

ORDINANCE NO. 5375

AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY IDENTIFIED AS A PORTION OF LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-20AC; TAX LOT 200.

WHEREAS, the City of Albany Planning Commission recommended approval of the proposed Zoning Map amendment based on evidence presented in the staff report and at the public hearing for City of Albany File ZC-01-98; and

WHEREAS, the Albany City Council held a public hearing on this amendment on July 22, 1998.

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

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

Section 2: The Zoning Map designation of 7.39 acres of an 8.82-acre land parcel is hereby changed from NC (Neighborhood Commercial) to: 2.78 acres of RS-5 (Residential Single Family) and 4.61 acres of RM-5 (Residential Limited Multiple Family)

Section 3: A legal description of the areas on which the zoning will be changed and a map showing the amendment to the Zoning Map are attached as Exhibits "B-1" and "B-2."

Section 4: A copy of the areas on which the zoning will be changed and the map showing the amendment to the zoning map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 5: A copy of the legal description of the areas on which the zoning will be changed and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

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

Passed by the City Council: July 22, 1998

Approved by the Mayor: July 22, 1998

Effective Date: July 22, 1998


Mayor

ATTEST:


City Recorder

FINDINGS DOCUMENT

FINDINGS OF FACT**Zoning Map Amendment File ZC-01-98**

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

FINDINGS OF FACT

- 1.1 The applicants propose to change the zoning designation of 7.39 acres of an 8.82-acre land parcel. The entire parcel is now zoned NC (Neighborhood Commercial). The applicants propose to change the zoning of 2.78 acres to RS-5 (Residential Single Family) and to change the zoning of the other 4.61 acres to RM-5 (Residential Limited Multiple Family). The other 1.43 acres would remain zoned NC (Neighborhood Commercial). For the purposes of this review, the 7.39 acres that are the subject of the proposed zone change will be referred to here as the "subject property."
- 1.2 The Comprehensive Plan map designation for the 7.39 acres is Light Commercial. The "Plan Designation Zoning Matrix" on Page 131 of the Comprehensive Plan shows that R-1 and R-2 zoning is "R" (restricted or subject to special regulation such as Zone Changes). R-1 and R-2 zoning are the designations that correspond to the present RS-5 and RM-5 designations.
- 1.3 The special regulation that is applicable to the proposal to change the zoning in this situation is the zone change, which is the subject of the application reviewed here.

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

FINDINGS OF FACT

- 2.1 The subject property has frontage on Columbus Street, Del Rio Avenue, and Waverly Drive. Columbus Street is classified as a Minor Collector street in the City's Transportation System Plan (TSP, Functional Street Classifications, Figure 5.1.1-1). Del Rio Avenue is classified as a Minor Collector street, and Waverly Drive is classified as a Minor Arterial.
- 2.2 The area proposed to be zoned as RS-5 has frontage on Del Rio Avenue. The RS-5 land can be developed with lots for single-family use only. Each lot is allowed a driveway to Del Rio Avenue. The area proposed to be zoned RM-5 has access to Columbus Street and Waverly Drive. RM-5 land can be developed as single-family residential, multi-family residential, and/or "mini-warehouses." The NC land that would remain has access to Del Rio Avenue and Waverly Drive.
- 2.3 Columbus Street is not constructed to city standards along the frontage of the property south of Del Rio Avenue, but is constructed to city standards north of Del Rio Avenue except for a sidewalk on the west side of the street. South of Del Rio Avenue, Columbus Street is about 30 feet wide, with one lane in each direction, no curb and gutter, and no sidewalks. Improvements north of Del Rio Avenue include a traffic lane in each direction, a sidewalk on the east side of the street. Columbus Street dead-ends at the railroad tracks that run along the southern boundary of the subject property. The development to the east across Columbus Street from the subject property has access only to Del Rio Avenue, so the only traffic on this

section of Columbus Street would come from the subject property if an access is constructed. Street improvements may be needed if an access is constructed at the time the property is developed.

- 2.4 Waverly Drive is constructed to city standards. Improvements include a travel lane in each direction; a two-way center left turn lane; bike lanes; and curb, gutter, and sidewalk. A traffic count taken in November of 1994 counted 7,687 vehicle trips per day.
- 2.5 Del Rio Avenue is constructed to city standards with the exception of a sidewalk along the frontage of the subject property. A traffic count taken in November of 1994 counted 1,249 vehicle trips per day. The street has a travel lane in each direction and curb and gutter. Bike lanes are not currently striped, but sufficient pavement width exists for their installation. At the time development is proposed on the property, a condition of approval will be construction of the sidewalk along the property's Del Rio Avenue frontage.
- 2.6 The applicant did not submit a traffic study with the application, but they did estimate the impact of traffic from both neighborhood commercial and residential development on the transportation system. The applicants' estimates overestimate the amount of neighborhood commercial development that could take place on the property, but their conclusions are the same as those of the City's transportation engineer.
- 2.7 Staff has estimated traffic volumes that would be generated by development of either neighborhood commercial and residential uses on the property, using the Institute of Transportation Engineers Trip Generation Guidelines.

Under the current NC zoning, approximately 65,000 square feet of neighborhood commercial space could be developed on the property - about 20% of the land area. (In 1979, a site plan was approved for development of about 40,000 square feet of small shops on the property and a 24,000 square foot market.) Staff estimates that this development would generate 2,640 vehicle trips per day.

If the zoning is changed as proposed by the applicants, approximately 50 2-bedroom apartment units and 24 single-family homes could be developed on the property. The apartments would generate approximately 159 vehicle trips per day, and the single-family homes would generate about 230 trips per day, for a total of 389 vehicle trips per day. This is considerably less than the number of trips that would be generated by neighborhood commercial development.

- 2.8 Although the Bonneville Power Administration easement occupies some of the property and no structures can be built in this area, it may be possible to locate required parking in this area and place the structures on the remaining property. Theoretically, as many as 60 units could be located on the property (based on 3,300 square feet of land required for each unit), but because of the irregular shape of the land, the number has been reduced for the purpose of this discussion.
- 2.9 It is possible that development on the property, together with increasing traffic volumes on Waverly Drive and future development between Shortridge Street and Interstate 5, will create the need for a traffic signal at the intersection of Waverly Drive and Del Rio Avenue. Development proposals on the subject property, and other properties that contribute more than 50 peak hour trips to the intersection, will be required to do traffic impact studies to verify the capacity of the intersection, and participate in construction of a traffic signal when one is warranted.

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

FINDINGS OF FACT

- 3.1 Water: Water utility maps show that there is an 8-inch main along the south side of Del Rio Avenue, an 8-inch main in Columbus Street, and a 12-inch main along the south side of Waverly Drive. The water system forms a complete loop around the subject property, with water mains of at least 8 inches in diameter in Del Rio Avenue, Waverly Drive, 48th Avenue, and Columbus Street. Adequate domestic and fire flows are available to serve either neighborhood commercial or residential development on the property.
- 3.2 Sanitary sewer: Sanitary sewer utility maps show there is a 12-inch public main along the Del Rio Avenue frontage of the subject property and a 36-inch public main along the Columbus Street frontage. The City's Wastewater Facility Plan identifies no deficiencies in the public sanitary sewer system in the area of the property.
- 3.3 Sanitary sewer: The 12-inch main to which development on the subject property would most likely be connected runs from the 36-inch main in Columbus Street to the east end of Del Rio Avenue. A parcel that is approximately 70 acres, which lies within the Urban Growth Boundary but outside the city limits, will be served by an extension of the 12-inch main. When annexed, it is expected that the 70-acre parcel will be zoned RS-6.5. The parcel could be divided into about 400 new lots. The 12-inch main currently serves about 65 homes. So, a total of about 465 homes would be served. Staff estimates the 12-inch sanitary sewer main can accommodate the wastewater from approximately 550-600 homes.
- 3.4 Storm drainage: Storm drain utility maps show that there is an 18-inch line along the north side of Del Rio Avenue, a 10-inch public main along the north half of the property's frontage on Waverly Drive, and a 12-inch line along the west side of Columbus Street. The City's Storm Drain Master Plan shows that a parallel 15-inch line is needed on Del Rio Avenue, from Davidson Court to Waverly Drive to provide the needed capacity for storm water runoff within the drainage basin.
- 3.5 Storm Drainage: Maximum allowable lot coverage (building and parking) for development in a Neighborhood Commercial (NC) zoning district is 70%. Maximum allowable lot coverage for development in RS-5 and RM-5 zoning districts is 60%. Development of the subject property with neighborhood commercial uses would likely produce more storm water runoff than development with residential uses, because a greater area of the property could be covered with structures and parking.
- 3.6 Storm Drainage: Where it is anticipated by the City Engineer that the additional run-off resulting from proposed development will overload an existing drainage facility, the development will not be approved until provisions have been made for adequate storm drainage (ADC 12.560). Development must employ drainage management practices approved by the City Engineer to minimize the amount and rate of surface water run-off into receiving streams or drainage facilities or onto adjoining properties (ADC 12.570).
- 3.7 Schools: The subject property is currently zoned NC (Neighborhood Commercial). Only single-family residential development is allowed in NC zones (with site plan review). So, if the zoning of 4.61 acres of the property is changed to RM-5 (Residential Limited Multiple Family), and the property is developed with a multi-family use, there could be an increase in the number of students living on the property and attending area schools. There could also be an increase in the number of students living on the 2.78 acres of the property which the applicants propose to change to RS-5 (Residential Single Family), because most NC land is not developed with single-family uses and no students live on that land. RS-5 land can be developed with single-family uses, so it is very likely students will live there. Students from future development on the subject property would now attend Oak Elementary, Calapooia Middle, and South Albany High Schools. Bus service is provided from this area to Oak Elementary and Calapooia Middle schools.

The 4.61 acres proposed to be zoned RM-5 could be developed with as many as 50 two-bedroom apartments. The 2.78 acres of the property which the applicants propose to zone RS-5 could be developed with as many as 24 single-family homes.

The Greater Albany School District calculates 0.39 school-aged children per household per single family residence and 0.17 school-aged children per household in multiple family units. Using these numbers, there would be 9 school-age children in the single family homes, and 9 children in the apartments that could be developed on the property if the zoning is changed as proposed by the applicants.

The Planning Division has provided notice of the subject application, and an opportunity for the school district to comment on the application. The school district has not submitted a response to this particular application. The school district typically does not respond to the Planning Division's notices of particular development proposals. The district and Planning Division staff have periodic discussions about development trends and potential impacts on schools, and the school district estimates future enrollment. It has been the past practice of the school district to add modular classrooms to accommodate increased enrollment, and/or adjust school boundaries, and we expect that practice to continue.

- 3.8 **Police and fire protection:** The Planning Division has provided notice of the subject application, and an opportunity for the Albany Police Department to comment. ADC 1.215 provides that "if the agency or City department does not comment within 10 days..., the agency or City department is presumed to have no comments or objections." The Police Department has not returned comments, so they are presumed to have no comments or objections.

The Planning Division has provided notice of the subject application, and an opportunity for the Fire Department to comment. The Fire Department responded that they have no comments at this time. Typically, the Fire Department does not comment until development is proposed on the property. There may be conditions of approval of development that relate to the water system and fire hydrants. These improvements are considered "anticipated" for the purposes of this review criterion, because they will be required as conditions of development approval.

(4) Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.

FINDINGS OF FACT

- 4.1 *Comprehensive Plan Plate 5: Floodplains* shows no floodplains on the subject property. FEMA/FIRM Community Panel No. 410137 0004 D (dated March 16, 1989) shows the subject property is in Zone X, an area determined to be outside the 500-year floodplain.
- 4.2 *Comprehensive Plan Plate 7: Slopes* shows no steep slope areas on the subject property. City of Albany topographic (planimetric) maps show that elevations on the subject property vary from 238 feet to 240 feet in elevation.
- 4.3 *Comprehensive Plan Plate 6: Wetland Sites* and the U.S. Department of Interior, Fish and Wildlife Service, National Wetland Inventory map (dated 1994) show no wetlands on the subject property. The Linn County Soils Survey of Linn County Area Oregon, prepared by the USDA Soil Conservation Service, shows that the property has hydric soil (Concord silty loam) on it, and there is standing water on the property on the date this staff report is written. Wetlands are identified by three characteristics: hydric soils, wetland hydrology, and hydrophytic vegetation. There may be wetlands on the property, so a wetland delineation will be required at the time development is proposed on the property.

- 4.4 *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* shows no areas of concern on the subject property. Vegetation on the property is primarily grass and low shrubs, but there are a number of deciduous trees approximately 30 feet in height.
- 4.5 *Comprehensive Plan Plate 9: Historic Districts* shows the subject property is not in a historic district. The City's Preservation Planner advises there are no known archaeological sites on the property.

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

FINDINGS OF FACT

- 5.1 The existing zoning map designation of the subject property is NC (Neighborhood Commercial). The applicants propose to change the designation to RS-5 (Residential Single Family) and RM-5 (Residential Limited Multiple Family).
- 5.2 The intent of residential zoning districts is to preserve land for housing. The Development Code preserves the character of neighborhoods by providing seven zones with different density standards.
- 5.3 The purpose of the RS-5 district is to provide land for low to moderate density single-family development. Development should occur at 8-10 units per acre [ADC 3.020(4)].
- 5.4 The purpose of the RM-5 district is to provide land for low to medium density multiple family development. Density should occur at 10-20 units per acre [ADC 3.020(5)].
- 5.5 The question that must be answered under this review criterion is whether using the subject property for low to moderate density single-family residential development and low to medium density multiple family residential development rather than for neighborhood commercial development "best satisfies the goals and policies of the Comprehensive Plan." This question is answered by evaluating both the existing zoning of the property and the proposed zoning against relevant Comprehensive Plan goals and policies.
- 5.6 The Comprehensive Plan (page 2) defines a goal as "a general statement indicating a desired end, or the direction the City will follow to achieve that end."

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

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

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

5.8 The following Comprehensive Plan goals and policies are relevant to this decision. (Each goal and policy will be listed, followed by findings of fact that relate to the policy.)

5.9 ***Goal 9: Economy - Economic Development, Goal 3, is to “Insure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany including commercial, professional, and industrial development.”***

Goal 9, Policy 1, is to “Provide opportunities to develop the full range of commercial, recreational, and professional services to meet the needs of Albany's residents and others.”

Goal 14 - Urbanization, Directing Growth, is to “Achieve stable land use growth which results in a desirable and efficient land use pattern.”

Goal 14 - Urbanization, Directing Growth, Policy 11, is to “Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve. Neighborhood commercial uses shall:

- a. Be located, designed, and operated so as to be compatible with surrounding residential uses.***
- b. Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve.***
- c. Be limited in number, size, and location. Generally, new sites shall be less than five acres in total area and shall be located at least one-half mile in travel distance from any other commercial site which provides or is available to provide for similar commercial needs. Zone change applications for new neighborhood commercial sites must demonstrate that the chosen site is superior or equal to viable alternative sites within the same market area based on exposure to traffic flows and other market indicators, accessibility and convenience to the market area, and compatibility with surrounding uses.”***

Goal 14 - Urbanization, Directing Growth, Policy 15 is to “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.”

5.10 The subject property was annexed to the city in 1976 as part of a 127-acre annexation. The subject 7.39-acre land area is part of an 8.82-acre parcel (Block 19 of Deerfield First Addition). Deerfield First Addition was approved in 1978. The entire 8.82-acre parcel was originally zoned R-2 (now called RM-5), but the zoning was changed to C-1 (now called NC) in January 1978 at the request of the property owner. A site plan for “Deerfield Village Center” was approved for development on the property in April 1979, but it was not built. The plan showed about 40,000 square feet of small shops along Del Rio Avenue and a 24,000 square foot market behind the shops on the rest of the property.

5.11 The applicants propose to change the zoning of 7.39 acres of the existing 8.82-acre parcel. Of the 7.39 acres proposed to be changed, 2.78 acres would be RS-5 (Residential Single Family) and 4.61 acres would be RM-5 (Residential Limited Multiple Family). The applicants propose to leave 1.43 acres of the 8.82 acres zoned NC (Neighborhood Commercial).

5.12 When the applicants first began discussions with the Planning Division regarding the proposed zone change, staff advised them that most likely, some of the 8.82 acres should be left zoned NC to provide the opportunity for development of neighborhood commercial uses to serve the residents of the surrounding neighborhood. Staff, however, was not able to advise the applicants how much of the land should be left as NC because a determination of the appropriate acreage of NC land is dependent on an

analysis of the spending habits of people in the neighborhood, and those of the residents who will live in the neighborhood when now-vacant land is developed.

- 5.13 The applicants were asked to do the analysis that is needed to determine how much of the 8.82-acre parcel should be left zoned NC. (It may seem more appropriate for staff to do the analysis, but given staff's workload, and the desire of the applicants to move forward with the proposed zone change, it was agreed that the applicant would do the analysis and staff would review it. The applicant has the burden of proof to show that the review criteria for approval of the zoning map amendment are met.)
- 5.14 Staff asked the Planning Advisory Service (PAS) to research literature on how the analysis should be done. PAS is a subscription research service of the American Planning Association (APA). PAS has a staff of professional researchers who provide information to members on any topic related to city planning.
- 5.15 PAS found a number of relevant articles and publications that discuss the size of neighborhood commercial centers. The *Shopping Center Development Handbook*, published by the Urban Land Institute in 1985; *Shopping Center Directions*, published by the National Research Bureau, Fall 1996 edition; and *Analyzing Neighborhood Retail Opportunities: A Guide for Carrying Out a Preliminary Market Study*, published by APA in 1981, all contain definitions and descriptions of neighborhood shopping centers. Public Investment, published by PAS and APA, in the December 1996 issue, cites both the *Shopping Center Development Handbook* and *Analyzing Neighborhood Retail Opportunities*, which means that they are still the most current sources of information on neighborhood commercial development.

The *Shopping Center Development Handbook* describes a neighborhood shopping center as a place that "provides for the sale of convenience goods (food, drugs, and sundries) and personal services (those that meet the daily needs of an immediate neighborhood trade area)." The *Handbook* finds that neighborhood shopping centers are typically 50,000 square feet, have a site area of from 3-10 acres, and require a population of 3,000 to 40,000 within a five- to ten-minute drive to support them. The *Handbook* also finds that a supermarket is the principal anchor tenant of a neighborhood center.

Shopping Center Directions finds that neighborhood centers have a one mile primary trade area. The definition of a center's primary trade area is the geographic area from which 80 percent of its traffic is drawn. *Shopping Center Directions* finds that the average gross floor area of a neighborhood center is about 59,000 square feet.

The International Council of Shopping Centers (ICSC) defines a neighborhood center as "designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood." ICSC finds that roughly half of these centers are anchored by a supermarket, while about a third have a drugstore anchor.

- 5.16 The City's Comprehensive Plan describes NC (Neighborhood Commercial) zoning districts as "[I]ntended to provide for small areas of retail establishments serving frequently recurring nearby residents' needs in convenient locations. The [NC] district is typically appropriate for shopping clusters or service centers located within residential neighborhoods. Generally, uses located within [NC] Districts should have as their primary market area the potential population within one-half mile radius."
- 5.17 Planning literature generally cites one-quarter to one-half mile as the distance that people are willing to walk or ride their bicycles for purposes other than recreation. If neighborhood commercial uses are provided within one-quarter to one-half mile of people's homes, it provides the opportunity for people to travel to these uses using modes of transportation other than their cars.

5.18 The City Council adopted “benchmarks” in 1995 that measure the success of the City’s programs. One of the benchmarks that measures the success of city planning efforts is the percentage of new developments that are located within one-half mile of a mix of stores and services. This benchmark is similar to one the State of Oregon has adopted.

5.19 Neighborhood commercial uses must be financially viable if they are to be developed. *Analyzing Neighborhood Retail Opportunities: A Guide for Carrying Out a Preliminary Market Study* (hereinafter referred to as “the Study”) describes how to determine if a particular use will be successful. The applicants were given a copy of the study and asked to evaluate how much NC land was needed to serve the neighborhood surrounding the 8.82-acre parcel currently zoned NC.

The basic methodology is: 1) identify how many people live in the trade area surrounding the property, 2) find out how much these people spend on goods and services that are offered by the kinds of uses allowed in NC zoning districts, 3) evaluate whether the amount spent is sufficient to allow each kind of use to be financially successful, 4) determine how much square footage of neighborhood commercial space can be supported, and 5) determine how much land is needed to develop this amount of neighborhood commercial space.

5.20 The applicants began by having a Retail Profile Report done by Information Decision Systems in October 1997. The Retail Profile (hereinafter referred to as “the Profile”) describes the spending habits of the people who live in the area within a 0.3-mile radius and a 1.0-mile radius of the subject property.

It is unclear why the applicants chose a 0.3-mile radius and a 1.0-mile radius. A footnote on page 12 of the application says “According to the Study, the average radius of trade for the uses listed above is 5 blocks, which is roughly 4/10 of a mile..... It is more consistent with national averages to use the 3/10 mile radius.” No evidence that “national averages” for neighborhood convenience centers are 3/10 of a mile is presented.

5.21 The applicants evaluated the financial viability of uses listed as allowed in NC zones for which there was data available in the Profile and the Study. Uses allowed in NC zones, but for which data was not available were not evaluated. The uses evaluated by the applicants include a convenience market, a restaurant without liquor, a hardware store, a drug store, and a grocery store, using the 0.3 mile trade area.

5.22 The applicants call the method of analysis presented in the Study the “Volume Sales Per Square Foot Formula.” To do this analysis, the number of people living in the trade area must be known, and their spending habits must be known. (For convenience goods, people patronize the store closest to their place of residence.) With this information, it is possible to estimate how much these people will spend on the goods and services provided by neighborhood commercial development. The Profile provides this information.

5.23 The Study provides the median square footage of each type of neighborhood commercial use evaluated by the applicants, and the median sales per square foot. For the purpose of the analysis, it is assumed that a median size store must achieve at least the median sales per square foot to be successful. (This is an assumption that immediately introduces a wide element of approximation into the analysis, but it is an accepted method of estimation.) Median sales per square foot in the Study are 1978 dollars, so the applicants converted those dollars to 1996 dollars using the Consumer Price Index. (The most recent CPI index available is for 1996.)

5.24 Using the Volume Sales Per Square Foot Formula for a 0.3-mile radius trade area, the applicants conclude that none of the uses evaluated would be financially viable on the property.

- 5.25 Using another method, which the applicants call the "Per Capita Spending Formula," they conclude that the median size hardware store and the median size drug store would be successful on the property. The hardware store would be 6,000 square feet and the drug store would be 4,900 square feet, a total of 10,900 square feet of buildings.
- 5.26 The applicants then conclude that "At 1.43 acres, the NC zone would be large enough to support a 6,000 square foot structure with the necessary landscaping and parking requirements, as well as a 1,500 square foot building and parking and landscaping." This totals 7,500 square feet of buildings, less than the 10,900 square feet the applicants conclude could be successful on the property.
- 5.27 There are a variety of definitions and descriptions of neighborhood commercial centers. Estimations of trade area radii vary from 5 blocks, or about 0.4 miles, to 1 mile. The Comprehensive Plan describes the trade area of neighborhood commercial uses as one-half mile.
- 5.28 Staff did an analysis of the financial viability of the same uses the applicants evaluated, but using the one-half mile trade area described in the Comprehensive Plan, using the Volume Sales Per Square Foot Formula. It was found that the median size convenience store, a restaurant without liquor, and a drug store would be viable on the property. These uses would total 9,708 square feet of building area.

Staff also evaluated the viability of a restaurant with liquor, which is a use allowed in NC zoning districts for which data is available. This use was not evaluated by the applicants. Staff found that this type of restaurant would most likely also be viable. This type of restaurant would require an additional 1,750 square feet of space. This would bring the total square footage of uses that would be viable on the property to about 11,500 square feet.

- 5.29 Although the applicants and staff found that different uses would be financially viable on the property, the square footage of space needed for the uses is similar, about 11,000 square feet. The applicants have submitted a site plan that shows how 11,000 square feet of neighborhood commercial space can be developed on the property, with required parking and landscaped areas.

- 5.30 The following Comprehensive Plan goals and policies are also relevant to evaluation of the subject zoning map amendment.

Goal 10 - Housing, is to "Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens."

Goal 10 - Housing, Policy 1, is to "Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services to provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents."

Goal 10, Policy 4, is to "Encourage innovation in housing types, densities, and design to promote a variety of housing alternatives and prices...."

Goal 10, Policy 10, is to "Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided."

- 5.31 The applicants propose to change the zoning of 7.39 acres of the 8.82-acre parent parcel. They propose to change 2.78 acres to RS-5 (Residential Single Family) and 4.61 acres to RM-5 (Residential Limited Multiple Family).

- 5.32 The RS-5 zoning designation was created in 1991 and was included in the Albany Development Code (ADC). RS-5 is Residential Single Family, with a minimum required average lot size of 5,000 square

feet. ADC 3.020(5) describes the RS-5 zoning district is intended primarily for low to moderate single family density development, and states that development should occur at 8-10 units per acre.

Until 1995, however, there were no lands within the City of Albany zoned RS-5. In 1995, the RS-5 zoning designation was applied to 122 acres which had previously been designated RS-6.5 (Residential Single Family, 6,500 square foot minimum average lot size). There was no change in the supply of land designated for single-family development, but a greater variety of allowable densities was provided.

In 1997, the zoning designation of 29.4 acres of the 122 acres designated RS-5 was changed to RM-3 (Residential Multiple Family). This change provided an opportunity to do the same type of development on the 29.4 acres as under the previous RS-5 designation, but also allows higher density development, thereby increasing the opportunity to develop a variety of housing types within the city.

So, there are now a total of about 92.6 acres of land designated RS-5 within the city at one location. This land has development approval for a single-family subdivision to be developed in phases. Development is in progress. The land is all under one ownership, so that owner has the only opportunity currently available within the city to develop 5,000 square foot lots on land zoned for single-family use. (Smaller single-family lots can be developed on land designated for higher density development, such as in RM-5 zoning districts, but the land is usually developed at a higher density so that the development potential of the land is maximized.)

- 5.33 Information provided by an applicant for another zoning map amendment in 1997 (File ZC-08-97) finds that, in the next five years, Albany will need a total of 360 new multifamily units. A rough calculation using 3,300 square feet of land area for each unit (the minimum required for two-bedroom units in RM-5 zoning districts) results in a need for about 27 acres of RM-5 or RM-3 land over the next five years. Albany now has over 100 acres zoned and feasible for multifamily development. (Five years is used here because the Comprehensive Plan says the City will apply new map designations to Urban Residential Reserve land outside the city limits but inside the Urban Growth Boundary so that there is always a five-year supply of low, medium, and high density land designated.) This information is consistent with a previous study submitted in support of a zoning map amendment in December 1996 (File ZC-02-97).
- 5.34 The largest vacant parcels of RM-5 and RM-3 land are located on 34th Avenue at Marion Street, on Marion Street between 34th Avenue and Queen Avenue, on Queen Avenue at Oak Street, on Oak Street north of Queen Avenue, on Salem Avenue at about Waverly Drive, and on Santiam Highway at Goldfish Farm Road. Of these parcels, the one that is closest to the subject property is located approximately one and one-quarter miles away (at 34th Avenue and Marion Street).
- 5.35 The land across Columbus Street and the land across Del Rio Avenue from the subject property is zoned RM-5 but has been developed primarily with single-family homes. There are two four-plexes directly across Columbus Street and one duplex on the corner of Del Rio Avenue and Evergreen Street.
- 5.36 The subject property is served by Albany Transit System Bus Routes 1, 2 and 4.
- 5.37 As found under Review Criteria 2 and 3 above, the existing transportation system and other utility systems will be adequate to accommodate residential development on the subject property without extending new services. Only minor improvements to these systems will be needed to make the systems adequate.

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MITCHELL
DEL RIO PROPERTY
RM-5

A portion of Block 19 of the first addition to Deerfield Subdivision in Linn County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod lying at the intersection of the Northwesterly right-of-way of Waverly Drive with the Northeasterly right-of-way of the Southern Pacific Railroad, said point also being the most Southerly corner of Block 19 of the First Addition to Deerfield in Section 20, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence, following said Northerly right-of-way of the Southern Pacific Railroad, North $65^{\circ}28'40''$ West 755.69 feet to a 5/8 inch iron rod lying on the Easterly right-of-way of Columbus Street; thence, following said Easterly right-of-way, North $0^{\circ}17'59''$ East 85.02 feet to a point, South $89^{\circ}48'30''$ East 780.54 feet to a point; thence South $2^{\circ}29'48''$ East 306.05 feet to a point on the Northwesterly right-of-way Waverly Drive; thence, following said Northwesterly right-of-way, South $50^{\circ}00'00''$ West 139.78 feet to the point of beginning.

Contains 4.61 Acres

File: Del Rio

JU 4/13/98

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Mitchell
Del Rio Property
Residential Single - 5

Beginning at the Northwest corner of Block 19 of the First Addition to Deerfield Subdivision in Section 20, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon: thence South $89^{\circ}48'30''$ East 794.29 feet along the North line of Del Rio Ave. to the P.C. of a 345.00 feet Radius Curve to the right, thence along said curve 199.92 feet (the long chord bears South $64^{\circ}41'45''$ East 198.51 feet); thence South $50^{\circ}00'00''$ West 115.36 feet thence North $89^{\circ}48'30''$ West 893.88feet to the East line of Columbus Street thence North $0^{\circ}17'59''$ East 130.00 feet to the point of Beginning.

Contains 2.78 Acres

4/13/98 JU

Delrio

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MITCHELL
DEL RIO PROPERTY
Neighborhood/ Commercial

A portion of Block 19 of the First Addition to Deerfield Subdivision in , Linn County, Oregon, more particularly described as follows:

Beginning at a point on the Northwestern right-of-way of Waverly Drive said point lying North $50^{\circ}00'00''$ East 139.78 feet from the most Southerly corner of Block 19 of the First Addition to Deerfield Subdivision in Section 20, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence, leaving said Northwestern right-of-way North $2^{\circ}29'48''$ West 306.50 feet to a point; thence South $89^{\circ}48'30''$ East 113.34 feet to a point; thence North $50^{\circ}00'00''$ East 115.36 feet to a point on the Southerly right-of-way of Del Rio Avenue; thence following said Southerly right-of-way along a 345 foot radius curve to the right 101.42 feet (long chord which bears South $48^{\circ}25'08''$ East 101.05 feet) to a point; thence, continuing along the said Southerly right-of-way of Del Rio Avenue, South $40^{\circ}00'00''$ East 55.04 feet to the PC of a 15 foot radius curve to the right; thence, following said 15 foot radius curve to the right 23.56 feet (long chord which bears South $5^{\circ}00'00''$ West 21.21 feet) to its PT, said PT lying on the Northwestern right-of-way of Waverly Drive; thence, following said Northwestern right-of-way, South $50^{\circ}00'00''$ West 388.34 feet to the point of beginning.

Containing 62,162 SQ.FT. (1.427 AC.)

Del Rio GS 3/2/98