



ORDINANCE NO. 5985

AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-07DD TAX LOTS 3700, 3801, 3802, AND 4301.

WHEREAS, on March 14, 2022, the Albany Community Development Department received an application for a comprehensive plan and zoning map amendment for property located at 1016 Queen Avenue SE and identified as Linn County Assessor's Map No. 11S-03W-07DD, Tax Lots 3700, 3801, 3802, and 4301 (Planning Files CP-02-22 and ZC-04-22); and

WHEREAS, a comprehensive plan map and zoning district map for the subject property are provided in ordinance Exhibits A and B, respectively; and

WHEREAS, the application is a comprehensive plan map amendment to change 2.25 acres from LC (Light Commercial) to GC (General Commercial); and a zoning map amendment to change 2.25 acres from NC (Neighborhood Commercial) to CC (Community Commercial); and

WHEREAS, the proposed comprehensive plan and zoning map amendment is discussed in detail in the June 6, 2022, staff report; and

WHEREAS, on June 20, 2022, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated June 6, 2022, are presented as an attachment to this ordinance as Exhibit C; and

WHEREAS, on July 13, 2022, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and testimony presented at the public hearing, and then deliberated.

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

Section 1: The comprehensive plan map is hereby amended from LC (Light Commercial) to GC (General Commercial), as shown in attached Exhibits A and B.

Section 2: The zoning map is hereby amended from NC (Neighborhood Commercial) to CC (Community Commercial), as shown in attached Exhibits A and B.

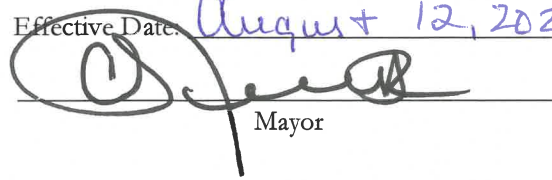
Section 3: The findings of fact and conclusions included in the staff report dated June 6, 2022, in Exhibit C of this ordinance, are hereby adopted in support of the decision.

Section 4: A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

Passed by the Council: July 13, 2022

Approved by the Mayor: July 13, 2022

Effective Date: August 12, 2022

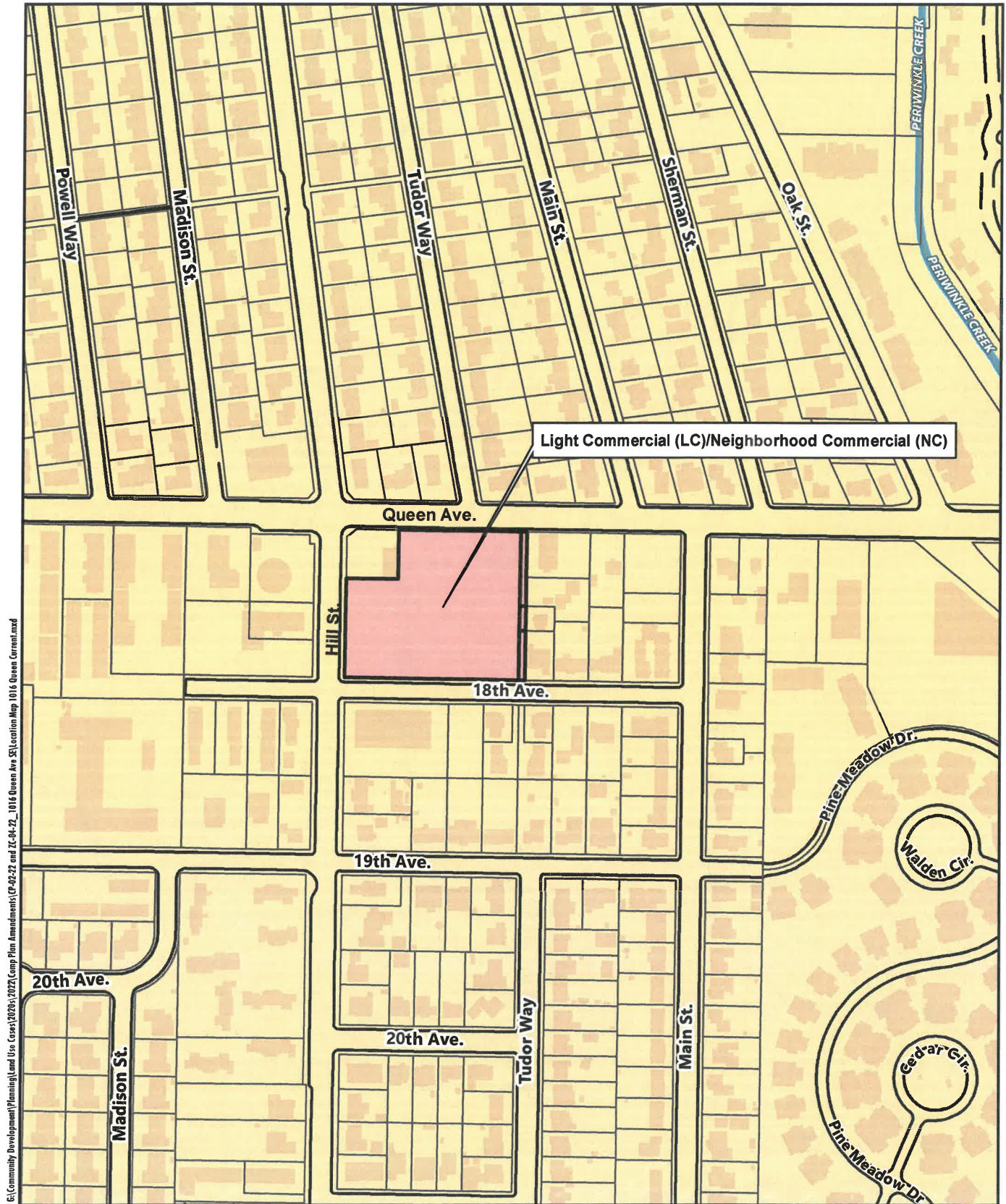


Mayor

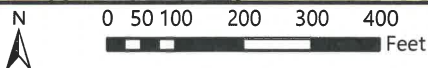
ATTEST:



City Clerk



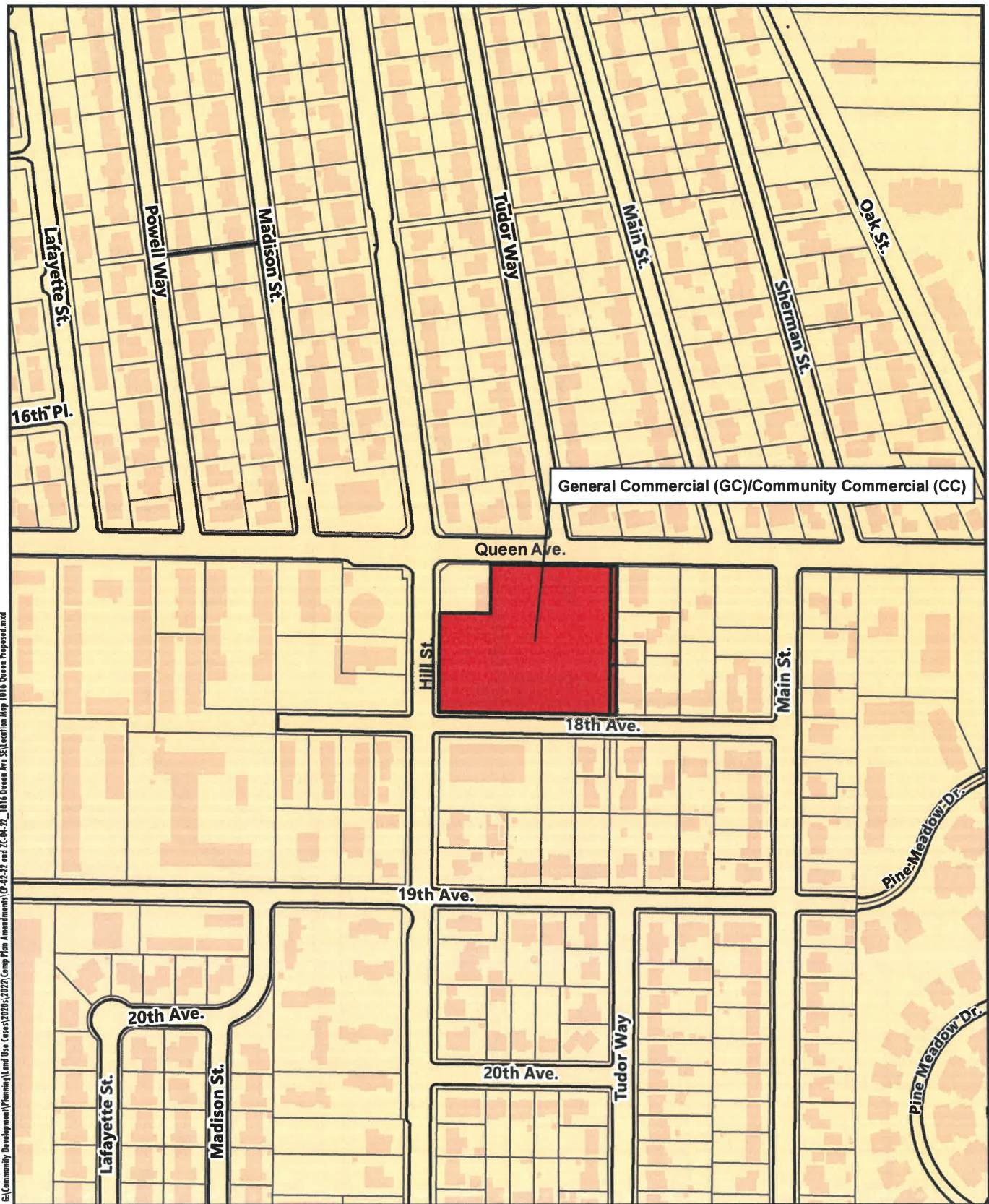
G:\Community Development\Planning\Land Use Cases\2020s\2022\Comp Plan Amendments\CP-02-22 and Z-04-22_1016 Queen Ave SE\Location Map 1016 Queen Current.mxd



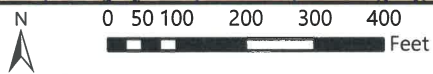
Date: 6/29/2022 Map Source: City of Albany

1016 Queen Avenue SE

Current Designations



S:\Community Development\Planning\Land Use Cases\2020s\2022\Comp Plan Amendments\CP-42-22 and LC-04-22_1016 Queen Ave SE\Location Map 1016 Queen Proposal.mxd



Date: 6/29/2022 Map Source: City of Albany

1016 Queen Avenue SE

Proposed Designations



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Comprehensive Plan and Zoning Map Amendment

CP-02-22 and ZC-04-22

June 6, 2022

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, June 13, 2022, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted virtually:

Virtual: At 5:15 p.m., join the meeting using the link below:
<https://council.cityofalbany.net/groups/plc/zoom>

Phone: 1-253-215-8782; meeting id: 837-8633-4863; passcode: 464432

In-person:
 Appear in person at the meeting and register to speak using the sign-up sheet.

Review Body: **City Council**

Hearing Date and Time: **Wednesday, July 13, 2022, at 6:00 p.m.**

Hearing Locations: This hearing will be conducted virtually:

Virtual: To comment/testify, please email cdaa@cityofalbany.net with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

Watch Livestream at 6:00 p.m.: <http://www.cityofalbany.net/livestream>

In-person:
 Appear in person at the meeting and register to speak using the sign-up sheet.

The proposal is for a Comprehensive Plan Map amendment to change the designation of the subject properties from Light Commercial (LC) to General Commercial (GC) and a concurrent Zoning Map amendment to change the subject properties zoning designation from Neighborhood Commercial (NC) to Community Commercial (CC).

Table 2.760-1 of the Albany Development Code (ADC) shows all Comprehensive Plan map designations and the respective zones that implement each designation. As Table 2.760-1 shows, there are two zones that implement the current Comprehensive Plan map designation (LC) applied to the subject properties. These two zones are: Neighborhood Commercial (NC) and Office Professional (OP). As Table 2.760-1 shows, there are four zones that implement the General Commercial Comprehensive Plan designation. These four zones are NC and OP, in addition to CC and Regional Commercial (RC). Allowable uses in the referenced zoning districts can be found in Table 4.050-1 of the ADC.

The subject area consists of one ±2.25-acre property located southeast of the Queen Avenue and Hill Street intersection (i.e., Linn County Tax Assessor's Map No. 11S-03W-07DD; Tax Lot 3700). The subject property is developed with the following uses as well as associated parking and site improvements:

- Convenience Store (i.e., Retail Sales and Service: Convenience-oriented): ±5,767 square feet



- Martial Arts Study (i.e., Retail Sales and Service: Personal Service-oriented): ±3,971 square feet
- D&B Custom Shirt Works (i.e., Retail Sales and Service: Sales and service-oriented): ±759 square feet
- Vicky's Hair Salon (i.e., Retail Sales and Service: Personal Service-oriented): ±832 square feet
- Fitness Experience (i.e., Entertainment and Recreation, Indoor and Outdoor): ±17,750 square feet
- Restaurant (i.e., Restaurant): ±1,959 square feet

There is no immediate development proposal for the property. As Table 4.050-1 shows, there are two pre-existing nonconforming uses: the existing fitness facility, which is classified as "Indoor Entertainment" and custom shirt shop, which is classified as "Retail Sales - Sales and Service-oriented", which would not be permitted in the current NC zone. As Table 4.050-1 shows, all existing uses (i.e., "Restaurants," "Retail Sales and Services," and "Entertainment") are permitted with Site Plan Review in the CC zone.

The subject property has existing use components that are more consistent with the proposed CC zone. As noted above, the property is developed with a fitness facility, which is not permitted in the NC zone but is permitted in the CC zone. Also, the property is developed with a retail convenience store that is approximately 5,767 square feet in size. A size limitation is applied to new retail businesses the NC zone (at 5,000 square feet). The size restriction does not apply to existing buildings constructed prior to February 7, 2003, but the CC zone does not apply the same restriction to building size.

According to previous zoning maps and records, the property was zoned C-2 (Local Business) district until 1977, when it was zoned C-1 (Neighborhood Commercial) district. The zoning remained C-1 (Neighborhood Commercial). At the time site improvements were approved, there was no maximum building size in the district; however, businesses in that zone were supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the zoning district continued to be "Neighborhood Commercial." A maximum building size standard was added to the NC district in Ordinance 5555, which took effect February 7, 2003.

The maximum retail business building footprint was limited to 5,000 square feet and new lots in the NC zone could not exceed 30,000 square feet. An amendment to the ADC was approved January 9, 2019, that removed the maximum retail business limitation in the OP and NC zoning districts for existing buildings built prior to February 7, 2003 (file DC-06-18; Ordinance 5923); however new retail business building footprints cannot exceed 5,000 square feet. The building and the size of the parcel are both larger than those typically contemplated for the NC zone. The applicants assert the subject property is essentially mis-zoned and submitted this application to remedy the issue.

Application Information

Review Body:	Planning Commission and City Council (Type IV-Q Review)
Staff Report Prepared By:	David Martineau, project planner
Type of Applications:	Comprehensive Plan Map amendment to change from Light Commercial (LC) to General Commercial (GC), with a concurrent zone change from Neighborhood Commercial (NC) to Community Commercial (CC).
Property Owner:	Cordell Post; Q and H Properties LLC; PO Box 1746; Albany, OR 97321
Applicant Representative:	Laura LaRoque; Udell Engineering and Land Surveying LLC 63 E. Ash Street; Lebanon, OR 97355
Address/Location:	1709, 1711, 1715, 1717, 1719, 1723, 1725, and 1727 Hill Street SE; 1045 18th Avenue SE; 1016 Queen Avenue SE.
Map/Tax Lot:	Linn County Tax Assessor's Map No. 11S-03W-07DD; Tax Lots 3700, 3801, and 3802
Comprehensive Plan Map:	Light Commercial (LC)

Zoning:	Neighborhood Commercial (NC)
Total Land Area:	2.25 acres
Existing Land Use:	Multi-tenant commercial strip center
Neighborhood:	Sunrise
Surrounding Zoning:	North: Residential Single Family (RS-6.5) South: Residential Medium Density (RM) East: NC and RM West: NC
Surrounding Uses:	North: Single-family dwelling units. South: Commercial and residential. East: Commercial and residential West: Commercial, public, and institutional.

Notice Information

Public notice was issued in accordance with development code requirements. A notice was issued to the Oregon Department of Land, Conservation, and Development (DLCD) on May 16, 2022, prior to the first public hearing. A notice of public hearing was mailed to property owners located within 300 feet of the subject property on May 23, 2022, at least 20 days prior to the first public hearing. The notice of public hearing was posted on the subject property by June 6, 2022. The staff report was posted on the City's website June 6, 2022. At the time this staff report was completed, no comments had been received.

Appeals

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per Oregon Revised Statute (ORS) 197.830, a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.

Analysis of Development Code Criteria

Comprehensive Plan Map Amendment (CP-02-22)

Section 2.220(3) of the ADC includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

Criterion (a)

The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.

Findings of Fact

- a.1 **Current Plan Designation:** The current Comprehensive Plan Map designation of the property is Light Commercial (LC). The LC designation "Provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial uses in close proximity to residential areas," (Albany Comprehensive Plan, page 9-10).
- a.2 **Requested Designation:** The request is to designate 2.25 acres of LC to General Commercial (GC). The GC plan designation "Identifies areas from community services to regional commercial establishments, suitable for a wide range of retail sales and service establishments". Aside from recognition of existing commercial corridors, new commercial areas will develop under design

guidelines to avoid the continuance of “strip commercial” development in order to more efficiently serve the shopping needs of the community and region.”

- a.3 The Comprehensive Plan 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; 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed,” (Comprehensive Plan, page ii).

- a.4 The Comprehensive Plan (page ii) defines a policy as, “a statement identifying a course of action or City position.”

The Comprehensive Plan describes the City’s obligation regarding 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),” (Comprehensive Plan, page iii).

Relevant Plan Goals and Policies

- a.5 The proposed Plan map amendment to change land from LC to GC must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed GC designation is more supportive of the Comprehensive Plan, on balance, than the current LC designation.

- a.6 The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in **bold** print followed by findings of fact and conclusions.

GOAL 9: ECONOMY (Chapter 3 – Albany’s Economy)

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

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Goal 3: Promote Albany’s positive economic, social, and cultural image throughout the state and region and, where appropriate, at the national and international levels.

- a.7 Amending the Comprehensive Plan designation of the subject property would further Albany’s economic goals because the new designation would provide opportunities for businesses to utilize the building on the subject property rather than having the building be underutilized and constrained by the ADC. The retail building’s 29,079-square-foot footprint is best suited for uses allowed in general commercial zones, not in light commercial zones. Having a successful commercial business in that location will do more to diversify the economic base in the City of Albany, create an environment for development and expansion of businesses, and promote a positive economic image in the City of Albany.

- a.8 The current Comprehensive Plan designation and zoning designation prohibit many of the viable uses for a building of such a size. In fact, Article 4 of the ADC limits new buildings in the NC zone to a 5,000-square-foot maximum footprint for retail and service uses and limits the lot size of new NC zones to 30,000 square feet of contiguous land. The subject property is simply not compatible with its current zoning designation, and accordingly, the range of uses allowable in the current zone are not consistent with a building of such a size.

- a.9 For the reasons stated above, changing the subject property's Comprehensive Plan designation and zoning from its current status to GC and CC would diversify the economic base in the City of Albany by allowing the parcel to accommodate new zoning and allow the building to house a viable business to operate and grow the economic base of the City of Albany. Changing the Comprehensive Plan and zoning designations so they are consistent with the structure on the property would provide the most supportive environment for the development and expansion of desired businesses. Finally, having a successful business in such a prominent location would contribute to Albany's positive economic, social, and cultural image throughout the state.

GOAL 9: ECONOMY (Chapter 3 – Public Infrastructure)

Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

- a.10 The subject property is presently served by public infrastructure. Any future development will have access to public services.

GOAL 12: TRANSPORTATION (Chapter 5 – Transportation)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- a.11 The facts surrounding the transportation system are more fully addressed in the Transportation Planning Rule (TPR) analysis completed by Ferguson and Associates, Inc. The TPR analysis found the allowable land uses under the CC zone would produce similar levels of trip generation to the NC zone and would cause no further degradation to the transportation system. In fact, the primary difference found between the two zones is that business occupying larger footprints would be allowed within the CC zone and the allowed uses for large footprint business typically have lower trip generation rates than for the high generating uses allowed in both zone destinations.
- a.12 According to the City of Albany's Transportation System Plan (TSP), all signalized intersections under the City of Albany's jurisdiction currently operate at a Level of Service (LOS) "D" or better. This includes the three intersections nearest to the subject property at Queen Avenue SE and Hill Street SE, Queen Avenue SE and Geary Street SE, and Queen Avenue SE and Waverly Drive SE, all of which are signalized. The Queen Avenue/Hill Street intersection operates at a LOS B, Queen Avenue/Geary Street intersection operates at a LOS B, and the Queen Avenue/Waverly Drive intersection operates at a LOS C. The TSP also identifies improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems occurring adjacent to the subject property.
- a.13 The proposed change is consistent with Goal 12 and will not hinder the City of Albany in providing an efficient transportation system that provides for the local and regional movement of people and goods. It will not hinder the City of Albany's goal of providing a safe transportation system that ensures mobility for all community members and providing alternatives to automobile travel.

GOAL 14: URBANIZATION (Chapter 8)

Goal 1: 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 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.*

- a.14 The subject property is in an area, which if revitalized, could potentially be classified as infill development, according to the applicant. The property is fully serviced with City of Albany water, sanitary sewer, storm drainage, and police and fire service. Transit service is available approximately 950 feet from the building on the subject property at the Queen Avenue SE and Geary Street SE intersection. A revitalized business in this location would further the City's goal of achieving a desirable and efficient land use pattern. Additionally, it would encourage the use of an already-serviced, currently unoccupied parcel.

Conclusion

Findings and conclusions of the evaluation of the Plan goals and policies relevant to this request are summarized below.

- a.1 The requested Comprehensive Plan map designation for the site (GC) has been evaluated against relevant Comprehensive Plan policies. Policy 10 (above) refers to the size and type of future community commercial sites and how the proposed zone of Community Commercial (CC) is one of four implementing zones of the proposed GC plan designation.
- a.2. Policy 10 explains how future community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. In response to this statement, the subject property is found to be easily accessible. Additionally, where Policy 10 explains how future 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, the provided traffic impact analysis shows how the impact of the proposed zone change (CC as shown to implement the proposed GC plan designation) would have no significant impact to the existing transportation system.
- a.3. For the reasons stated above, the criterion is found to be met.

Criterion (b)

The requested designation is consistent with any relevant area plans adopted by the City Council.

Findings of Fact

- b.1 "Relevant area plans", as used here, means land use plans. For example, the City has relevant area plans for areas such as North Albany and South Albany. There are no relevant area plans for the area where the subject property is located.

Conclusion

- b.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

Criterion (c)

The requested designation is consistent with the Comprehensive Plan Map pattern.

Findings of Fact

- c.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning," provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.
- c.2 Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, "Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit

building configurations which increase the efficiency of energy use.” Other Plan policies support locating goods, services, and employment close to the area intended to serve; and protecting natural resources and cultural assets.

- c.3 Currently, the Comprehensive Plan Map pattern in the vicinity of the subject property is a patchwork consisting of Low Density Residential (LDR), Medium Density Residential (MDR), and Light Commercial (LC). The land to the east and west of the subject property has a Comprehensive Plan designation of Light Commercial (LC). To the north, across Queen Avenue, is residential single-family development. To the west and south, across Hill Street and 19th Avenue, are a mix of public, institutional, and residential single-family development.

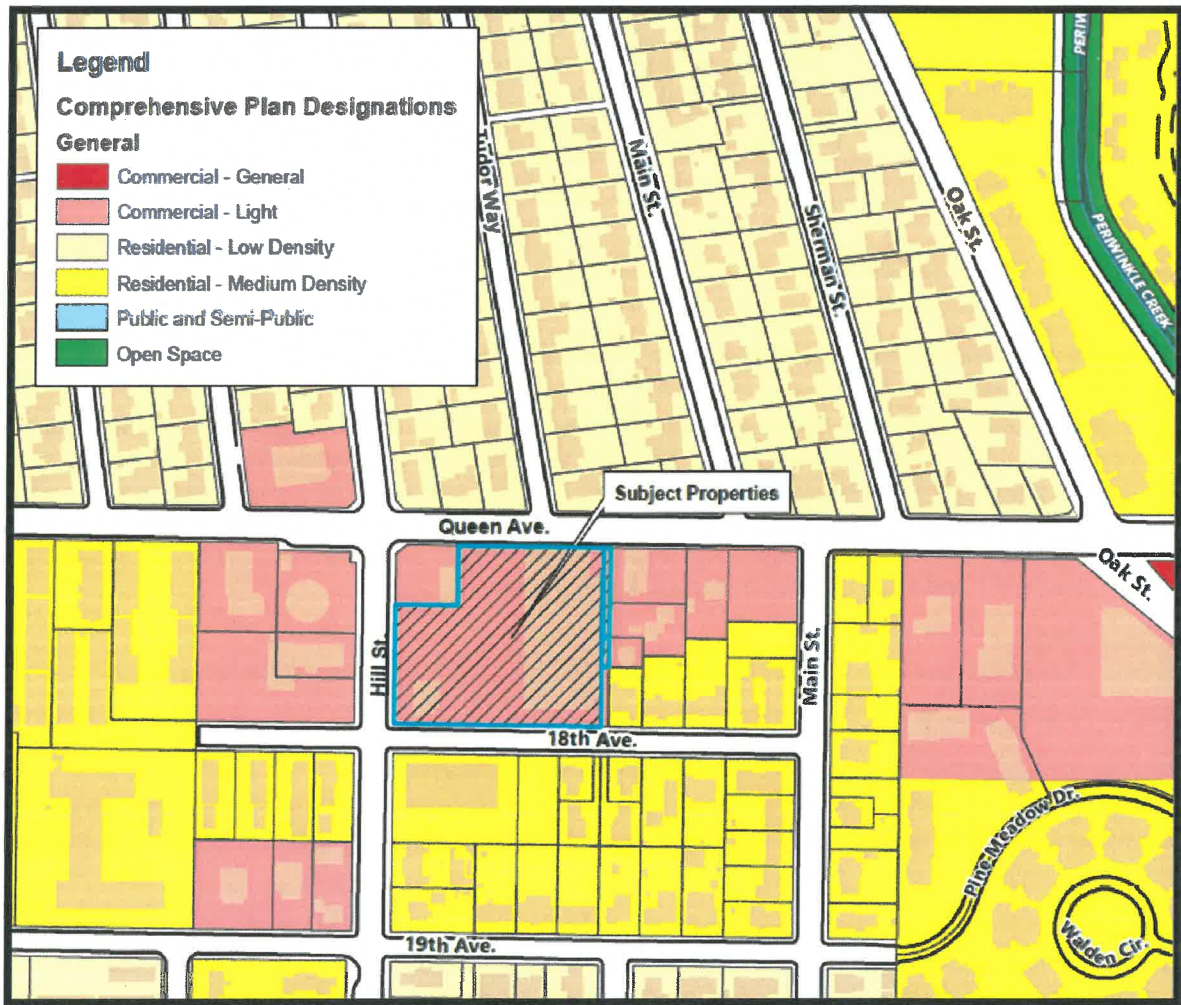


Figure 1: Subject property is identified as "Light Commercial" in the Comprehensive Plan.

- c.4 The proposed Plan amendment would change the designation of ±2.25-acres from LC to General Commercial (GC), which would be buffered from the surrounding Low and Medium Residential Districts by the Light Commercial District.
- c.5 Due to a variety of factors including changing development patterns, business concepts and community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- c.6 The proposed Comprehensive Plan Map amendment and zone change would reflect the transitional aspect between the higher commercial land uses that typically take place at the intersections of higher

volume arterial roadways and the less intensive residential neighborhood typically located on lower volume roadways and non-signalized intersections.

- c.7 The closest properties having the General Commercial Comprehensive Plan Map designation to be located approximately quarter mile east at the intersection of Geary Street and Queen Avenue, both streets of which are designated arterial streets in the TSP. Similar to that intersection, Queen Avenue SE is designated as an arterial street and Hill Street SE is designated as a major collector along the frontage of the subject properties.

Conclusions

- c.1 Albany Comprehensive Plan does not describe a specific pattern for evaluating Comprehensive Plan map amendments. The predominant map pattern for this location is Light Commercial (LC), Low Density Residential (LDR), and Medium Density Residential (MDR). As the Comprehensive Plan Map shows, the proposed GC designation is applied to properties located approximately quarter mile east (at the intersection of Geary Street SE and Queen Avenue SE). A similar pattern with respect to the subject properties as both are located along two intersecting streets classified as arterial according to the TSP.
- c.2 This review criterion is met.

Criterion (d)

The requested designation is consistent with the statewide planning goals.

Findings of Fact

- d.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (a) above. The Findings of Fact and Conclusions are hereby included by reference.

Conclusions

- d.1 The requested GC designation for this site is consistent with the Statewide Planning Goals.
- d.2 This criterion is met.

Quasi-Judicial Zoning Map Amendment File (ZC-04-22)

Section 2.740 of the ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Criterion 1

The proposed base zone is consistent with the Comprehensive Plan map designation for the entire subject area unless a Plan map amendment has also been applied for.

Findings of Fact

- 1.1 The application request includes a proposal to change the zoning of ± 2.25 acres from Neighborhood Commercial (NC) to Community Commercial (CC) district.
- 1.2 The current Comprehensive Plan Map designation of the subject site is Light Commercial (LC). The proposed CC zoning is not consistent with LC plan designation of the site; therefore, a concurrent request to change the Comprehensive Plan Map designation from LC to General Commercial (GC) has been submitted.
- 1.3 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the CC zone designation is consistent with the proposed GC designation of the property.

Conclusions

- 1.1 A concurrent application for a Comprehensive Plan Map amendment to GC has been submitted with this application. The proposed CC zoning is consistent with the GC designation.
- 1.2 This criterion is satisfied, provided the amendment to the Comprehensive Plan Map is approved.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation (ADC 2.740 (2)).

Findings of Fact

- 2.1 The site is located on at 1016 Queen Avenue SE and has frontage on both Queen Avenue SE and Hill Street SE. The zone change would change the designation of the parcel of property from NC to CC.
- 2.2 Albany's TSP includes improvements necessary to accommodate anticipated development through the year 2030. The TSP does not include any projects within or adjoining this site.
- 2.3 Zone changes are required to comply with the TPR. The rule holds that a "significant affect" occurs, and must be mitigated, if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility.
- 2.4 The applicant's application included a Trip Generation study and TPR assessment. The analysis was performed by Ferguson & Associates and is dated February 14, 2022. The analysis compared the number of average daily and peak hour vehicle trips that could be generated by development of the site under the current NC zone designation with the trips that could result from development under the requested CC designation. The analysis noted that: *"The highest generating outright permitted uses in these categories of commercial zones would be retail. The highest generating retail categories in both NC and CC zones are mostly the same except:*
 1. *Business sizes are limited to 5,000 square feet in the NC zone;*
 2. *Drive-through fast food is a conditional use in the NC zone;*
 3. *Gas stations are allowed in the CC zone*
- 2.5 The trip generation estimates developed for the existing NC zone designation had a range of between 382 and 871 PM peak hour trips and between 5409 and 9856 average daily trips (ADT).
- 2.6 The trip generation estimate for the proposed CC zone designation had a range of between 497 and 538 PM peak hour trips and between 6915 and 8085 ADT.
- 2.7 Based on the study results, the most reasonable "worst case use" for site development under the two zone designations showed a reduction in ADT, resulting in a conversion to CC from the current NC designation.
- 2.8 Chapter 3.2 of the Oregon Department of Transportation (ODOT) Development Review Guidelines (p. 33) excludes amendments generating less than 400 ADT from a TPR impact analysis:

"If an amendment subject to TPR Section 0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless the change in trips falls below the thresholds listed:

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

 - *Any proposed amendment that does not increase the average daily trips by more than 400."*

Conclusions

- 2.1 The proposed zone change would change the designation of the site from NC to CC.

- 2.2 The TPR requires zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than what could have occurred under current designation, and if so, the additional trips would result in a “significant affect”.
- 2.3 An analysis submitted by the applicant estimated that a reasonable worst case development under the requested zone designation would result in a reduction site generated ADT when compared to reasonable worst case uses allowed under the current NC zone designation.
- 2.4 Based on ODOT Development Review Guidelines, the zone change would not result in a potential increase of more than 400 ADT in site generated trips, and as a result, is not subject to TPR Section 0060.
- 2.5 The ODOT Review Development Guidelines are based on, and mirror, the TPR review standards contained in Oregon Highway Plan Action 1F.5.
- 2.6 This criterion is satisfied without conditions.

Criterion 3

Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area (ADC 2.740 (3)).

Findings of Fact

Sanitary Sewer

- 3.1 City utility maps show a 12-inch public sanitary sewer main running through the middle of the site in an east-west direction; a 12-inch main exists in Hill Street SE, and a 6-inch main exists in Queen Avenue SE along the frontages of the subject property. Existing development on the subject properties are currently connected to the public sewer system.
- 3.2 It is anticipated the existing public sanitary sewer system in this area is capable of serving any development that would be allowed under the proposed zoning designation.

Water

- 3.3 City utility maps show a 24-inch public water main in Hill Street SE, a 12-inch main in Queen Avenue SE, and a 30-inch main in 18th Avenue SE. Existing development on the subject properties are currently connected to the public water system.
- 3.4 The public water system in this area is capable of serving any development that would be allowed under the proposed zoning designation.

Storm Drainage

- 3.5 City utility maps show a network of 10- and 12-inch public storm drainage mains and associated curb inlets/catch basins in Hill Street SE and Queen Avenue SE that collect stormwater runoff from this area.
- 3.6 Because the subject property is currently developed, and the site is almost entirely covered by impervious surfaces, it is not expected that a development allowed by the proposed zoning designation would result in a higher level of runoff from the site.

Schools

- 3.7 The property is currently zoned for Neighborhood Commercial (NC) development. The requested zone change to CC would have no impact on the number of children attending school in this area.

Police and Fire Protection

- 3.8 The Albany Police Department and Fire Department provide services to all development in Albany, whether it is residential or commercial. No deficiencies in providing police and fire protection to this property have been identified.

Conclusions

- 3.1 The existing development(s) on the subject property is/are connected to the public sanitary sewer and water systems.
- 3.2 The existing public utilities in this area are capable of serving development that would be allowed under the proposed CC zoning designation.
- 3.3 This criterion is satisfied without conditions.

Criterion 4

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan (ADC 2.740 (4)).

Findings of Fact

- 4.1 The current zone of the subject property is Neighborhood Commercial (NC) and the proposed zone for the property is the Community Commercial (CC).
- 4.2 Prior to being zoned NC, the subject property was zoned C-2 (Local Business) district until 1977, when it was zoned C-1 (Neighborhood Commercial) district. The zoning remained C-1 (Neighborhood Commercial). At the time it was approved, there was no maximum building size in the district; however, businesses were still supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the district continued to be "Neighborhood Commercial".

Zoning District Purposes

- 4.3 According to Section 4.020(2) of the ADC, the NC district is "intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC district is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural, or traffic conflicts. Generally, uses located within NC districts should have as their primary market area the population within a one-half mile radius."
- 4.4 Allowable uses that are permitted in the NC district include traditional offices, restaurants, small-scale retail sales and services that are convenience or personal services-oriented, community services, and single-family and two-family dwelling units. Taverns, bars, drive-thru restaurants, daycare centers, religious institutions, and assisted living facilities are allowed conditionally.
- 4.5 According to Section 4.020(3) of the ADC, the CC district "recognizes the diversity of small to medium-scale businesses, services, and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas." It is noted that both Grand Prairie Road SE and Geary Street SE are classified as minor arterials.
- 4.6 Allowable uses that are permitted in the CC district include some small-scale manufacturing activities, indoor and outdoor entertainment and recreation, offices, restaurants including drive-thru, retail sales and service, self-serve storage, taverns and bars, religious institutions, vehicle repair, vehicle service, and parking lots. Uses allowed conditionally include recycling centers, RV parks, schools, parks, assisted living, telecommunications towers, and community services.
- 4.7 The applicant asserts the subject property is more consistent with the CC zoning designation. The subject properties are located at the intersection of two high volume streets that are both partially improved and could be further developed and/or redeveloped with a small- to medium-scale business or service. The building either now complies, or will comply, with all relevant design guidelines to enhance the community's image along these transportation corridors at the time the site is further developed. Buffers are in place to mitigate impacts to nearby residential areas. The property in its current state is better suited for the CC zone.

- 4.8 The Findings and Conclusions under Review Criterion (a) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies.

Conclusions

- 4.1 The CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

Criterion 5

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

Findings of Fact

- 5.1 Albany's TSP was developed with the assumption that this site would be occupied by commercial uses. The proposed zone change is consistent with, and does not alter, that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use, transportation plan, or study that applies to the subject area.

Conclusions

- 5.1 The proposal will not conflict with the transportation system as shown in the TSP.
- 5.2 The proposal is in accordance with the transportation pattern as shown in the TSP.
- 5.3 This criterion is met.

Overall Conclusion

Based on the analysis in this report, the proposed Comprehensive Plan Map Amendment from LC to GC concurrent with the Zoning Map Amendment from NC to CC meets all the applicable review criteria as outlined in this report.

Staff Recommendation

With respect to the proposed Comprehensive Plan map amendment, the planning commission has two options:

- Option 1: Recommend that the city council approve the Comprehensive Plan map amendment request; or
- Option 2: Deny the Comprehensive Plan map amendment request. The city council will only consider the proposal on appeal by the applicants.

Based on the analysis in this report, staff recommends that the planning commission recommend that the city council approve the Comprehensive Plan map amendment request.

Similarly, the planning commission has two options with respect to the proposed Zoning Map amendment request:

- Option 1: Recommend that the city council approve the Zoning Map amendment request; or
- Option 2: Deny the Zoning Map amendment request. The city council will only consider the proposal on appeal by the applicants.

Based on the analysis in this report, staff recommends that the planning commission recommend that the city council approve the Zoning Map amendment request.

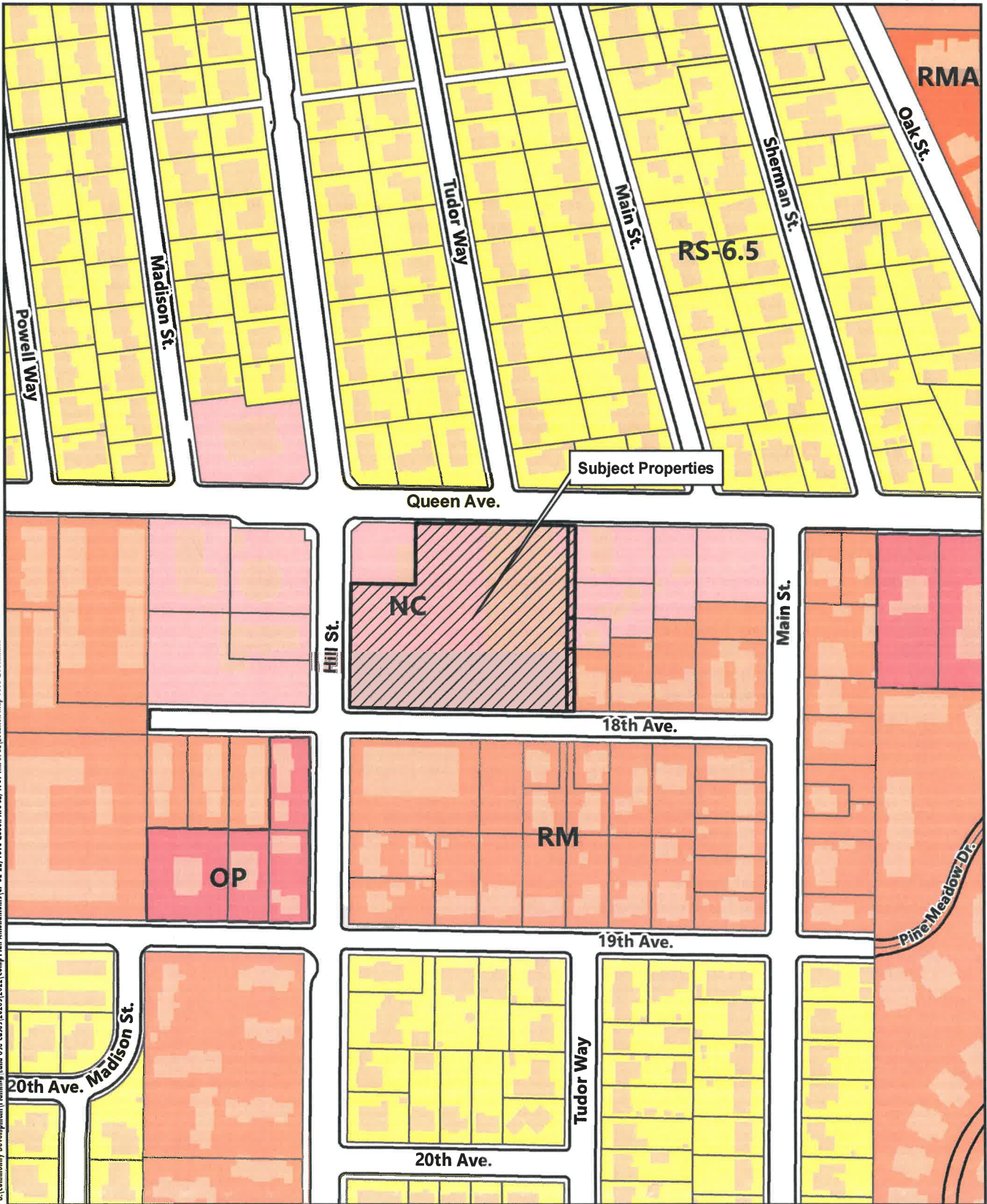
I move that the planning commission recommend that the city council approve the proposed Comprehensive Plan map and Zoning Map amendment under planning files CP-02-22 and ZC-04-22. This motion is based on the findings and conclusions in the June 6, 2022, staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Location Map
- B. Current Comprehensive Plan & Zoning Designation
- C. Proposed Comprehensive Plan & Zoning Designation
- D. Applicant's Narrative
- E. Trip Generation Letter from Ferguson and Associates, Inc., dated February 14, 2022

Acronyms

AASHTO	American Association of State Highway and Transportation Officials
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
C-1	Neighborhood Commercial (now called "NC")
CC	Community Commercial Zoning District
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
HDR	High Density Residential Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LC	Light Commercial Comprehensive Plan Designation
LDR	Low Density Residential Comprehensive Plan Designation
LI	Light Industrial Zoning District
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
NC	Neighborhood Commercial Zoning District
ODOT	Oregon Department of Transportation
RC	Regional Commercial Zoning District
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
V/C	Volume to Capacity



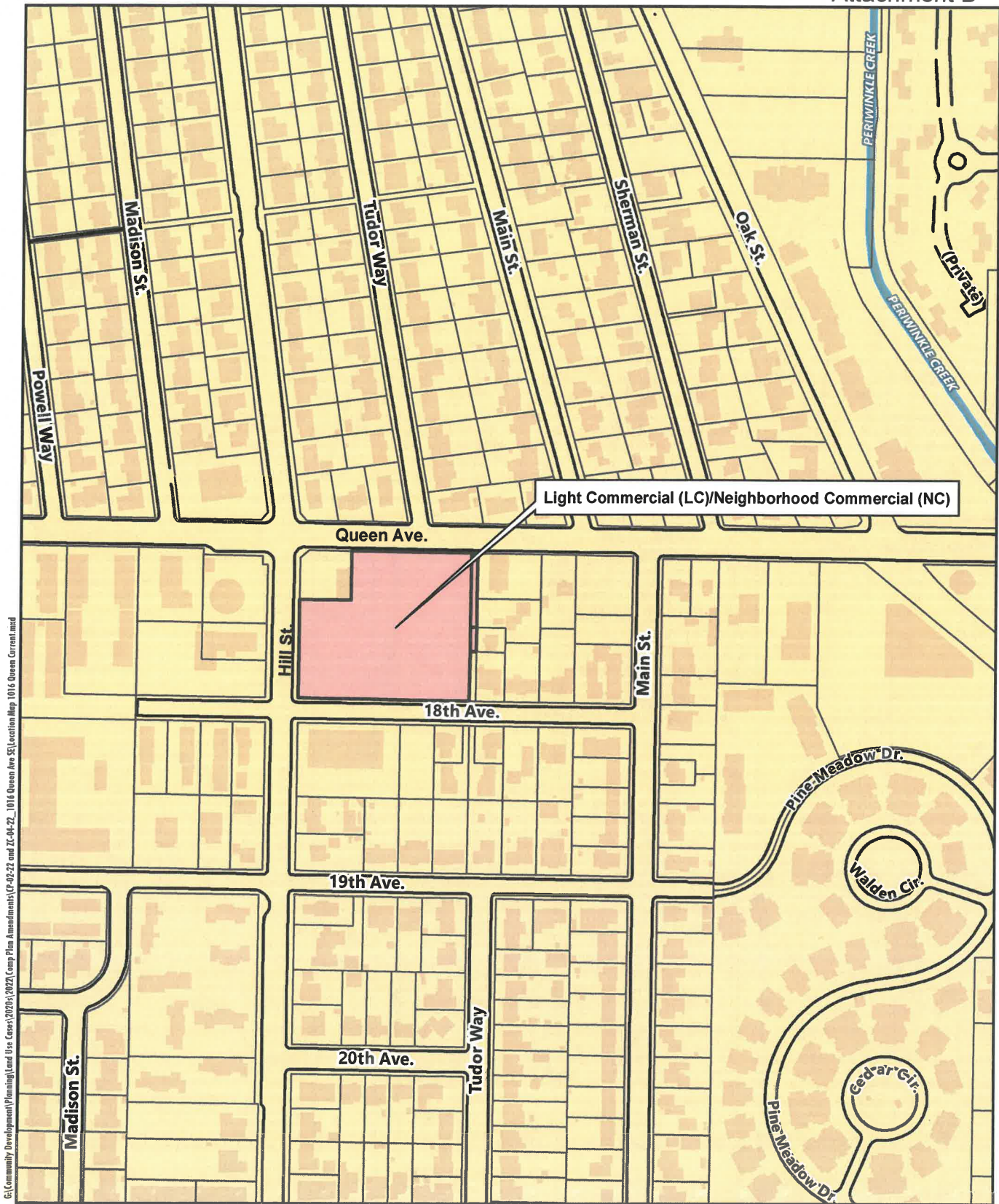
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1016 Queen Avenue SE

Date: 3/18/2022 Map Source: City of Albany

Location / Zoning Map



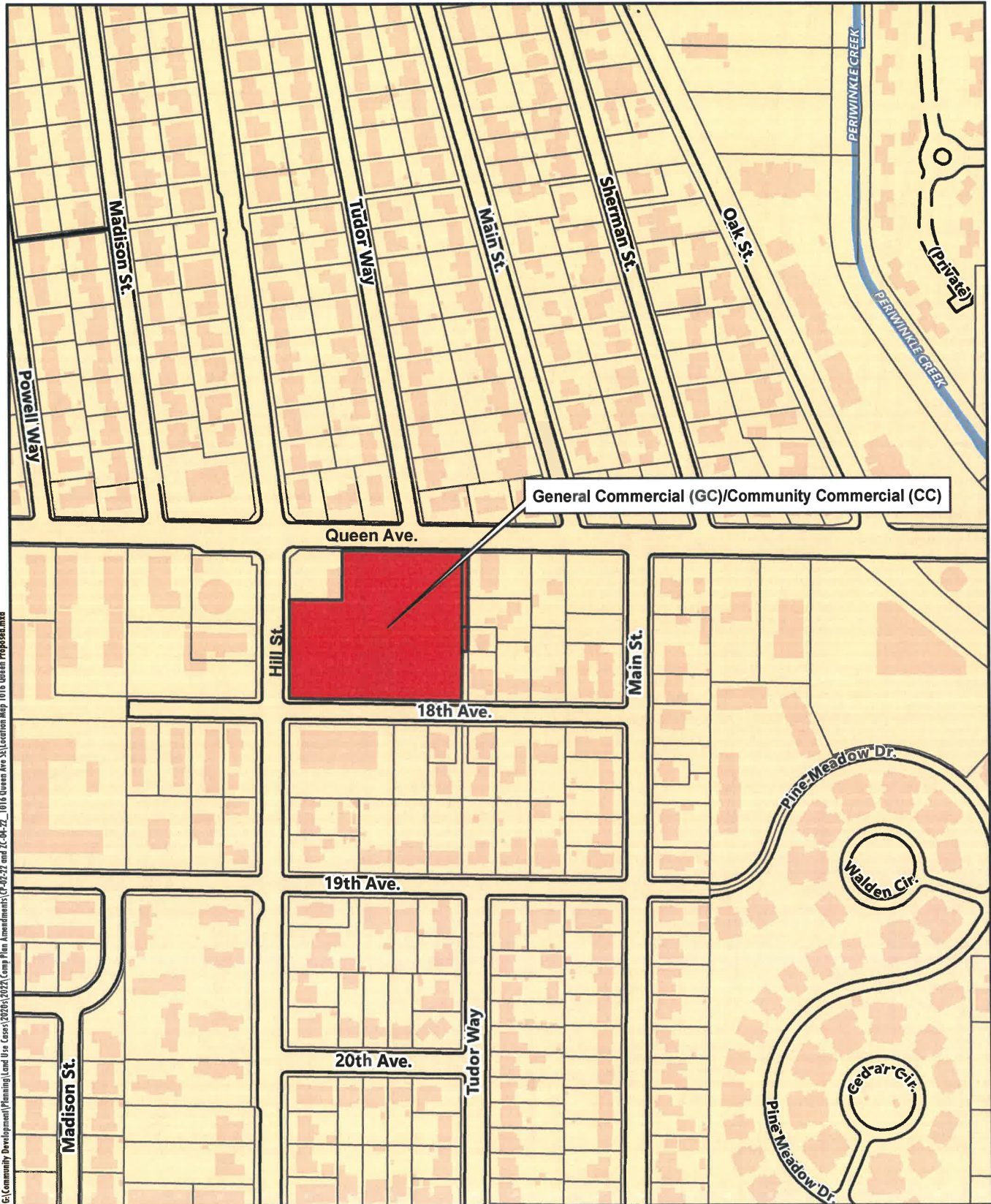
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Date: 6/1/2022 Map Source: City of Albany

1016 Queen Avenue SE

Current Designations



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Date: 6/1/2022 Map Source: City of Albany

1016 Queen Avenue SE

Proposed Designations

COMPREHENSIVE PLAN AND ZONE MAP AMENDMENT APPLICATIONS

Submitted to: City of Albany
Planning Division
P.O. Box 490
Albany, Oregon 97321-0144
(541) 917-7550
cd.customerservice@cityofalbany.net

Applicants/Property Owners: Q and H Properties LLC
P.O. Box 1746
Albany, OR 97321
Contact: Cordell Post
Email: cordell@postlaw.net
Phone: (541) 990-9833

Applicant's Representative: Udell Engineering and Land Surveying, LLC
63 E. Ash Street
Lebanon, OR 97355
Contact: Laura LaRoque
Email: laura@udelleng.com
Phone: (541) 990-8661

Site Location: 1709, 1711, 1715, 1717, 1719, 1723, 1725, 1727 Hill Street
SE; 1045 18th Ave. SE; 1016 Queen Ave. SE

Linn County Assessor's Map No.: 11S-03W-07DD Tax Lot 3700
11S-03W-07DD Tax Lot 3801
11S-03W-07DD Tax Lot 3802
11S-03W-07DD Tax Lot 4301

Site Size: ±2.25-acres

Existing Land Use: Commercial Retail and Restaurant

Zone Designation: Neighborhood Commercial (NC)

Comprehensive Plan Designation: Light Commercial (LC)

Surrounding Zoning: North: Residential Single Family (RS-6.5) District
South: Residential Medium Density (RM) District
East: NC / RM
West: Neighborhood Commercial (NC) District

Surrounding Uses: North: Residential Single-Family (north of Queen Ave.)
South: Commercial / Residential
East: Commercial / Residential
West: Commercial / Public / Institutional



22-054 Q & H Properties, LLC
1723 Hill St. SE
CP / ZC Map Amendments

I. **Executive Summary**

The proposal is for a Comprehensive Plan Map Amendment to change the designation of the subject properties from Light Commercial (LC) to General Commercial (GC) and a concurrent Zoning Map Amendment to change the subject properties zoning designation from Neighborhood Commercial (NC) to Community Commercial (CC).

Table 2.760-1 of the Albany Development Code shows all Comprehensive Plan map designations and the respective zones that implement each designation. As Table 2.760-1 shows, there are two zones that implement the current Comprehensive Plan map designation (LC) applied to the subject properties. These two zones are: Neighborhood Commercial (NC) and Office Professional (OP). As Table 2.760-1 shows, there are four zones that implement the General Commercial Comprehensive Plan designation. These four zones are NC and OP, in addition to Community Commercial (CC) and Regional Commercial (RC). Allowable uses in the referenced zoning districts can be found in Table 4.050-1 of the Albany Development Code.

The subject area consists of one ±2.25-acre property located southeast of the Queen Avenue and Hill Street intersection (i.e., Linn County Tax Assessor's Map No. 11S-03W-07DD Tax Lot 3700). The subject property is developed with the following uses as well as associated parking and site improvements:

- Convenience Store (i.e., Retail Sales & Service: Convenience-oriented): ±5,767 sf
- Martial Arts Studio (i.e., Retail Sales & Service: Personal Service-oriented): ±3,971 sf
- D&B Custom Shirt Works (i.e., Retail Sales & Service: Sales and service-oriented): ±759 sf
- Vicky's Hair Salon (i.e., Retail Sales & Service: Personal Service-oriented): ±832 sf
- Fitness Experience (i.e., Entertainment & Recreation, Indoor & Outdoor): ±17,750 sf
- Restaurant (i.e., Restaurant): ±1,959 square feet

There is no immediate development proposal for property. As Table 4.050-1 shows, there are two pre-existing nonconforming uses: the existing fitness facility, which is classified as "Indoor Entertainment" and custom shirt shop, which is classified as "Retail Sales - Sales and Service-oriented" which would not be permitted in the current NC zone. As Table 4.050-1 shows, all existing uses (i.e., "Restaurants," "Retail Sales and Services," and "Entertainment") are permitted with Site Plan Review the CC zone.

The subject property has existing use components that are more consistent with the proposed CC zone. As noted above, the property is developed with a fitness facility, which is not permitted in the NC zone but is permitted in the CC zone. Also, the property is developed with a retail convenience store that is approximately 5,767 square feet in size. A size limitation is applied to new retail businesses the NC zone (at 5,000 square feet). The size restriction does not apply to existing buildings constructed prior to February 7, 2003, but the CC zone does not apply the same restriction to building size.

According to previous zoning maps and records, the property was zoned C-2 (Local Business)



District until 1977, when it was zoned C-1 (Neighborhood Commercial) District. The zoning remained C-1 (Neighborhood Commercial). At the time site improvements were approved, there was no maximum building size in the district; however, businesses in that zone were supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the zoning district continued to be "Neighborhood Commercial." A maximum building size standard was added to the NC district in Ordinance 5555, which took effect February 7, 2003.

The maximum retail business building footprint was limited to 5,000 square feet and new lots in the NC zone could not exceed 30,000 sq. ft. An amendment to the Albany Development Code was approved January 9, 2019, that removed the maximum retail business limitation in the OP and NC zoning districts for existing buildings built prior to February 7, 2003 (file DC-06-18; Ordinance 5923); however new retail business building footprints cannot exceed 5,000 square feet. The building and the size of the parcel are both larger than those typically contemplated for the NC zone. The applicants assert that the subject property is essentially mis-zoned and submit this application to remedy the issue.

II. Quasi-Judicial Comprehensive Plan Amendments (ADC 2.220(3))

Section 2.220(3) of the Albany Development Code (ADC) includes the following review criteria that must be met for this quasi-judicial map amendment to be approved. Code criteria are written in bold and are followed by findings and conclusions.

This proposal is limited to a quasi-judicial map amendment which is distinguished from a legislative amendment. Criteria (1) and (2) of Section 2.220 apply only to legislative amendment proposals. Criterion (3) is applicable to quasi-judicial map amendment proposals and reads:

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

The four-part test of (3)(a)(b)(c) and (d) is addressed below:

Criterion 3(a)

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

Finding of Fact

1.1 Current Plan Designation: The current Comprehensive Plan Map designation of the property is Light Commercial (LC). The LC designation "Provides for limited commercial activities that include office professional and neighborhood commercial uses. This designation is used to buffer between residential and more intensive uses, (such as between the Community Commercial District and the surrounding residential areas) and also to provide neighborhood commercial uses in close proximity to residential areas," (Albany Comprehensive Plan, page 9-10).

1.2 Requested Designation: The request is to designate 2.25 acres of LC to General Commercial (GC). The GC Plan designation "Identifies areas from community services to regional



commercial establishments, suitable for a wide range of retail sales and service establishments". Aside from recognition of existing commercial corridors, new commercial areas will develop under design guidelines to avoid the continuance of "strip commercial" development in order to more efficiently serve the shopping needs of the community and region."

- 1.3 The Comprehensive Plan 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; 2) There are findings indicating the goal being supported takes precedence (in the particular case) over the goal being opposed," (Comprehensive Plan, page ii).

- 1.4 The Comprehensive Plan (page 2) defines a policy as, "a statement identifying a course of action or City position."

The Comprehensive Plan describes the City's obligation regarding 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)," (Comprehensive Plan, page iii).

Relevant Plan Goals and Policies

- 1.5 The proposed Plan map amendment to change land from LC to GC must satisfy long-range interests of the general public as outlined in the Comprehensive Plan's goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed GC designation is more supportive of the Comprehensive Plan, on balance, than the current LC designation.

- 1.6 The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in bold print followed by findings of fact and conclusions.

Statewide Planning Goal 9: Economy-Albany's Economy (Chapter 3)

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

Goal 2: Provide a supportive environment for the development and expansion of desired businesses.

Goal 3: Promote Albany's positive economic, social, and cultural image throughout the state and region and, where appropriate, at the national and international levels.

- 1.7 Amending the Comprehensive Plan designation of the subject property would further Albany's economic goals because the new designation would provide opportunities for businesses to utilize the building on the subject property rather than having the building be underutilized and constrained by the ADC. The building's 29,079 square-foot footprint is best suited for uses allowed in general commercial zones, not in light commercial. Having a successful commercial business in that location, will do more to diversify the economic base in the City of Albany, create an environment for development and expansion of businesses and promote a positive economic image in the City of Albany.

The current Comprehensive Plan designation and zoning designation prohibit many of the viable uses for a building of such a size. In fact, Article 4 of the ADC limits new buildings in the NC zone to a 5,000 square foot maximum footprint for retail and service uses and limits the lot size of new NC zones to 30,000 square feet of contiguous land. The subject property is simply not compatible with its current zoning designation, and accordingly the range of uses allowable in the current zone are not consistent with a building of such a size.

For the reasons stated above, changing the subject property's Comprehensive Plan designation and zoning from its current status to GC and CC would diversify the economic base in the City of Albany by allowing the parcel to accommodate new zoning and allow the building to house a viable business to operate and grow the economic base of the City of Albany. Changing the Comprehensive Plan and zoning designations so that they are consistent with the structure on the property would provide the most supportive environment for the development and expansion of desired businesses. Finally, having a successful business in such a prominent location would contribute to Albany's positive economic, social, and cultural image throughout the state.

Statewide Planning Goal 9: Economy-Public Infrastructure (Chapter 3)

Goal 1: Ensure that new industrial and commercial development is located in areas that can be adequately served by public infrastructure.

- 1.8 The subject property is presently served by public infrastructure. Any future development will have access to public services.

Statewide Planning Goal 12: Transportation (Chapter 5)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

- 1.9 The facts surrounding the transportation system are more fully addressed in the TPR Analysis completed by Ferguson and Associates, Inc. The TPR Analysis found that the allowable land uses under the CC zone would produce similar levels of trip generation to the NC zone and would cause no further degradation to the transportation system. In fact, the primary



difference found between the two zones is that business occupying larger footprints would be allowed with the CC zone and the allowed uses for large footprint business typically have lower trip generation rates than for the high generating uses allowed in both zone destinations.

According to the City of Albany's Transportation System Plan (TSP), all signalized intersections under the City of Albany's jurisdiction currently operate at a Level of Service (LOS) "D" or better. This includes the three intersections nearest to the Subject Property: at Queen Avenue and Hill Street, Queen Avenue and Geary Street, and Queen Avenue and Waverly Drive, all of which are signalized. The Queen/Hill intersection operates at a LOS B, Queen/Geary intersection operates at a LOS B, and the Queen/Waverly intersection operates at a LOS C. The TSP also identifies improvements necessary to accommodate anticipated development through the year 2030. The TSP does not identify any capacity or level of service problems occurring adjacent to the Subject Property.

The proposed change is consistent with Goal 12 and will not hinder the City of Albany in providing an efficient transportation system that provides for the local and regional movement of people and goods. It will not hinder the City of Albany's goal of providing a safe transportation system that ensures mobility for all community members and providing alternatives to automobile travel.

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: 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 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.

- 1.10 The subject property is in an area which if revitalized could potentially be classified as infill development, according to the applicant. The property is fully serviced with City of Albany water, sanitary sewer, storm drainage, and police and fire service. Transit service is available approximately 950 feet from the building on the Subject Property at the Queen and Geary Street intersection. A revitalized business in this location would further the City's goal of

achieving a desirable and efficient land use pattern. Additionally, it would encourage the use of an already-serviced currently unoccupied parcel.

Conclusions

1.1 In response to Criterion 3(a), the requested Comprehensive Plan map designation for the site (GC) has been evaluated against relevant Comprehensive Plan policies. Policy 10 (above) refers to the size and type of future community commercial sites and how the proposed zone of Community Commercial (CC) is one of four implementing zones of the proposed GC plan designation. Policy 10 explains how future community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible by the service area. In response to this statement, the subject property is found to be easily accessible. Additionally, where Policy 10 explains how future 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, the provided traffic impact analysis shows how the impact of the proposed zone change (CC as shown to implement the proposed GC plan designation) would have no significant impact to the existing transportation system. For the reasons stated above, the criterion is found to be met.

Criterion 3(b)

The requested designation is consistent with any relevant area plans adopted by the City Council.

Finding of Fact

2.1 "Relevant area plans" as used here means land use plans. For example, the City has relevant area plans for areas such as North Albany and South Albany. There are no relevant area plans for the area where the subject property is located.

Conclusions

2.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

Criterion 3(c)

The requested designation is consistent with the Comprehensive Plan Map pattern.

Finding of Fact

3.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning," provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.

- 3.2 Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, “Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.” Other Plan policies support locating goods, services, and employment close to the area intended to serve; and protecting natural resources and cultural assets.
- 3.3 Currently, the Comprehensive Plan Map pattern in the vicinity of the subject property is a patchwork consisting of Low Density Residential (LDR), Medium Density Residential (MDR), and Light Commercial (LC). The land to the east and west of the subject property has a Comprehensive Plan designation of Light Commercial (LC). To the north, across Queen Avenue, is residential single-family development. To the west and south, across Hill Street and 19th Avenue, are a mix of public, institutional, and residential single-family development.
- 3.4 The proposed Plan amendment would change the designation of ±2.25-acres from LC to General Commercial (GC), which would be buffered from the surrounding Low and Medium Residential Districts by the Light Commercial District.
- 3.5 Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- 3.6 The proposed Comprehensive Plan Map amendment and zone change would reflect the transitional aspect between the higher commercial land uses that typically take place at the intersections of higher volume arterial roadways and the less intensive residential neighborhood typically located on lower volume roadways and non-signalized intersections.
- 3.7 The closest properties having the General Commercial Comprehensive Plan Map designation to be located approximately quarter mile east at the intersection of Geary Street and Queen Avenue, both streets of which are designated arterial streets in Transportation System Plan. Similar to that intersection, Queen Avenue is designated as an arterial street and Hill Street is designated as a Major Collector along the frontage of the subject properties.

Conclusions

- 3.1 Albany Comprehensive Plan does not describe a specific pattern for evaluating Comprehensive Plan map amendments. The predominant map pattern for this location is Light Commercial (LC), Low Density Residential (LDR) and Medium Density Residential (MDR). As the Comprehensive Plan Map shows the proposed GC designation is applied to properties located approximately quarter mile east (at the intersection of Geary Street and Queen Avenue). A similar pattern with respect to the subject properties as both are located along two intersecting streets classified as arterial according to the Transportation System Plan. Staff, therefore, conclude that the criterion is met.

Criterion 3(d)

The requested designation is consistent with the statewide planning goals.

Finding of Fact

4.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals. The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

Conclusions

4.1 The requested GC designation for this site is consistent with the Statewide Planning Goals. Therefore, this criterion is met.

III. Quasi-Judicial Zoning Map Amendments (ADC 2.740)

Section 2.740 of the Albany Development Code (ADC) includes the following review criteria, which must be met for the concurrent Zoning Map Amendment application to be approved.

Criterion 1

The proposed based zone is consistent with the Comprehensive Plan Map Designation for the entire subject area unless a Plan map amendment has also been applied for.

Finding of Fact

- 1.1 The application request includes a proposal to change the zoning of ±2.25 acres from Neighborhood Commercial (NC) to Community Commercial (CC) district.
- 1.2 The current Comprehensive plan map designation of the subject site is Light Commercial (LC). The proposed CC zoning is not consistent with LC Plan designation of the site. Therefore, a concurrent request to change the Comprehensive Plan Map designation from LC to General Commercial (GC) has been submitted.
- 1.3 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the CC zone designation is consistent with the proposed GC designation of the property.

Conclusions

- 1.1 A concurrent application for a Comprehensive Plan Map amendment to GC has been submitted with this application. The proposed CC zoning is consistent with the GC designation. This criterion is satisfied, provided that the amendment to the Comprehensive Plan Map is approved.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses permitted under the



proposed zone designation.

Finding of Fact

- 2.1 The site is located on the southeast corner of Queen Avenue and Hill Street. The application would change the zoning of the subject property from Neighborhood Commercial (NC) to Community Commercial (CC). The site is currently developed with a 1,958 square foot restaurant and 29,079 square foot multi-tenant commercial building.
- 2.2 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a “significant affect” occurs and must be mitigated if a proposed zone change would result in an existing or planned transportation facility either failing to meet an adopted performance standard or degrading the performance of an already failing facility. The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that if there is a small increase in daily traffic (less than 400 trips) between the existing plan and proposed amendment, it can be determined that the proposed zone change will cause “no further degradation” to the surrounding roadway network.
- 2.3 The application included a TPR Analysis. The analysis was performed by Ferguson and Associates, Inc. and is dated February 14, 2022. The analysis evaluated the incremental difference in trip generation that would result from site development under the current NC zone designation with development under the requested CC designation. The NC zone designation limits new retail uses to 5,000 square feet.
- 2.4 The reasonable worst case uses assumed for site development under the existing NC zone designation included a mix of 5,000 square foot uses with a total area equaling the size of the existing building on the site. Assumed uses included: convenience marked, fast-food with drive-thru, drive-in bank, and liquor store. Based on ITE trip generation rates, that combination of uses would generate a total of 9,856 net vehicle trips per day. Of those, 871 would occur during the peak PM traffic hour.
- 2.5 The reasonable worst-case use assumed by the TIA for site development under the requested CC zone designation included a gas station with convenience store and a large gas station with convenience store. Based on ITE trip generation rates, a large gas station with convenience store would generate a total of 6,915 net vehicle trips per day. Of those, 538 during the peak PM traffic hour.
- 2.6 Based on the study results, development of the site under the requested CC zone designation would result in a decrease of 2,941 average daily trips beyond what could be expected to occur under the existing NC zone designation. The number of expected PM peak hour trips would decrease by 333.
- 2.7 Because the net increase in daily trips that would result from the zone change is less than the 400-trip threshold identified in the OHP, the TPR analysis concluded that the requested change could be approved without having any significant effect on the transportation system.

Conclusions

- 2.1 The proposed zone change would change the zone designation of the site from NC to CC.
- 2.2 The TPR requires that zone changes be evaluated to see if the vehicle trip generation that could occur under the new zone designation is more than could have occurred under current designation, and if so, if the additional trips would result in a “significant affect”.
- 2.3 The TPR refers to Action 1F.05 in the Oregon Highway Plan, which states that small increases in daily traffic (less than 400 trips) between the existing plan and a proposed amendment can be determined to cause “no further degradation” to the surrounding roadway network.
- 2.4 A TPR Analysis submitted by the applicant estimated that a reasonable worst-case development under the requested zone designation would generate fewer daily trips on the transportation system. Because the additional trips are less than the maximum p.m. peak hour traffic for the existing NC zone using the maximum outright permitted scenario the analysis concluded that change in potential site trip generation would not have a significant effect on the transportation system.
- 2.5 This criterion is satisfied.

Criterion 3

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

Finding of Fact

Sanitary Sewer

- 3.1 City utility maps show a 12-inch public sanitary sewer main running east/west through the property, a 6-inch public sanitary sewer main in the Queen Avenue right-of-way, and a 12-inch public sanitary sewer main in the Hill Street right-of-way. The property is currently served by a sewer service lateral that is connected to the public main running through the subject property.
- 3.2 While different types of commercial development can have much different wastewater discharge characteristics, the City’s Wastewater Facility Plan does not distinguish between different types of commercial developments when estimating the wastewater discharge from those uses for design purposes. The City’s Wastewater Facility Plan does not indicate significant deficiencies downstream of the subject property and the system should be adequate for commercial development in either the Light Commercial designation or the General Commercial designation.

Water

- 3.3 City utility maps show a 12-inch public water main in the Queen Avenue right-of-way, 24-inch public water main in the Hill Street right-of-way, and a 30-inch public water main in the



18th Avenue right-of-way. The existing building on the property is connected to the public water system.

- 3.4 Public water system design and adequacy are typically dictated by the fire flow needs within an area or zone. The City of Albany groups all commercial uses in the same fire flow requirement category (3,500 gpm minimum), so the proposed comprehensive plan change would not affect the overall water needs of the site. Further development on the site could necessitate the installation of additional fire hydrants, but that would likely be the case for development for either comprehensive plan designation.

Storm Drainage

- 3.5 City utility maps show a 12-inch public storm drainage main in the Queen Avenue right-of-way and 10-inch public storm drainage main in the Hill Street right-of-way.
- 3.6 Storm water runoff from a development is generally dependent on the total area of impervious surfaces on the property. The Albany Development Code determines the maximum amount of "lot coverage" (buildings and parking areas) in any particular zone. The greatest percentage of lot coverage that would be allowed within a zone permitted in the Light Commercial Comprehensive Plan designation would be 80% (NC zone – see ADC 4.090 Table 4-2). The greatest percentage of lot coverage that would be allowed within a zone permitted in the General Commercial Comprehensive Plan designation would be 90% (CC zone – see ADC 4.090 Table 4-2). Therefore, a change from Light Commercial to General Commercial Comprehensive Plan designation would allow for development that may result in a slightly higher amount of storm water runoff.

Schools

- 3.7 The property is currently zoned for neighborhood commercial development. The requested zone change to CC would have no impact on the number of children attending school in this area.

Police and Fire Protection

- 3.8 The Albany Police Department and Fire Department provide services to all development in Albany, whether it is residential or commercial.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed NC zoning district.
- 3.2 This criterion is satisfied.

Criterion 4

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



Finding of Fact

- 4.1 The current zone of the subject property is Neighborhood Commercial (NC) and the proposed zone for the property is the Community Commercial (CC).
- 4.2 Prior to being zoned NC, the subject property was zoned C-2 (Local Business) District until 1977, when it was zoned C-1 (Neighborhood Commercial) District. The zoning remained C-1 (Neighborhood Commercial). At the time it was approved, there was no maximum building size in the district; however, businesses were still supposed to cater to nearby residents in convenient locations. The zoning designation changes from C-1 to NC by 1998, but the name of the district continued to be "Neighborhood Commercial."

Zoning District Purposes

- 4.3 According to Section 4.020(2) of the Albany Development Code, the NC (Neighborhood Commercial) District is "intended primarily for small areas of retail establishments serving nearby residents' frequent needs in convenient locations. The NC District is typically appropriate for small clusters or service centers located at intersections within residential neighborhoods. Businesses should fit into the residential pattern of development and not create land use, architectural or traffic conflicts. Generally, uses located within NC Districts should have as their primary market area the population within a one-half mile radius."
- 4.4 Allowable uses that are permitted in the NC district include traditional offices, restaurants, small-scale retail sales and services that are convenience or personal services-oriented, community services, and single-family and two-family dwelling units. Taverns, bars, drive-thru restaurants, daycare centers, religious institutions and assisted living facilities are allowed conditionally.
- 4.5 According to Section 4.020(3) of the Albany Development Code, the CC (Community Commercial) District "recognizes the diversity of small to medium-scale businesses, services and sites mostly located on arterial streets and highways. Design guidelines, building location and front-yard landscaping will provide a coordinated and enhanced community image along these major transportation corridors as they develop or redevelop. Sound and visual buffers should be used to mitigate impacts on nearby residential areas." It is noted that both Grand Prairie Road and Geary Street are classified as minor arterials.
- 4.6 Allowable uses that are permitted in the CC district include some small-scale manufacturing activities, indoor and outdoor entertainment and recreation, offices, restaurants including drive-thru, retail sales and service, self-serve storage, taverns and bars, religious institutions, vehicle repair, vehicle service, and parking lots. Uses allowed conditionally include recycling centers, RV parks, schools, parks, assisted living, telecommunications towers, and community services.
- 4.7 The applicant asserts that the subject property is more consistent with the CC zoning designation. The subject properties which are located at the intersection of two high volume streets which are both partially improved and could be further developed and/or



redevelopment with a small to medium-scale business or service. The building either now complies or will comply with all relevant design guidelines to enhance the community's image along these transportation corridors at such time the site is further developed. Buffers are in place to mitigate impacts to nearby residential areas. The property in its current state is better suited for the CC zone.

- 4.8 The Findings and Conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment are included here by reference. In summary, those findings found that the proposed map amendments on the subject property were, on balance, more supportive of listed Plan policies.

Conclusions

- 4.1 The CC zone best satisfies the applicable goals and policies of the Albany Comprehensive Plan.
- 4.2 This criterion has been met.

Criterion 5

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

Finding of Fact

- 5.1 Albany's Transportation Plan (TSP) was developed with the assumption that this site would be occupied by commercial uses. The proposed zone change is consistent with and does not alter that assumption.
- 5.2 The proposed zone change will not result in any changes to the road system and will not alter the transportation pattern in the TSP.
- 5.3 The TSP does not identify any capacity or level of service problems associated with the proposed Zone Map amendment.
- 5.4 There are no other applicable City-contracted or funded land use or transportation plan or study that applies to the subject area.

Conclusions

- 5.1 There are no applicable land use or transportation plans or studies for this area.
- 5.2 The proposal is in accordance with the land use and transportation pattern in the TSP.
- 5.3 This criterion is met.

IV. Overall Conclusion

Based on the analysis in this report, the proposed Comprehensive Plan Map Amendment from LC to GC concurrent with the Zoning Map Amendment from NC to CC meets all the applicable review criteria as outlined in this report.

V. Attachments

- A. Trip Generation and TPR Assessment Memo, dated February 14, 2022, Ferguson and Associates, Inc.
- B. Reference Map

VI. Acronyms

ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
C-1	Neighborhood Commercial (now called "NC")
C-2	Local Business District (no longer used)
CC	Community Commercial Zoning District
DLCD	Oregon Department of Land Conservation and Development
GC	General Commercial Comprehensive Plan Designation
ITE	Institute of Transportation Engineers
LC	Light Commercial Comprehensive Plan Designation
LDR	Low Density Residential Comprehensive Plan Designation
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
MDR	Medium Density Residential Comprehensive Plan Designation
NC	Neighborhood Commercial Zoning District
ODOT	Oregon Department of Transportation
OHP	Oregon Highway Plan
RC	Regional Commercial Zoning District
RM	Residential Medium Density Zoning District
RMA	Residential Medium Density Attached Zoning District
ROW	Right of Way
TIA	Traffic Impact Analysis
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
V/C	Volume to Capacity



February 14, 2022
#01688

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RE: TRIP GENERATION FORECAST FOR THE PURPOSE OF SCOPING A TRAFFIC STUDY– ALBANY, OREGON

INTRODUCTION

As requested we have prepared this trip generation letter presents p.m. peak hour and daily trip-generation forecasts for a variety of scenarios for a proposed rezone of a property located at 1016 Queen Ave SE, Albany, Oregon (tax map lot 11S03W07DD 03700.) The scenarios presented herein include:

1. Trip Generation for current and historical land uses in the existing buildings;
2. Trip Generation for a maximum reasonable buildout scenario using outright permitted uses for the existing Neighborhood Commercial (NC) zone; and,
3. Trip Generation for a maximum reasonable buildout scenario using outright permitted uses for the proposed Community Commercial (CC) zone.

The purpose of this letter is to provide sufficient information to allow the City to both come to agreement on the trip generation assumptions and to develop a scope of work for any traffic studies that may be required to address the requirements of the Oregon Transportation Planning Rule (TPR) that must be addressed for Plan and Land Use Regulation Amendments in as detailed in OAR 660-012-060.

There is not a specific development proposal envisioned at this time. The primary reason for the change would be to allow for the type of historical uses which have been used in existing buildings should there be a change of tenants. Without the change, new tenants would be limited to a maximum of 5,000 square feet in the existing building.

EXISTING USES

The property is approximately 2.25 acres and is located on the southeast corner of SE Queen Avenue and SE Hill Street. (The applicant noted that the County Assessors listed acreage is incorrect.) There are two existing buildings on the sight, a 1,958 square foot restaurant (La Roca) and a large 29,079 square foot building with a variety of tenants. The larger building was built in 1960 as a grocery store.

The property does not include "Pizza Now" which is located on a ¼ acre parcel in the northwest corner of the block.

There are 114 parking spaces on the site at this time.

The fitness center has been there since 1995.

Current uses are listed below:

- Convenience Store: 5,767 square feet
- Martial Arts Study (fitness) 3,971 square feet
- D&B Custom Shirt Works (use uncertain): 759 square feet
- Vicky's Hair Salon: 832 square feet
- Fitness Experience: 17,750 square feet
- Restaurant: 1959 square feet

TRIP GENERATION FOR EXISTING USES

The trip generation for the existing uses was estimated using the trip generation rates found in the current edition of ITE's Trip Generation Manual (ITE 2021). These rates are shown in Table 1. It was not clear what the Custom Shirts Works operation was, so for the purposes of this preliminary report, strip-mall rates were used.

Table 1– Trip Generation Rates for Existing and Historic uses

ITE Land Use & Code	Ind. variable	Trip Ends Rate		In/Out Split		Passby Percent
		(trips per t.s.f)		(percent)		
		PM Peak Hour	Daily	PM Peak Hour	Daily	
Convenience Store 851	t.s.f.	49.11	762.28	51/49	50/50	0%
Health/Fitness Club 492	t.s.f.	3.45	NA	57/43	50/50	0%
Hair Salon 918	t.s.f.	1.45	NA	17/83	50/50	0%
Strip Retail Plaza (<40k) 822	t.s.f.	6.59	54.45	50/50	50/50	0%
High Turnover/Sit Down Rest. 932	t.s.f.	9.05	107.20	61/39	50/50	43%
Supermarket 850	t.s.f.	8.95	93.84	50/50	50/50	36%

The forecast trip generation for the existing uses is 381 p.m. peak hour trips and 5,409 daily trips, as shown in Table 2. The martial arts gym square footage was lumped into the fitness center square footage, since there are comparable uses. Since daily trip rates were not available for a fitness club nor for a hair salon, it was assumed that daily trips would be 10 times the p.m. peak hour rate.

Table 2– Trip Generation Estimate for Existing Uses

ITE Land Use	Size	PM Peak Hour Trip Ends			
		In	Out	Total	Daily
Convenience Store 851	5.767 t.s.f.	144	139	283	4,396
Health/Fitness Club 492	21.721 t.s.f.	43	32	75	749
Hair Salon 918	0.832 t.s.f.	0	1	1	12
Strip Retail Plaza (<40k) 822	0.759 t.s.f.	3	3	5	41
High Turnover/Sit Down Rest. 932	1.958 t.s.f.	11	7	18	210
Total		201	181	382	5,409

The trip generation for historical uses (a grocery store) is 260 p.m. peak hour trips and 2,729 daily trips, as shown in Table 3.

Table 3– Trip Generation Estimate for Historic use

ITE Land Use	Size	PM Peak Hour Trip Ends			Daily
		In	Out	Total	
Supermarket 850	29,079 t.s.f.	130	130	260	2,729

DIFFERENCES BETWEEN NC ZONE AND CC ZONE

The highest generating outright permitted uses in these categories of commercial zones would be retail. The high generating retail categories in both NC and CC zones are mostly the same except:

1. Business sizes are limited to 5,000 square feet in the NC zone;
2. Drive-through fast-food is a conditional use in the NC zone;
3. Gas stations are allowed in the CC zone

These high generating commercial uses include land uses such as convenience stores, fast food, restaurants, and banks. These uses are allowed in both. And while fast-food with a drive-up window is a conditional use in an NC zone, there is effectively no difference in the trip rates between no-drive-through and with-drive-through fast food in the latest edition of the Trip Generation Manual. Also, these uses tend to be smaller in size. It is an exception to see a fast-food restaurant larger than 5,000 square feet. The same is true with a bank or a convenience store. As such there is no effective difference in the maximum trip generation for outright permitted trip uses between NC and CC zones (for these higher-generating uses). Larger business would be allowed in the CC zone; however, the kind of uses that are larger than 5,000 square feet include uses such as grocery stores or fitness clubs; however, these also have lower trip generation rates. A trip forecast is shown in the next section for this high-generating uses that would be allowed in both zone designations.

The only outstanding difference between the two zone designations is that a gas station would be allowed in a CC zone. This is addressed separately below.

TRIP GENERATION POTENTIAL WITH EXISTING (NC) ZONE

For the purposes of forecasting trip generation, it was assumed that the current building density is about all that the site could handle. The existing floor area ratio is above 30 percent, which is high for retail uses. Sticking with this density, about 30,000 square feet of building could be accommodated on the property. To calculate the maximum trip generation, it was assumed that the following could be built:

- 2- 5,000 square foot banks
- 2 - 5,000 square foot fast food restaurants
- 1 - 5,000 square foot convenience store.
- 1 – 5,000 square foot liquor store.

The trip rates for these uses are shown below in Table 4.

Table 4– Trip Generation Rates High Generation Land Uses (NC Zone)

ITE Land Use & Code	Ind. variable	Trip Ends Rate		In/Out Split		Passby Percent
		PM Peak Hour	Daily	PM Peak Hour	Daily	
Drive-in Bank 912	t.s.f.	21.01	100.35	61/39	50/50	35%
Fast Food w/o Drive Thru 933	t.s.f.	33.21	450.49	61/39	50/50	0%
Fast Food with Drive Thru 934	t.s.f.	33.03	469.48	61/39	50/50	50%
Convenience Store 851	t.s.f.	49.11	762.28	51/49	50/50	0%
Liquor Store 899	t.s.f.	16.62	107.21	50/50	50/50	0%

The resulting trip generation would be for 871 p.m. peak hour trips and 9,856 daily trips, as shown in Table 5. Of course it is likely that there would also be some less intensive generators. But the likelihood of that is the same no matter the zone designation, so it is a fair comparison.

Table 5- Trip Generation Maximum of NC Zone

ITE Land Use	Size (units)	PM Peak Hour Trip Ends			Daily
		In	Out	Total	
Drive-in Bank (two) 912	10 t.s.f.	128	82	210	1,004
Fast Food w/o Drive Thru (two) 933	10 t.s.f.	203	130	332	4,505
Convenience Store 851	5 t.s.f.	125	120	246	3,811
Liquor Store 899	5 t.s.f.	42	42	83	536
TOTAL		498	373	871	9,856

TRIP GENERATION POTENTIAL WITH PROPOSED (CC) ZONE

The land uses permitted outright under the proposed zone that have a high trip generation potential include all those with one exception: a gas station. It was found, as demonstrated below, a gas station with a convenience store would not exceed the trip generation of a composite of high generating uses. It was assumed that the site could accommodate a very large gas station with 16 to 24 pumps and a 6.3 t.s.f. convenience store (the largest convenience store in shown in the ITE data set for gas stations with 16 to 24 fueling positions) – or, with a 5.5 to 10.0 t.s.f. convenience store with 20 fueling positions (the largest observed number of fueling positions in the ITE data set for stations with convenience stores in the range of 5.5 to 10.0 t.s.f.). The trip rates for both independent variables are shown below in Table 6.

Table 6- Trip Generation Rates for Gas Stations with Stores

ITE Land Use & Code	Ind. variable	Trip Ends Rate		In/Out Split	
		(trips per t.s.f)		(percent)	
		PM Peak Hour	Daily	PM Peak Hour	Daily
Conv. Store/Gas Station 945 GFA (5.5-10k)	Fuel. Position	26.90	345.75	50/50	50/50
Conv. Store/Gas Station 945 VFP (16-24)	t.s.f.	78.95	1283.38	50/50	50/50

The highest resulting forecast p.m. peak hour forecast was for 538 p.m. peak hour trips which corresponded to a daily trip generation of 6,915 daily trips, as shown in Table 7.

Table 7– Trip Generation Forecast for Large Gas Station with Store

ITE Land Use	Size (units)	PM Peak Hour Trip Ends			Daily
		In	Out	Total	
Conv. Store/Gas Station 945 GFA (5.5-10k)	20 Fuel. Position	269	269	538	6,915
Conv. Store/Gas Station 945 VFP (16-24)	6.3 t.s.f.	249	249	497	8,085

It is difficult to estimate how much space a large gas station would need, considering circulation patterns, access, site shape, parking requirements, etc. But it was assumed that there might also be room to fit a fast-food restaurant on the site as well as a super-sized gas station. If a 5,000 square foot fast food restaurant was also squeezed onto the site, the resulting trip generation for the p.m. peak hour would be 332 p.m. peak hour trips higher (see Table 5) for a total p.m. peak hour trip generation forecast of 870 p.m. peak hour trips.

In short, very large gas station with a very large convenience store plus a fast-food restaurant on the site would generate about the same amount of traffic as the maximum p.m. peak hour traffic for the existing NC zone using the maximum outright-permitted use scenario. (870 vs 871 p.m. peak hour trips.)

FINDINGS

This preliminary assessment demonstrates that there the change to an CC zone from a NC zone would not significantly change the trip generation potential of the site. The primary differences between the two zones is that business occupying larger footprints would be allowed with the CC zone; however, the allowed uses for large footprint business typically have lower trip generation rates than for the high-generating uses allowed in both zone destinations. As such, the trip generation potential would not increase with the zone change. A very large gas-station convenience store complex was also examined. A side from the improbability of this large of a gas station occurring at this location, the trip generation of this scenario would not exceed the trip generation maximum outright-permitted-use scenario under the existing NC zone.

It is trusted that the information provided herein will give the City sufficient information to react to the assumptions made and will assist with a decision on any next steps required by the City to address the requirements of the Oregon Transportation Planning Rule.

* * * * *

Please feel free to contact us at your convenience if you have any questions or comments. Also, we would be happy to discuss this report with the City informally if such a conversation might help resolve any differences more easily.

Very truly yours,

FERGUSON & ASSOCIATES, INC.

Scott Ferguson, PE

Attachments: Figure 1



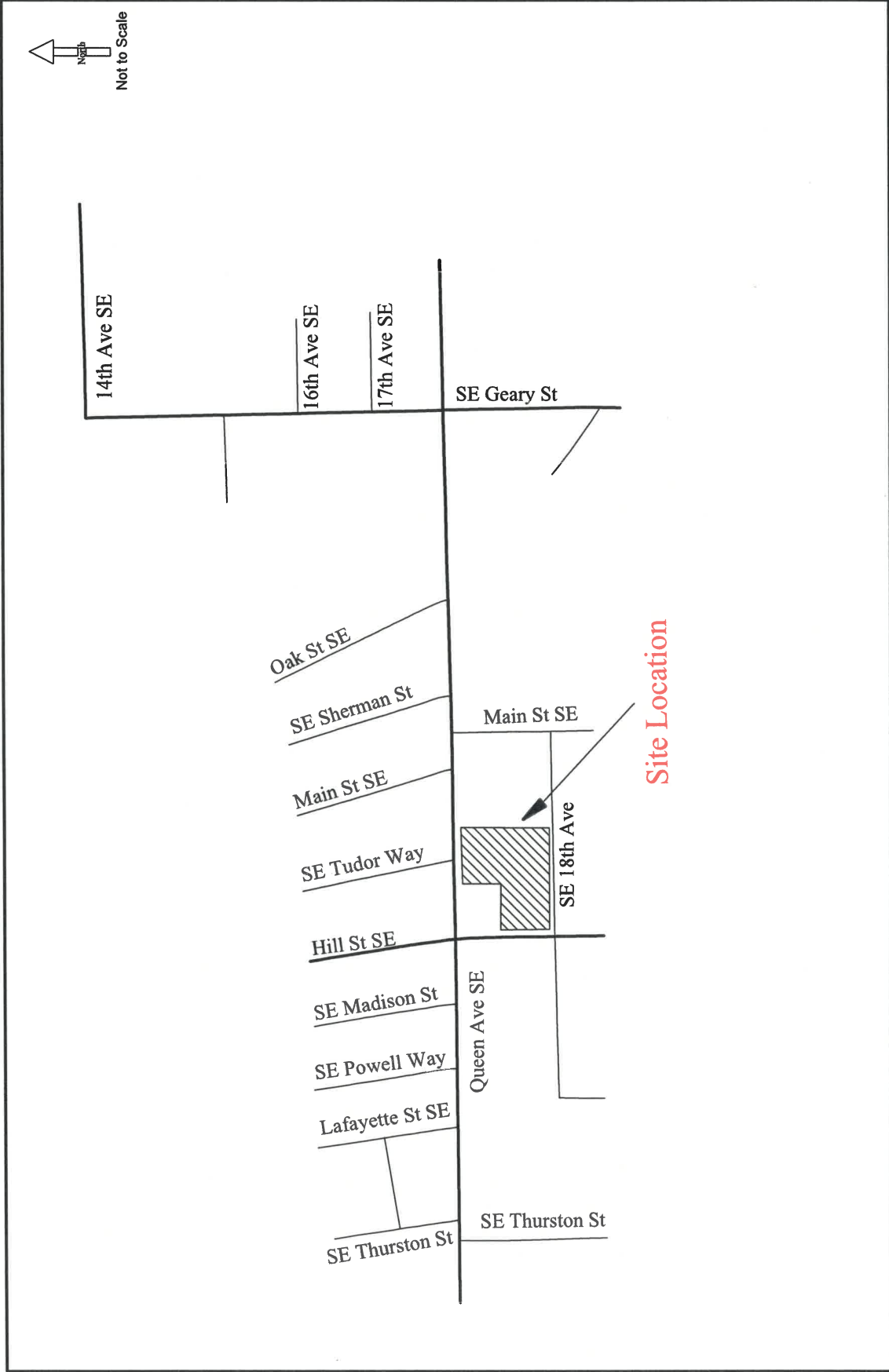


Figure 1

Ferguson & Associates, Inc.

Site Location
Queen Ave. Rezone - Albany, Oregon

#01688
February 11, 2022