upon annexation. Because of the relatively

small size of the subject property, and its proximity to existing city limits, this extension of law enforcement services is not expected to have a significant impact upon the service area.

6. Existing and anticipated uses at the subject property would not require the extension of any existing facilities, including, but not limited to, sanitary sewers, storm sewers, water services, schools or public transportation. No significant impact upon City service would result from City approval of this Zone Change request and application for annexation.

CONCLUSION:

1. The site will be adequately served by public facilities upon annexation. Potential uses on this site will not increase demand for public services over the level required by any residential district.
4. **Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district, etc., will be protected as a result of the proposed rezoning.**

PROPOSERS PROPOSED FINDINGS:

1. The subject property is not located within any Special or Historic District, as identified by the Linn County and City of Albany Comprehensive Plans.
2. Natural features currently found at the site include trees which border the north property line and buffer the subject property from the Santiam Highway, and various forms of introduced vegetation placed along the other property boundaries and in designated landscape-areas. No other significant natural features are present at the site and no alteration of the existing natural features is proposed. Additional vegetation is proposed to further buffer and screen the use from adjacent land uses.

CONCLUSION:

1. No natural features or special areas will be disturbed as a result of the rezoning.
5. **The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.**

OBJECTIVE FINDINGS OF FACT:

1. The Albany Development Code Section 4.020 (1) states, "The OP district is intended primarily for a mixing of residential land uses with professional offices and related limited commercial uses in close proximity to residential and commercial districts. The limited uses allowed in this district are selected for their compatibility with residential uses. Such a district is typically appropriate along arterial or collector streets as a transitional or buffer zone between residential and more intense commercial or industrial districts." Although access to the site is from a local street, the northern property line is bounded by Santiam Highway. Additionally, to the west of the site, property is zoned and has been developed to a Heavy Commercial intensity.

PROPOSERS PROPOSED FINDINGS:

1. The property and its current usage provide a transition from commercial to residential land uses by maintaining a non-commercial appearance, yet providing a service on the edge of residential development. The transition from residential to commercial land uses is, in effect, buffered by the current placement of this low-impact business, which bears more resemblance to a residence or home-operated business than to large-scale or high-impact commercial activity. The activities of Cascade Earth Sciences are best described as activities identified as appropriate in the Office Professional District. The operation lacks characteristics listed as appropriate in the other zoning districts (i.e., it is not part of a

large commercial cluster; it is not in the downtown or "core" area; it does not involve manufacturing, truck traffic, or outside storage).

Impacts upon neighboring development and land uses are expected to be positive. No immediate development or expansion is planned for the operation, and past operations of Cascade Earth Sciences have not resulted in conflicts with surrounding development.

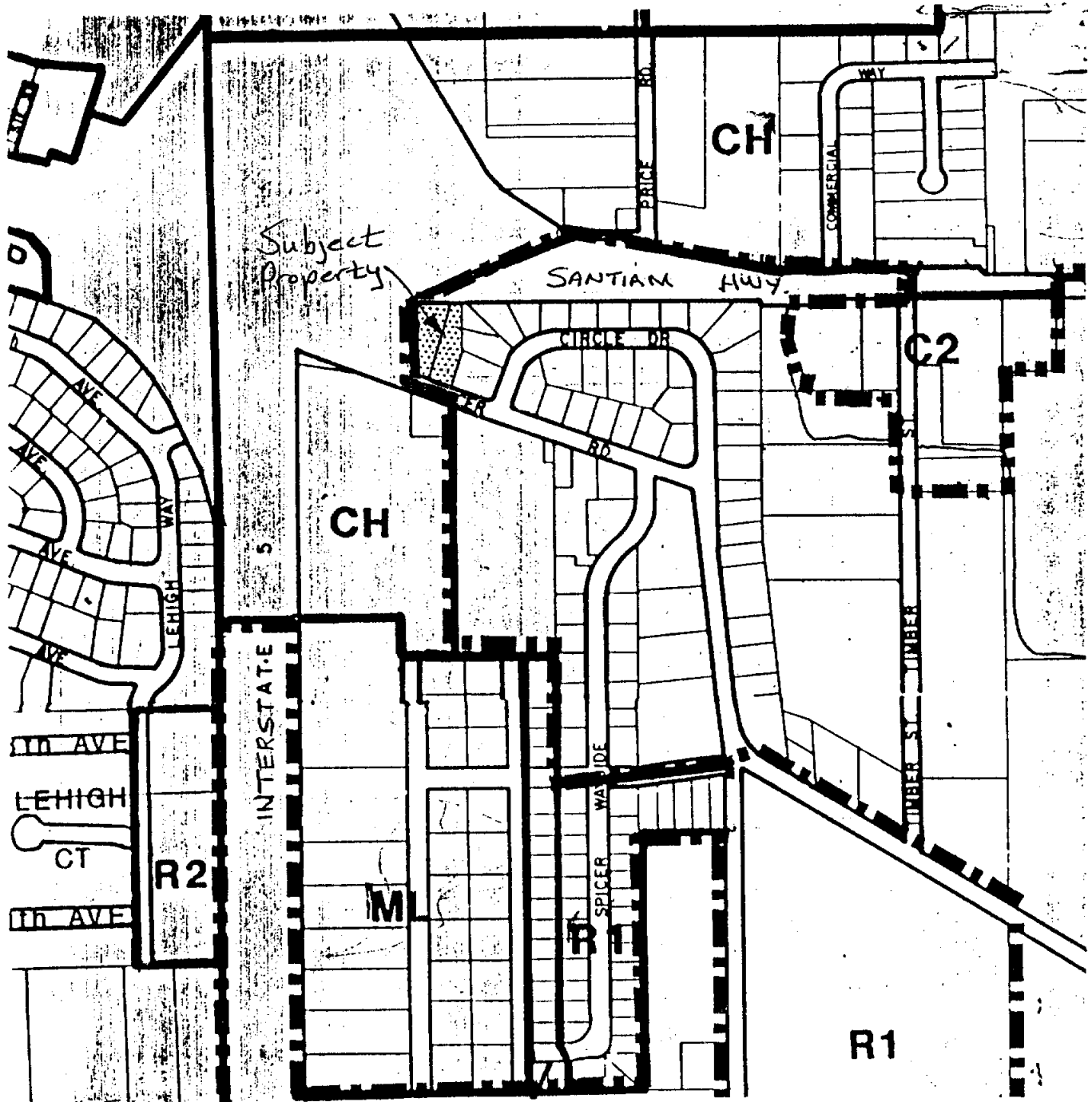
CONCLUSION:

1. The OP District is intended as a transition area between residential and commercial uses. The subject site is located at the edge of a residential area and across from some very intensive commercial uses. A rezoning of this site from RS-6.5 to OP would best satisfy the goals and policies of the Comprehensive Plan.

EXHIBIT "B"

LEGAL DESCRIPTION  
CASE NO. ZC-03-91

Supplemental Plat, East Albany Walnut Tract 2; Lot 1 and Lot 2, Linn County, Oregon including adjacent street rights-of-way.



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Oct 29 3 36 PM '91

STATE OF OREGON  
County of Linn

I hereby certify that the attached was  
received and duly recorded by me in  
Linn County records:

Volume: MF 579 Page: 921

STEVE DRUCKENMILLER  
Linn County Clerk

By *[Signature]*, Deputy  
City of Albany